



**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. 14/09

Date to Members: 09/04/09

Member's Deadline: 17/04/09 (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 12 noon)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee.**

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE:09/04/09

SCHEDULE NO. 14/09

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 12 noon), to the appropriate Development Control Support Team. For the Kingswood area, extension 3544 (fax no. 3545), or the Development Control Support Team at the Thornbury office, on extension 3419 (fax no. 3440), or email Planningapplications@southglos.gov.uk.

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

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

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

Please note: - Reason for Referral

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

SIGNATURE

DATE

**Dates and Deadlines for Circulated Schedule
over the Easter and May Bank Holiday Period 2009**

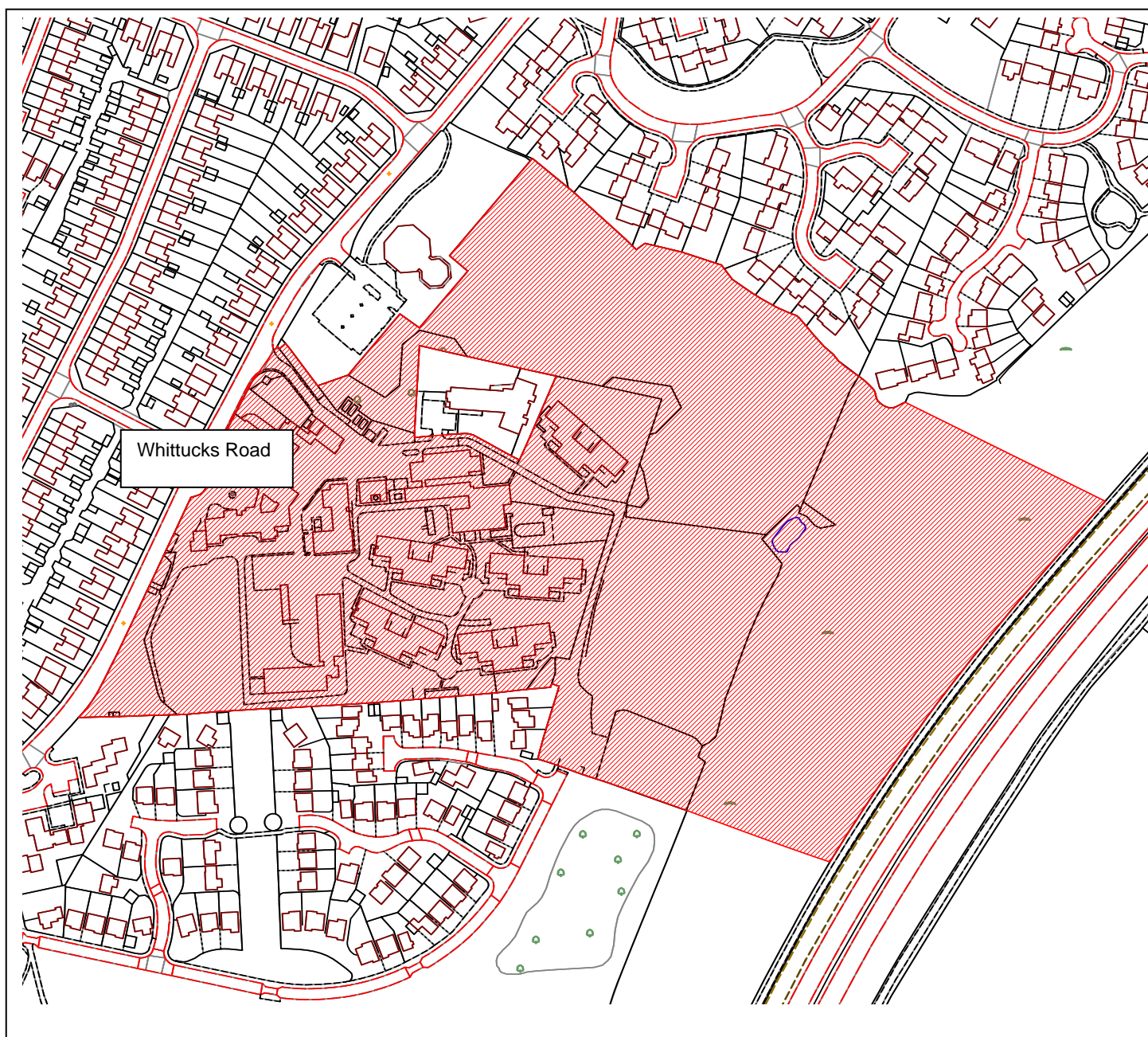
| Schedule Number | Date to Members 9am on | Members Deadline 5pm on |
|------------------------|---|--|
| 14/09 | Thursday 9 th April 2009 | Friday 17 th April 2009 |
| 17/09 | Thursday 30 th April 2009 | Thursday 7 th May 2009 |
| 20/09 | Thursday 21 st May 2009 | Thursday 28 th May 2009 |

Circulated Schedule 09 April 2009

| ITEM NO. | APPLICATION NO | RECOMMENDATION | LOCATION | WARD | PARISH |
|-----------------|-----------------------|-------------------------|---|--------------------------|-----------------------------------|
| 1 | PK08/3234/LB | Approve with conditions | Hanham Hall Hospital, Whittucks Road, Hanham, South Gloucestershire, BS15 3PU | Hanham | Hanham Abbots Parish Council |
| 2 | PK08/3230/F | Approve with conditions | Hanham Hall Hospital, Whittucks Road, Hanham, South Gloucestershire, BS15 3PU | Hanham | Hanham Abbots Parish Council |
| 3 | PK09/0154/F | Approve with conditions | Fieldgrove House, Bath Road, Bitton, South Gloucestershire, BS30 6HU | Bitton | Bitton Parish Council |
| 4 | PK09/0309/F | Approve with conditions | 26 Streamside, Mangotsfield, South Gloucestershire, BS16 9EA | Rodway | |
| 5 | PK09/0368/F | Approve with conditions | 20 Cotswold Road, Chipping Sodbury, South Gloucestershire, BS37 6DP | Chipping | Sodbury Town Council |
| 6 | PK09/0371/F | Approve with conditions | 9 Bissex Mead, Emersons Green, South Gloucestershire, BS16 7DY | Emersons Green | Mangotsfield Rural Parish Council |
| 7 | PK09/0439/CLE | Approve | Dairy Cottage, Tetbury Road, Old Sodbury, South Gloucestershire, BS37 6RJ | Cotswold Edge | Little Sodbury Parish Meeting |
| 8 | PT09/0359/RVC | Approve with conditions | Land adjacent A403 & Church Road, Severn Beach, South Gloucestershire, BS35 4NN | Pilning and Severn Beach | Pilning and Severn Beach |

CIRCULATED SCHEDULE NO. 14/09 – 9 APRIL 2009

| | | | |
|------------------------------|---|---------------------|------------------------------|
| App No.: | PK08/3234/LB | Applicant: | BDW Trading Limited |
| Site: | Hanham Hall Hospital, Whittucks Road, Hanham, South Gloucestershire, BS15 3PU | Date Reg: | 23rd December 2008 |
| Proposal: | Internal and external works to facilitate the conversion of Hanham Hall for mixed use purposes (A1/A3/B1/D1). | Parish: | Hanham Abbots Parish Council |
| Map Ref: | 64603 71614 | Ward: | Hanham |
| Application Category: | Major | Target Date: | 18th March 2009 |



© South Gloucestershire Council 2009. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2009.

INTRODUCTION

This application has been referred to the Circulated Schedule due to a number of objections to the application being received from local residents and English Heritage who are a statutory consultee.

1. THE PROPOSAL

- 1.1 The application seeks listed building consent to restore and convert the Grade II* Listed Hall for mixed uses purposes which will comprise of retail, crèche, meeting rooms and a café uses. The scheme forms part of the redevelopment of the Hanham Hall site which will also see the construction of 195no. residential units, a Sustainable Living and Energy Centre and the provision of areas of open space. All these proposals are assessed within the associated planning application (ref. PK08/3230/F)
- 1.2 Hanham Hall previously formed part of a mental health hospital which closed in 2000, although one modern NHS building on the site remains in operation. Following the closure of the hospital the site passed into the hands of English Partnerships which has recently been superseded by the Homes and Community Agency (HCA). During its occupation of the site the NHS undertook many unsympathetic alterations and removed a vast amount of historic fabric and since its closure the external and internal building fabric of the Hall has clearly deteriorated.
- 1.3 The submitted scheme has been promoted by the Homes and Community Agency and the Department of Communities and Local Government as the first site to be released as part of the Carbon Challenge competition. Since the competition was won by Barratts, a Concept Statement was produced in 2007 and extensive pre-application discussions and consultation have taken place between stakeholders and the local community to help shape and inform the scheme that is now being proposed.
The principle features of the proposed Hanham Hall Carbon Challenge development at Hanham Hall which can be considered to differentiate it from a typical residential development are:
 - The first development in the UK to deliver zero carbon housing that would achieve Level 6 of the Code for Sustainable Homes - the highest standard possible and seven years in advance of the 2016 national target for Level 6 construction;
 - The 195 new dwellings ranging from 1no. bedroom units to 5no. bedroom houses are designed to generous space standards of up to 25% greater than typical development;
 - Centralised heating and energy plant to generate electricity and heat for use on site;
 - A new “Sustainable Living Centre” to form a gateway to the development and a place where the philosophy, technology and history of the development can evolve;
- 1.4 It is envisaged that by delivering the above along with a number of other features such as a management trust to be run by the prospective residents, the first zero carbon development in the country will not only be created, but it

will also help empower its community with the means to significantly reduce their impact on the environment.

2. POLICY CONTEXT

2.1 National Guidance

| | |
|-------|---------------------------------------|
| PPS1 | Delivering Sustainable Development |
| PPG15 | Planning and the Historic Environment |
| PPG16 | Archaeology and Planning |

2.2 Development Plans

2.3 South Gloucestershire Local Plan (Adopted) January 2006

| | |
|-----|------------------|
| L11 | Archaeology |
| L13 | Listed Buildings |

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/1288/F - Land at Hanham Hall Hospital, Whittucks Road, Hanham, South Gloucestershire. Demolition of an existing redundant building and erection of a new two- storey building to provide a 15-bed community mental health house with two step-down houses and supporting office accommodation, including the provision of 9 parking spaces (1 disabled), 4 cycle parking spaces, refuse storage, existing access via Whittucks Road and landscaping including private garden amenity space. Approved 04/09/03.
- 3.2 P99/4310 – Outline planning application for residential development of the Hanham Hall site. Planning permission granted subject to S106 agreement which was never concluded and so resolution to granted consent has now lapsed.
- 3.3 P97/4107 – Outline planning application identical to P96/4310 and was submitted at time of the appeal for that application. Refused on the same basis as P96/4310.
- 3.4 P96/4310 – Outline planning application for 150 homes which was refused (July 1997) on the basis of adverse impact on the views of the Hanham Hill. Decision was appealed by and following an inquiry, in their report to the Secretary of State, the Inspector recommended that the appeal be dismissed due to the impact of the proposals on the “attractive views of the hills”. The applicants then proposed the submission of a new masterplan to address the concerns of the Council and the Inspector. The Council and the Government Office for the South West determined that the new masterplan should be subject to a new planning application. Consequently, the decision of the Secretary of State on the original appeal was held in abeyance, pending the determination of a revised planning application which was P99/4310.

4. CONSULTATION RESPONSES

4.1 Local Parish Council

Hanham Abbots Parish Council

No objections.

4.2 Other Consultees

Hanham District Green Belt Conservation Society

Comments are summarised below:

Generally supportive of the development and encouraged by the level of consultation and involvement both the Society and local residents have experienced which has been unprecedented in their history. Consequently the proposed meets most of the Society's objectives and in particular they were pleased that the Hall is being restored back to its former eminence and being put to good use for the community. Views of the Hanham Hills will also be protected and the inclusion of the green belt land adjacent to the ring road with access to the cycle track is also a significant contribution to the scheme. It is recognised that there are concerns over the appearance of some of the units, but accept that the target of carbon neutral development means conventional designs cannot deliver. Overall the applicants are commended for producing a design which promises to be worthy of its setting.

English Heritage

Following the submission of revised plans, comments as summarised below:

There are concerns regarding the proposed block to the south eastern corner of Hanham Hall, as it will be three-storeys and as tall as the Grade II* Hall itself. The elevation design has made no attempt to relate to the Hall and in such close proximity, it will compete for dominance with the historic building. More minor concerns relate to the two blocks running to the south of the Hall which are not equidistant from the central axis and would bring a strong asymmetry setting to the principal formal elevation. Internally there are minor concerns regarding detail, but these in the most part can be dealt with via a schedule of works and secured through a S106 agreement.

Other Representations

4.3 Local Residents

14no. consultation replies were received from local residents and their comments are as summarised below:

- The proposal which would see the proposed development and the existing Gover Road development linked could see an additional 500 vehicles using Gover Road when currently it only serves 72 properties;
- There is only limited provision for parking on the proposed site which could result in Hanham Hall residents parking on Gover Road;
- A number of the proposed dwellings by reason of their height and design would have an overbearing impact on some of the properties within Gover Road;

- Locating an experimental eco-village within an already ecologically conscious society must be flawed and so should be located within a depressed area where it would improve its nature and condition;
- The scheme could be argued to consider another national government “good idea” of which a number have gone wrong – high rise developments, council housing estates, low density housing for example. In this day and age there can be no such pressure for further mistakes to be made;
- The increased population will expect to use the local resources which are already over-stretched and incapable of serving the current population;
- The innovative house design and density are not in keeping with the surrounding environment;
- Local schools are over subscribed;
- The proposed cycle path and play areas would be disrespected, abused, vandalised and would generally become unpleasant if these areas are necessary then why are they not incorporated inside the development;
- The proposed development to the south of the Hall would be out of character with the Hall and would dominate it as opposed to compliment it;
- The flats over garages proposed in the south-west corner would also directly overlook the new extension of dwellings within Priory Court and the reciprocal views back will result in loss of privacy;
- Opening up of the walkway between Gover Road and the proposed development would change the cul-de-sac nature of Gover Road;

5. ANALYSIS OF PROPOSAL

- 5.1 Initially there was some concern with the conservation approach to a number of the primary rooms within the Hall which contained varying degrees of historic fabric which would allow informed restoration. However, as noted by English Heritage in their consultation response, following the submission of further details, although several of the concerns raised have been addressed, there remain a few matters of detail unresolved. These outstanding issues are however to be addressed by the suggested attached conditions.
- 5.2 In principle though the scheme proposed has always been acceptable and in particular the proposed use of the Hall has always been supported as it provides significant benefits in comparison to a residential conversion that would require a high level of subdivision. It is therefore commendable that the proposed uses put forward have been carefully considered for the spaces that they will occupy and the resultant “light touch” to the building is a welcome one.
- 5.3 It is however essential that any approval includes an agreed timetable for a comprehensive scheme of repairs to the listed and curtilage listed structures and this is to form part of the S106 agreement that will be tied to the planning application and any subsequent consent.
- 5.4 An assessment of the wider development’s affect upon the setting of the listed building is contained with the associated planning application (ref. PK08/3230/F). The planning application also addresses the primary concerns of

English Heritage which relate to the impact of the buildings nearest the Hall and the local residents concerns about the design and scale of a number of the buildings proposed. All the other concerns expressed by local residents which are noted above are not considered relevant to a listed building application, but again are discussed and addressed within the associated planning report

5.5 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.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 Listed Building consent is to be GRANTED subject to the following conditions.

Background Papers **PK08/3234/LB**

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

CONDITIONS

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

Reason

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

2. No works shall take place until there has been submitted to, and approved by the Local Planning Authority, a programme of archaeological investigation and recording for the site. Thereafter, the approved programme shall be implemented in all respects unless the Local Planning Authority agrees in writing to any variation. For the avoidance of doubt the programme shall include further building recording, excavation, watching briefs, post excavation works, archiving, storage and publication of appropriate reports.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

3. Prior to the commencement of the works hereby approved a programme of further investigation including opening up and recording for Hanham Hall shall be submitted to the Council for approval. No works shall be commenced until the Council has given written approval, for the submitted programme and the investigation and recording shall be undertaken exactly in accordance with the details so approved. For the avoidance of doubt the programme shall concentrate on elucidation of structural matters and historic detailing /interpretation sufficient to inform the preparation of additional details required in respect of outstanding conditions.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

4. Prior to the commencement of the works hereby approved, large scale details of the proposed internal and external doors and windows shall be submitted to the Council for approval in writing. No works shall be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

5. Prior to the commencement of the works hereby approved full details of the proposed structural works (including repairs) to Hanham Hall and the curtilage listed walls shall be submitted to the Council for approval in writing. No works shall be commenced until the Council has given written approval for the submitted details and the works of

alteration and repair shall be undertaken exactly in accordance with the details so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

6. All new plastering on historic masonry and plaster repairs shall be undertaken using traditional lime plaster and finished with limewash or a similar vapour permeable finishes.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

7. Prior to the commencement of the works hereby approved full details of the proposed mechanical & electrical services (including proposed vents and flues) shall be submitted to the Council for approval in writing. No works shall be commenced until the Council has given written approval, for the submitted details and the services shall be constructed exactly in accordance with the details so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

8. Prior to the commencement of the works hereby approved, full details of the proposed new roofs and roof repairs including leadwork, parapets and rainwater goods shall be submitted to the Council for approval in writing. No works shall be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

9. Prior to the commencement of the works hereby approved, samples panels of the proposed new stonework, areas of repointing, and new render (including proposed finishes) shall be prepared on site for the approval of the Council. No works shall be commenced until the Council has given written approval, for the sample panels and the new stonework, render and any finishes shall exactly match the details so approved. For the avoidance of doubt the stonework shall be natural stone rubble or natural dressed limestone set in lime mortar to match surviving historic stonework and render should be a traditional lime render formed without corner reinforcing beads.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

10. Prior to the commencement of the works hereby approved, large scale details of the proposed rooflights and fenestration, the external doors and doorcases, and internal joinery including doors, doorcases, balusters, staircases, panelling and fire surrounds, skirtings, shall be submitted to the Council for approval. No works shall be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved. For the avoidance of doubt, sash windows and casement windows with glazing bars shall be single glazed.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

11. Prior to the commencement of the works hereby approved, sample panels of the proposed new stonework shall be erected on site, for approval by the Council. No works shall be commenced until written approval has been given by the Council, and the repointing shall be carried out exactly in accordance with the samples so approved. For the avoidance of doubt, the mortar shall be traditional lime mortar exactly matching the existing historic mortar, and the render shall be a traditional roughcast lime render.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

12. Prior to the commencement of the works hereby approved, samples of the proposed render and any protective finishes shall be prepared on site for the approval of the Council. No works shall be commenced until the Council has given written approval, for the sample panels and the render and any finishes shall exactly match the details so approved. For the avoidance of doubt the render should be a traditional lime render formed without corner reinforcing beads.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

13. Prior to the commencement of the works hereby approved, details of the proposed external joinery finishes shall be submitted to the Council for approval. No works shall commence until the Council has given written approval. The finish of the joinery shall comply exactly with the details so approved. No alteration of the approved finish shall take place without written approval of the Council.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

14. Notwithstanding the detailing of the new wall openings, entrance gates and gate piers in the submitted drawing HHB AL02 157, prior to the commencement of the works hereby approved, details of the openings, entrance gates and gate piers, shall be submitted to the Council for approval in writing. No works shall be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

15. Notwithstanding the submitted drawings (Arup Job 125071-00) Prior to the commencement of the works hereby approved, large scale details of the proposed extent of demolition and of rebuilding of the frontage boundary wall, including the proposed entrance gates and gate piers, shall be submitted to the Council for approval in writing. No works shall be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

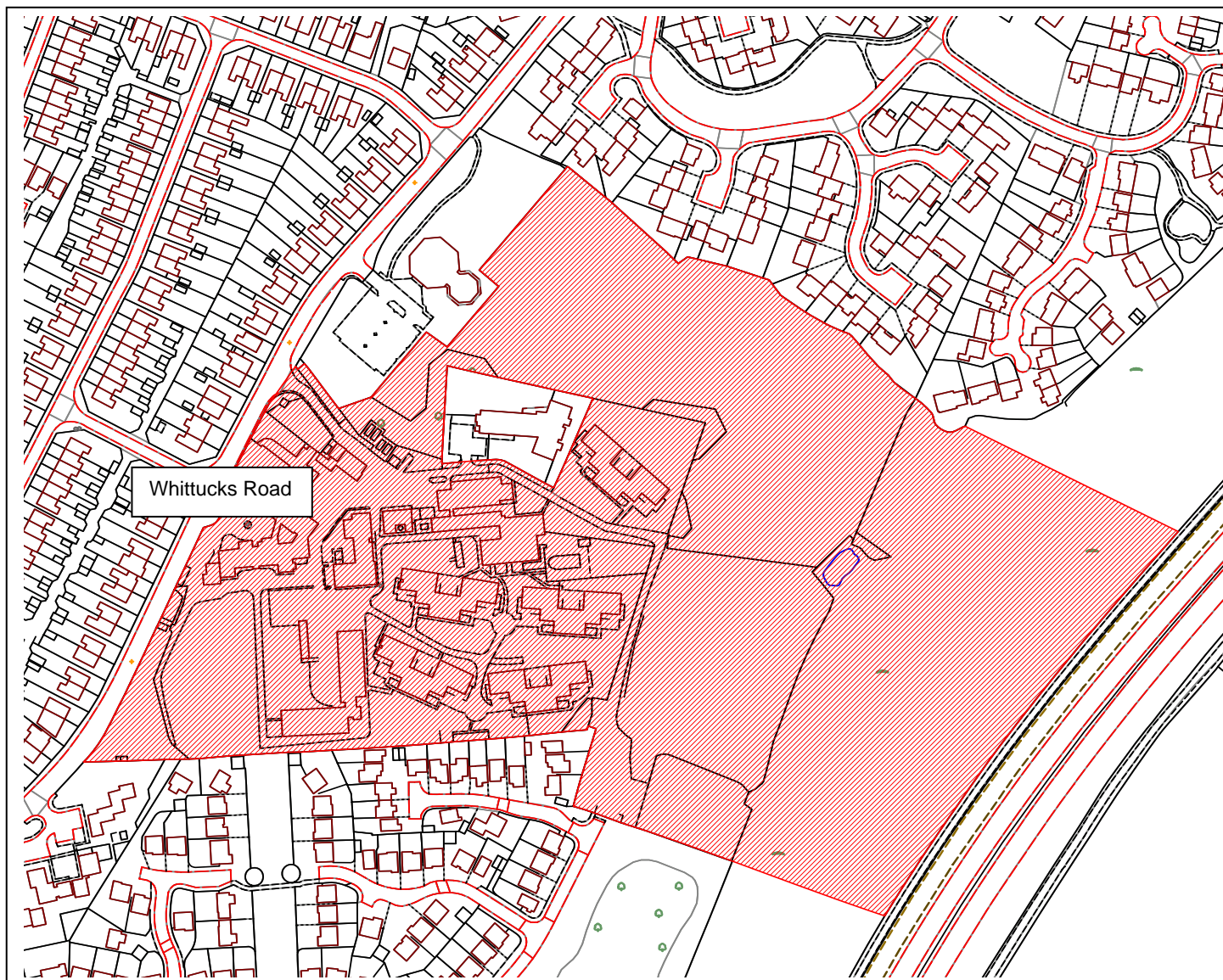
16. Notwithstanding the detailing of the submitted drawing HHB AL02 156 revision A, prior to the commencement of the works hereby approved, large scale details of the proposed green houses including fixed and opening lights, structural members and glazing details shall be submitted to the Council for approval in writing. No works shall be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

CIRCULATED SCHEDULE NO. 14/09 – 9 April 2009

| | | | |
|------------------------------|--|---------------------|------------------------------|
| App No.: | PK08/3230/F | Applicant: | BDW Trading Limited |
| Site: | Hanham Hall Hospital, Whittucks Road, Hanham, South Gloucestershire, BS15 3PU | Date Reg: | 23rd December 2008 |
| Proposal: | Proposed erection of 195 dwellings and associated works. Refurbishment and change of use of Hanham Hall from Nursing Home (C2) to mixed uses (A1/A3/B1/D1). Erection of Sustainable Living and Energy Centre Building. Change of Use of 2.5 hectares of agricultural land for use as amenity space and allotments (sui generis). | Parish: | Hanham Abbots Parish Council |
| Map Ref: | 64603 71614 | Ward: | Hanham |
| Application Category: | Major | Target Date: | 18th March 2009 |



© South Gloucestershire Council 2009. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410 2009
DC090 MW

INTRODUCTION

This application is referred to the Circulated Schedule for a second time due the previous report not fully reflecting the views of English Heritage. As although their previous objections to the internal treatment of the Grade II* listed Hall were largely overcome through the submission of amended plans and details, English Heritage maintained an objection to the scale and design of the new dwellings that would be positioned closest to the Hall. This latter objection was not conveyed in the previous report and so in the interests of clarity and to address the concerns of a statutory consultee, this report is again referred to the Circulated Schedule.

1. THE PROPOSAL

- 1.1 The application seeks planning permission to construct 195no. residential units as part of the redevelopment the Hanham Hall site. The proposed scheme will also see the restoration and conversion of the Grade II* Listed Hall for mixed use purposes.
- 1.2 Hanham Hall previously formed part of a mental health hospital which closed in 2000, although one modern NHS building on the site remains in operation. Following the closure of the hospital the site passed into the hands of English Partnerships which has recently been superseded by the Homes and Community Agency (HCA). During its occupation of the site the NHS undertook many unsympathetic alterations and removed a vast amount of historic fabric and since its closure the external and internal building fabric of the Hall has clearly deteriorated.
- 1.3 The application site is considered to compose of three main areas; the first being the principle area which is the land associated with the Hall (6.5 hectares) and a number of former health authority buildings of a variety of scales and forms; none are however considered to be of any architectural merit. This is then supported by an additional area of green belt land to east of the site (2.5 hectares) which is to provide additional areas of informal open space, a communal orchard and allotments. To the north land has been acquired through a land-swap with the Hanham Surgery with the purpose of increasing the surgery's parking capacity as well as providing the remaining NHS facility with a separate access.
- 1.4 Of the 195no. units proposed, 33.3% will be affordable housing and 23no. units will be 1no. bed flatted occupation for senior citizens only. The density of the housing will be delivered at a net density of 51.3 dwellings per hectare. The restoration and conversion of the Grade II* Listed Hall will see the provision of 1052.4m² office space; 320m² crèche; 43.9m² of retail space; 193.4m² meeting rooms; and 32.1m² café. Also to serve and complement the development a Sustainable Living Centre will be developed to provide exhibition and education facilities and an Energy Centre will be constructed to house the on-site Communal Heating and Power System (CHP). A number of communal greenhouses will also be constructed within the grounds of the Hall and as part of a substantial landscaping scheme, a number of child play areas will be created and ecologically rich meadows and hedges will be planted. 252no. parking spaces will also be provided to serve the residential units (ratio

- 1.3 spaces per home across the site) with 41no. spaces to serve the commercial uses at the Hall and 23 visitors parking spaces throughout the site.
- 1.5 The primary access for the development will utilise the existing access off Whittucks Road. A secondary access will be via Gover Road and will connect to an existing turning head that was formed by the earlier development. This along with the pedestrian access to the south of the Hall will allow permeability through the sites and will enable the residents of Gover Road easier access to the facilities within Hanham Hall and access to the cycle path which is linked to the A4174 Ring Road.
- 1.6 The submitted scheme has been promoted by the Homes and Community Agency and the Department of Communities and Local Government as the first site to be released as part of the Carbon Challenge competition. Since the competition was won by Barratts, a Concept Statement was produced in 2007 and extensive pre-application discussions and consultation have taken place between stakeholders and the local community to help shape and inform the scheme that is now being proposed.
- The principle features of the proposed Hanham Hall Carbon Challenge development at Hanham Hall which can be considered to differentiate it from a typical residential development are:
- The first development in the UK to deliver zero carbon housing that would achieve Level 6 of the Code for Sustainable Homes - the highest standard possible and seven years in advance of the 2016 national target for Level 6 construction;
 - The 195 new dwellings ranging from 1no. bedroom units to 5no. bedroom houses are designed to generous space standards of up to 25% greater than typical development;
 - Centralised heating and energy plant to generate electricity and heat for use on site;
 - A new “Sustainable Living Centre” to form a gateway to the development and a place where the philosophy, technology and history of the development can evolve;
- 1.7 It is envisaged that by delivering the above along with a number of other features such as a management trust to be run by the prospective residents, the first zero carbon development in the country will not only be created, but it will also help empower its community with the means to significantly reduce their impact on the environment.

2. POLICY CONTEXT

2.1 National Guidance

| | |
|--------------------|---|
| PPS1 | Delivering Sustainable Development |
| Supplement to PPS1 | – Planning and Climate Change |
| PPG2 | Green Belts |
| PPS3 | Housing |
| PPG13 | Transport |
| PPG15 | Planning and the Historic Environment |
| PPG16 | Archaeology and Planning |
| PPG17 | Planning for Open Space, Sport and Recreation |

- PPS25 Development and Flood Risk
- 2.2 Joint Replacement Structure Plan: Saved Policies
 Policy 1 Sustainable development
 Policy 2 Location of development
 Policy 12 Development in North Fringe
 Policy 33 Housing provision and distribution
- 2.3 Draft RSS for the South West of England and Secretary of State's report:
 SD1: The Ecological Footprint
 SD4: Sustainable Communities
 Development Policy E: High Quality Design
 Development Policy F: Planning and delivery of Major Development
 Development Policy G: Sustainable Construction
 Development Policy RE5: Renewable Energy
- 2.4 South Gloucestershire Local Plan (Adopted) January 2006
 D1 Achieving Good Quality Design in New Development
 GB1 Development within the Green Belt
 L1 Landscape Protection and Enhancement
 L5 Forest of Avon
 L6 Sites of International Nature Conservation Interest
 L7 Sites of National Conservation Interest
 L8 Sites of Regional and Local Nature Conservation Interest
 L9 Protected Species
 LC7 Allocated Sites for Formal and Informal Open Space
 LC8 Open Space and Children's Play in Conjunction with New Residential Development
 LC11 Allotments
 L11 Archaeology
 L13 Listed Buildings
 L17/18 Water Environment
 H1 Proposed sites for new residential development (site no.12).
 H2 Proposals for Residential Development within the existing Urban Area and Defined Settlement Boundaries
 H6 Affordable Housing
 T7 Cycle Parking
 T8 Parking Standards
 T12 Transportation Development Control Policy for New Development
 EP2 Flood Risk and Development
 EP4 Noise Sensitive development
 LC8 Open space and children's play in conjunction with residential development.
- 2.5 Supplementary Planning Documents and other relevant documents
 The South Gloucestershire Design Checklist SPD (Adopted August 2007)
 Biodiversity Action Plan (Adopted).
 Affordable Housing SPD (Adopted)
 By Design: Urban Design in the Planning System: Towards better practice

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/1288/F - Land at Hanham Hall Hospital, Whittucks Road, Hanham, South Gloucestershire. Demolition of an existing redundant building and erection of a new two- storey building to provide a 15-bed community mental health house with two step-down houses and supporting office accommodation, including the provision of 9 parking spaces (1 disabled), 4 cycle parking spaces, refuse storage, existing access via Whittucks Road and landscaping including private garden amenity space. Approved 04/09/03.
- 3.2 P99/4310 – Outline planning application for residential development of the Hanham Hall site. Planning permission granted subject to S106 agreement which was never concluded and so resolution to granted consent has now lapsed.
- 3.3 P97/4107 – Outline planning application identical to P96/4310 and was submitted at time of the appeal for that application. Refused on the same basis as P96/4310.
- 3.4 P96/4310 – Outline planning application for 150 homes which was refused (July 1997) on the basis of adverse impact on the views of the Hanham Hill. Decision was appealed by and following an inquiry, in their report to the Secretary of State, the Inspector recommended that the appeal be dismissed due to the impact of the proposals on the “attractive views of the hills”. The applicants then proposed the submission of a new masterplan to address the concerns of the Council and the Inspector. The Council and the Government Office for the South West determined that the new masterplan should be subject to a new planning application. Consequently, the decision of the Secretary of State on the original appeal was held in abeyance, pending the determination of a revised planning application which was P99/4310.

4. CONSULTATION RESPONSES

4.1 Local Parish Council

Hanham Abbots Parish Council

No objections.

4.2 Other Consultees

Hanham District Green Belt Conservation Society

Comments are summarised below:

Generally supportive of the development and encouraged by the level of consultation and involvement both the Society and local residents have experienced which has been unprecedented in their history. Consequently the proposal meets most of the Society’s objectives and in particular they were pleased that the Hall is being restored back to its former eminence and being put to good use for the community. Views of the Hanham Hills will also be

protected and the inclusion of the green belt land adjacent to the ring road with access to the cycle track is also a significant contribution to the scheme. It is recognised that there are concerns over the appearance of some of the units, but accept that the target of carbon neutral development means conventional designs cannot be considered. Overall the applicants are commended for producing a design which promises to be worthy of its setting.

The Environment Agency

Following the submitted drainage details and Flood Risk Assessment, no objection subject to a number of suggested conditions to be attached to any consent.

The Regional Development Agency

Comments summarised below:

The application proposes the creation of a community that is an exemplar in sustainable living. The proposals will involve the redevelopment of a large redundant site on the south east edge of Bristol for a mix of uses including zero carbon homes and BREEAM “Excellent” office space, as well as Sustainable Living and Energy centres. The project, the first of the Homes and Community Agency’s Carbon Challenge schemes, will act as a demonstrator for achieving exceptional standards of design quality and sustainability alongside community benefits such as affordable housing and green infrastructure. As such, the proposals will help deliver a number of key strategic objectives of the Regional Economic Strategy (RES) for South West England 2006 – 15, these being to achieve: successful and competitive business; strong and inclusive communities, and; an effective and confident region. Consequently the South West RDA supports the proposal.

Wessex Water

Satisfied that the applicant’s proposal for the disposal of foul drainage as laid out in the Flood Risk Assessment.

Technical Services

No objection subject to Environment Agency’s satisfaction with Flood Risk Assessment. Informative also to be attached for standing advice.

English Heritage

Following the submission of revised plans, comments as summarised below:

There are concerns regarding the proposed block to the south eastern corner of Hanham Hall, as it will be three-storeys and as tall as the Grade II* Hall itself. The elevation design has made no attempt to relate to the Hall and in such close proximity, it will compete for dominance with the historic building. More minor concerns relate to the two blocks running to the south of the Hall which are not equidistant from the central axis and would bring a strong asymmetry setting to the principal formal elevation. Internally there are minor concerns regarding detail, but these in the most part can be dealt with via a schedule of works and secured through a S106 agreement.

Other Representations

4.3 Local Residents

17no. consultation replies were received from local residents and their comments are as summarised below:

- The proposal which would see the proposed development and the existing Gover Road development linked could see an additional 500 vehicles using Gover Road when currently it only serves 72 properties;
- There is only limited provision for parking on the proposed site which could result in Hanham Hall residents parking on Gover Road;
- A number of the proposed dwellings by reason of their height and design would have an overbearing impact on some of the properties within Gover Road;
- Locating an experimental eco-village within an already ecologically conscious society must be flawed and so should be located within a depressed area where it would improve its nature and condition;
- The scheme could be argued to consider another national government “good idea” of which a number have gone wrong – high rise developments, council housing estates, low density housing for example. In this day and age there can be no such pressure for further mistakes to be made;
- The increased population will expect to use the local resources which are already over-stretched and incapable of serving the current population;
- The innovative house design and density are not in keeping with the surrounding environment;
- Local schools are over subscribed;
- The proposed cycle path and play areas would be disrespected, abused, vandalised and would generally become unpleasant if these areas are necessary then why are they not incorporated inside the development;
- The proposed development to the south of the Hall would be out of character with the Hall and would dominate it as opposed to compliment it;
- The flats over garages proposed in the south-west corner would also directly overlook the new extension of dwellings within Priory Court and the reciprocal views back will result in loss of privacy;
- Opening up of the walkway between Gover Road and the proposed development would change the cul-de-sac nature of Gover Road;

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The Hanham Hall site is not allocated within the South Gloucestershire Local Plan but it is listed in Appendix 14 under “Sites the Subject of Council Resolution to Approve Residential Development” for an estimated 124 dwellings. The site has also been noted in the South Gloucestershire Residential Land Availability Survey (April 2008) as having capacity for 200 units over 3.4 hectares and thus a net density of 59 dwellings per hectare. Therefore along with the planning history of the site which has already established the acceptability of residential development, the principle of the proposed residential redevelopment of the Hanham Hall site is considered

acceptable. In addition it is also noted that the application site now extends outside of the defined settlement development boundary and into the Bristol/Bath Green Belt. It is however considered the land uses proposed for this area of existing agricultural land (i.e. a series of meadows, informal play areas, orchards and allotments) accord with national and local green belt policy and guidance which permit facilities for outdoor sport and recreation along and with other uses that preserve the openness and amenity of the Bristol/Bath Green Belt. Therefore in light of the specified uses of the area of Green Belt which will form part of the Hanham Hall scheme, the principle of development is considered acceptable.

5.2 Siting/ Layout

The site is located in Hanham, an area of generally suburban character to the east of Bristol. The site is approximately ten minutes walk from Hanham High Street and its local amenities and close to local public transport routes and facilities. The site constraints and opportunities have been highlighted, and the design approach and response to the site set out in the submitted Design and Access Statement.

5.3 It is considered that the masterplan of the site and the accompanying Design and Access Statement demonstrate a clear and considered approach to site layout based on four themes of Connections, Historic form, Open space, and Views. Permeability across and through the site is maintained and enhanced primarily by the proposed pedestrian and cycle connections from the existing western entrance, through various open spaces to the public cycle network adjacent to the eastern boundary. In addition pedestrian and vehicular connections will be further enhanced by opening up a route to Gover Road to the south, which will help link the development to surrounding areas. In terms of 'Connections' these 2 structural elements both take the opportunity to relate the development back into its surroundings and beyond.

5.4 The "Historic Form" element identifies four character areas (Walled Courts, The Yard, the Hedgerows, The Meadows) within the site related to its historic use. The different treatment of these character areas in terms of their scale, density, massing and detailed design, will help legibility across the site and allow an appreciation of moving from the suburban area of Hanham in the west to the more open areas to the east. Broadly, the character of areas around the Hall in the western portion of the site is one of formality in response to the primacy and listed status of the Hall. Towards the east of the site the character becomes more informal in relation to the areas of open space that bounds the site and to take advantage of views towards the Hanham Hills.

5.5 The open spaces network has been designed to ensure the whole site can be viewed as a natural habitat, with every dwelling enjoying some aspect to open space. The structure of open spaces, their relationship with buildings, and the level of enclosure and overlooking they enjoy, is considered to be well considered in urban design terms. Views both to and from Hanham Hall have also been considered as a structuring element, primarily allowing views of the Hall from the west, east and south to define the broad alignment of buildings and also enclose areas of open space. Again, in urban design terms this strategy is considered appropriate.

- 5.6 With regard to building orientation, three typologies of dwellings have been identified across the site; south, north-south, and east-west. The Design and Access Statement explains how the different treatment of these typologies helps to distinguish the hierarchy of streets and spaces, reinforce the character areas, and aid legibility across site. Advantage has also been taken of building orientation in relation to renewable energy provision. Where this has not been possible (i.e. in the north-south orientated buildings) the proposed roof form has been designed to maximise the possibility of utilising renewable energy. Generally the buildings have been orientated to overlook spaces, providing an appropriate level of natural surveillance to the streets and spaces they enclose. This will also contribute to providing appropriately 'active' frontages, enhancing natural surveillance and thus security
- 5.7 The layout also seeks to address issues of continuity and enclosure with the proposed building layout based around the creation of perimeter blocks which help provide the appropriate levels of continuity enclosure, all in relation to the relevant character area. More intensive development is located towards the western portion of site, in response to the Hall and surrounding suburban development. In the Walled Courts and Yard areas the building line is generally uniform to present a strong and formal frontage to Hanham Hall and adjacent open spaces. These larger open spaces are surrounded by three storey development providing a suitable level of enclosure in line with good practice guidance in the Urban Design Compendium.
- 5.8 To the east of the site the building line is more varied reflecting a less intensive layout that relates to the adjacent open spaces and views to Hanham Hills. This varied building line is combined with lower storey heights and varied rooflines to give a more rural and informal appearance, whilst still maintaining continuity and appropriate levels of activity to the streets and spaces.
- 5.9 To address the issue of parking in relation to design and appearance, the proposal comprises a variety of parking solutions as advocated by the guidance document 'Car Parking: What works where', which are all related to the individual character areas. The site as a whole will adopt 'homezone' principles, which creates shared surfaces and informal areas that can be used in multiple ways. On-street parking is located in more intensive areas where the public realm is supported by the activity it generates. On-plot parking is provided in the Walled Courts area under mews-style houses. In The Hedgerows spaces are set back from the building line, or in rear areas, to reduce the impact of cars on the street scene. Finally off-plot parking is also provided in rear courtyards within The Hedgerows, again to reduce its impact on the street scene and reinforce the more rural character of this area. This overall approach is, again, well considered, and will contribute to a safe and legible environment, as required by Policy D1.

- 5.10 Development Density
Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 requires the maximum density to be achieved is compatible with the site's location, accessibility and surroundings. Planning Policy Guidance Note 3 Housing recommends a minimum density of 30 dwellings per hectare.
- 5.11 The proposed net development density (that excludes areas of open space, play area and landscape strip) is calculated at 51.3 dwellings per hectare. Although this density may appear high, as noted in the previous section of this report, the density of the development has been varied to take account of the different characteristics of the site and the immediate and wider context. Moreover, if the gross density of development is calculated which takes the site as a whole into consideration (eg. all the play areas, open spaces and meadows), the density of development is calculated at only 20.8 dwellings per hectare. This is considered to provide a clear demonstration that the proposed scheme can not be regarded as overdevelopment of the site.
- 5.12 Scale/Height/Massing
The scale, height and massing of the proposed buildings all relate to and reinforce their respective character areas, which will aid legibility across the site.
- 5.13 The proposed street width: height ratios reinforce the separate character areas and their functions. Larger spaces to the west are defined and enclosed by greater street width to height ratios of 1:6. More intimate spaces such as the Mews area to the south and Hedgerow area to east are enclosed by ratios of 1: 1.5 and 1.2. These ratios follow guidance set out in the Urban Design Compendium.
- 5.14 The 'Walled Courts' and 'Yards' areas represent the more formal part of the site where uniform and constant building lines create a good sense of enclosure. Narrower plot frontages add more rhythm to the street and increased street level activity, whilst three storey buildings ensure the larger open spaces to the west of the site are well enclosed and defined. By contrast the Mews development within these character areas are of a more 'intimate' scale defined by the lower storey heights and rooflines, and wider plot frontages.
- 5.15 Overall the scale and massing of the development is considered appropriate in its context and in accordance with Policy D1 and the South Gloucestershire Design SPD.
- 5.16 The surrounding context of the site is both suburban and rural in nature. The response has been to try and mediate between these two characters through the use of materials and their massing on facades. The surrounding suburban context does not exhibit a particular architectural quality and in this regard it is considered appropriate to introduce a new character and identity, and particularly one that responds to the wider sustainability aspirations of the development.
- 5.17 The rationale behind the detailing of individual properties is again linked logically to the overall layout and identification of character areas. The

proposals effectively mediate between the suburban context to the west and rural context to the east.

- 5.18 The regular rhythm that is given to the terraces in the western part of the site, the uniform massing of windows, solid walls and recesses, and limited palette of materials, creates an appropriate setting to the Hall and relationship with surrounding development. To the eastern edge the varied building and roofline, more varied distribution of materials, and greater variation in materials a gives more informal appearance.
- 5.19 Overall it is considered the detailed design of the scheme to create an appropriate character and identity in accordance with policy D1 and the Design Checklist SPD.
- 5.20 Safety/ Security
The scheme has been designed to achieve Secure by Design accreditation with significant input at pre-application stage by the Policy Architectural Liaison Officer. Notwithstanding it is considered that all areas of the proposal to be in accordance with Policy D1 in this regard. Public areas and parking areas will be well overlooked, and the relationship of fronts and backs of buildings strongly defines the public areas from private ones.
- 5.21 Sustainability/ Renewable energy
The proposed development will exceed current building regulation standards for energy efficiency, and will incorporate renewable energy sources and a district heating system. These measures are welcomed and in accordance with emerging Policy RE5 of the Draft Regional Spatial Strategy and policy D1 of the Local Plan.
- 5.22 Residential Amenity
Due to the proximity of the proposed development to the existing Gover Road estate, a number of concerns from the existing residents have been raised about the potential affect on their existing levels of residential amenity.
- 5.23 In pre-application discussions, preserving the existing levels of residential amenity was a key objective and so care has been taken with orientation, separation distances and window position. Therefore although the proposed “mews” buildings in the south west corner will be in close proximity to the new houses being constructed as part of the Priory Court re-development, the difference in orientation between the two buildings will help mitigate any oppressive sense of enclosure, which also would only occur at first floor level anyway as separating the properties will be the 3 metre high stone boundary wall. With a low and asymmetrical roof, the proposed mews building (which would be a flat unit over communal garages) will have a height to roof apex of 7 metres with eaves level just over 5 metres and its rear elevation will be blank. Therefore along with the different orientation of the buildings, it is considered that the existing substantial screening, the modest scale of the proposed mews building and the blank rear elevation, the relationship between the proposed buildings would not be detrimental to the amenities of either property.
- 5.24 Within the area of the site referred to as the “Walled Garden”, there is to be a line of terrace houses along the southern site boundary. These would run

parallel with a number of existing houses that form part of the Gover Road development that back onto the 3m high boundary wall that separates the sites along the southern boundary. From window-to-window, the separate distances between the existing and proposed properties range from 20 to 24 metres. Also although the central part of the terrace would be 3-storeys, due to the design of low pitched roofs, the scale and massing of these buildings is far less when compared to what would be expected from a more traditional design (eg. hipped/gabled roofs). Overall it is considered that due to the separation distances which largely comply with the informal Council standard of 21 metres, the existing screening provided by the 3 metre high stone boundary wall and the scale and massing of the proposed buildings, the proposed terrace to be positioned along the southern boundary would not cause any significant overbearing effects or loss of privacy through either overlooking or inter-visibility that could be considered detrimental to the existing and proposed amenity levels.

- 5.25 It is noted that to the east of the terrace there is an existing house that lies in closer to the boundary wall than any other existing property. However this dwelling is orientated on an axis that has resulted in its side flank elevation facing the wall and the new development and so neither the habitable room windows in its front or rear elevation would suffer from any direct overlooking or intervisibility. Finally in the eastern corner of the proposed development there are a couple of mews units that do appear on plan to be too close to the existing Gover Road properties in terms of potential overlooking. However again to avoid this problem, the rear elevation of the proposed new units are to remain blank thus preserving the existing privacy levels of the neighbouring properties.
- 5.26 With regard to the general level the amenity for the prospective residents of the Hanham Hall development, each house is provided with a garden of a size that along with the rooms within the houses, are greater in scale than what is usually provided in a typical housing development. Although the flatted units are not provided with their own allocated amenity space, it is considered that due to the scale of on-site open space and other facilities that are being provided, the occupiers of the flat units will enjoy an enhanced level of amenity compared to what could be expected elsewhere. In conclusion the proposed scheme will afford all its residents with a comparatively high level of amenity.
- 5.27 Landscape
The proposed scheme will see a substantial level of planting both informally (hedges and meadows) and formally (structured flower and shrub beds). A full schedule of planting has not been prepared at this stage due to the need for some degree of flexibility, but this matter is to be covered by a condition.
- 5.28 It is considered that subject to the suggested landscape conditions, the proposed landscaping scheme for the Hanham Hall development would significantly enhance the appearance of the site and create an attractive environment for the prospective occupiers of the development and the local residents to enjoy.

5.29 Archaeology

To accompany the application, there has been submitted the results of archaeological investigations in the grounds of the hospital and these have revealed extensive ground disturbance took place almost certainly during the 20th century occupation of the site by the hospital. What remains survive are fragmentary ones although hinting at earlier occupation of the site which, had they been better preserved, would have contributed substantially to our knowledge of the area.

5.30 It is therefore considered that on the basis of the current evidence, appropriate archaeological mitigation would involve the undertaking of a watching brief supplemented by excavation where necessary during the course of ground disturbance within the development area. This matter will therefore be dealt with by an appropriate condition and so a standard archaeological condition can be applied and Officers will provide an archaeological brief as required by the condition prior to the determination of the application.

5.31 Affordable Housing

The 33.3% provision and tenure of the affordable housing are considered compliant with Councils requirements for affordable housing which will be delivered though the following composition: 10no. x 1-bedroom flats; 14no. x 2-bed flats; 6no. x 2-bed houses; 6no. x 3-houses; 21no. x 4-bed houses; 4no. x 2-bed wheelchair access houses; and 4no. x 3-bed wheelchair access house, giving a total of 65 units of affordable housing.

5.32 The Council's Affordable Housing SPD requires affordable housing to be delivered with nil public subsidy – a subsidy that would be sought from the Homes and Community Agency (which has also replaced the Housing Corporation). Through the submission of a viability summary prepared by Barratts and scrutinised by the HCA, it is clear that along with an affordable housing subsidy, without other subsidies from the HCA, the proposed scheme which has been submitted would not be economically viable for Barratts to deliver.

5.33 The reasons for the need for the subsidy are not just the economic condition of the housing market. Construction costs are a main factor as the proposed houses are being built to Level 6 of the Code for Sustainable Homes the construction costs are higher than the cost of building to Levels 2 or 3 which are widely accepted as the current standards. Furthermore achieving a Level 6 in the Code for Sustainable Homes assessment goes beyond just house construction as a number of other factors have to be taken into consideration such as water use, energy consumption and ecological impact. Therefore to address these requirements the development includes the provision of a centralised heating system (the Energy Centre) as well as the extensive meadows and landscape planting. These costs are also in addition to the cost of restoring the Grade II* listed Hall.

5.34 Therefore from the evidence submitted, it is clear that the scheme would be economically unviable and undeliverable without subsidy from the HCA. It is noted that although the viability case for public subsidy has been ratified by the HCA and not the Council. Consequently the scheme can only be considered to partially comply with requirements of the adopted affordable housing SPD as it

requires the Council to assess the viability of a scheme prior to a bid for subsidy to the HCA being made. However as the viability assessment of the project has been undertaken by the very body that would provide the subsidy, full compliance with the SPD on this point for this development is not considered necessary especially as the full 33.3% affordable housing provision is being met.

5.35 Although some concerns have been expressed by the Council's Housing Enabling Officer about setting a precedent for other schemes for not complying fully with the provisions of the Affordable Housing SPD, it is considered that in light of the special nature of the proposed scheme– a zero carbon development promoted and funded by the HCA that also includes the financial burden of restoring a Grade II* listed Hall, it would be unlikely that such circumstances will be replicated on many sites and so it is considered that the approval of this scheme would not set a precedent for other developments not to demonstrate viability to the Council prior to bidding for public subsidy.

5.36 Ecology

The site is not covered by any statutory or non-statutory nature conservation designations. An ecological impact assessment carried out in December 2008 identified that the small areas of open space within the existing site are species-poor grasslands, ornamental planting, shrubs and mature trees. The field to the east of the existing site is largely species-poor with banks of shrubs encroaching from the intersecting hedges.

5.37 Signs of badger activity were though recorded throughout 2006 with two active setts noted with one sett outside of the application site. However the habitat survey undertaken last December found that one sett has fallen into disuse and the other was being used by foxes. However to safeguard against the use of the setts becoming active before or during construction, a condition will requiring that a badger mitigation strategy and method statement be agreed with the Council prior to the commencement of development. A similar condition will also be attached to cover the mitigation of slow-worms which were also recorded on the site during the habitat survey as well as a condition to help protect the population of hedgehogs on the site.

5.38 Although no bats were recorded during a bat survey in 2006, bat droppings have been since recorded in the eastern sections of one of the outbuildings. The conversion of the Hall and new housing offers the opportunity to create new roosts for bats within the roof void and so a condition is to be attached to any consent requiring "bat slates" to be fitted within the roof pitch of the Hall and the new potential for the eaves of the houses to feature vents also for bats without compromising the building's performance.

5.39 A number of bird species listed by the RSPB as being of Conservation Concern were also recorded on the site. An informative to protect nesting/breeding birds will therefore be applied.

5.40 Overall it is considered that the proposed scheme will provide considerable ecological benefits derived from the change of use of former field to the north and east – from agricultural land to a series of meadow, with a series of new

hedges, orchards and allotments. The proposed development will therefore help contribution towards the South Gloucestershire Biodiversity Action Plan

5.41 Management Trust

The proposed scheme will see a management trust take responsibility for maintaining the majority of the open spaces including the greenhouses and the allotments. As well as managing on-site facilities, the management trust will also be charged with creating and promoting community cohesion and sustainability. The Council has requested details on how the management trust would function as the financial liability of the trust could be significant, especially since the adoption plan was revised to give the trust control of the vast majority of open space, as opposed to be adopted by the Council.

5.42 The Council's concern behind the function and finances of the management trust was two-fold. First of all if the trust fails to meet its responsibility, without a suitable developer contribution or bond put in place, the Council could be asked adopt the areas of open space and thus taken on the financial burden of maintenance. Secondly if the management levy is considered substantial, then there was concern that this could lead to conflict between the residents of the Hanham Hall scheme and the wider community who use the facilities provided within the development and this would undermine community cohesion.

5.43 To address the Council's concerns, assurances have been given that the establishment of a long term maintenance and stewardship strategy is an essential component of the Carbon Challenge brief, and the HCA will monitor the successful implementation of the management trust. Furthermore, although it is agreed that engineering a sustainable community is a pioneering exercise which all stakeholders should support, to safeguard the Council from any future financial liability if the management trust fails, the areas of the site to fall under the remit of the management trust are to be leased to the trust by the HCA with the HCA remaining as landowners. Therefore if the management trust fails the land and thus the liability will be transferred back to the HCA and this matter is to be form part of the legal agreement between the Council and the applicants.

5.44 Public Open Space

The proposed scheme is not providing any on-site category 1 open space. The reason for this is that category 1 open space is formal open space – all weather pitches, floodlights, fences, changes rooms etc, and such a proposal would be out of character with the sensitive and semi-rural character of the site and the surrounding context.

5.45 The proposed scheme will though provide category 2 on-site open space in the form of children's play spaces. The level of provision will exceed the Council's standards under Policy LC8 and a condition will be applied to agree the specific equipment to be provided in these areas.

5.46 Finally the proposed scheme will see almost double the provision of informal open space (category 3) that would required under Policy LC8 (6300 square metres being delivered compared to a policy required 3526 square metres).

- 5.47 Public Art
A contribution of £150,000 towards public art which will include positive signage such as “Play on the Grass” has been put forward by the applicant and will be secured via S106 agreement.
- 5.48 Library Services
A contribution of £34,789.50 towards Hanham Library is to be secured via S106 agreement and this request is consistent with the approach for delivering sustainable development set out in PPS1 and is in line with national guidance provided by the Museums, Libraries and Archives Council (Public Libraries, Archives and New Development A Standard Charge Approach MLA June 2008).
- 5.49 Education
There is a projected surplus at secondary school level and so no contributions are required. At primary level there is however a projected deficit in places in the local area and the proposed 195 units that would be delivered as part of the scheme would generate 41 additional primary school pupils based on a pupil number calculation. DCSF cost calculators give a figure of £10,747 per additional primary pupil place, indexed at Q4 2008 prices. The total contribution required for additional school provision is £440,627 which would be secured via the S106 agreement.
- 5.50 Dog/Litter Bins
A contribution of 16,790.24 towards the provision and maintenance of dog and litter bins is to be secured via S106 agreement.
- 5.51 Transportation
As previous noted primary access to the proposed scheme will be via the existing access off Whittucks Road, a further access into the site is also proposed from Gover Road. A number of local residents have expressed concerns about this link and suggested there may be safety issues with this proposal. However in relation to this issue, reference is made to the document “Manual for Streets” (Department for Transport Document published in 2007) which suggests that internal permeability is important and it encourages designer to provide connected streets (with adjoining network) where practicable. A development with poor links to the surrounding area creates an enclave which encourages movement to and from it by car rather than by other modes. Service vehicles would in particularly benefit from connected streets because they can serve the adjoining developments without having to leave one site to re-join from a different direction.
- 5.52 In response to the safety concerns expressed by local residents, to avoid the Gover Road link being used as a short cut by external traffic, it is proposed that new access road is designed with appropriate traffic calming measures to achieve vehicular speeds of 20mph. It should be noted that Gover Road has also been constructed with appropriate traffic calming measures and as such vehicular speeds on Gover Road are therefore currently low.
- 5.53 With footway facilities to be provided along the new road as well as footways along Gover Road, Officers consider that there would be no additional risks to

- pedestrians as result of vehicular link between the new development and Gover Road.
- 5.54 The proposed development would also see 2no. existing bus stops upgraded, the existing footpath on the eastern side of Whittucks Road extended and other traffic calming measures to improve pedestrian safety and public transport access. The developer is also funding a car-club, travel plan and bus passes for the residents of the development to help reduce the reliance on private car ownership and encourage more sustainable modes of transport. All these items will be secured via a S106 agreement.
- 5.55 The issue of parking provision has also been raised as a concern by local residents. The level of parking proposed for the development would be in line with parking standards as set out in the South Gloucestershire Local Plan (Adopted) January 2006. In this context, it is proposed that all one and two bedroom dwelling would have one parking space each allocated to them. Larger dwellings (such as 3 or 4 bed dwellings) would have access to two parking spaces. Overall parking provision on the site for the residential element of this development would be 252 parking spaces for 195 units (i.e. equivalent to 1.3 per dwelling on site) and that meets the Council's maximum parking standards. Separate parking facilities would also be provided for the commercial element of this development on site. Total number parking spaces for the commercial uses on site would be 41 spaces. Therefore although the concerns of the local residents are understandable, it is the view of Officers that the developer is providing parking provision in line with the Council's maximum parking standards and given the sustainable location of this site, parking could not be a reason to refuse this planning application.
- 5.56 Listed Building Issues
Initially there was some concern with the conservation approach to a number of the primary rooms within the Hall which contained varying degrees of historic fabric which would allow informed restoration. However, as noted by English Heritage, following the submission of further details, several of the concerns raised have been addressed and whilst there remains outstanding a few matters of detail unresolved, these are to be addressed by the suggested attached conditions.
- 5.57 In principle though the scheme proposed has always been acceptable and in particular the proposed use of the Hall has always been supported as it provides significant benefits in comparison to a residential conversion that would require a high level of subdivision. It is therefore commendable that the proposed uses put forward have been carefully considered for the spaces that they will occupy and the resultant "light touch" to the building is a welcome one.
- 5.58 It is however essential that any approval includes an agreed timetable for a comprehensive scheme of repairs to the listed and curtilage listed structures and this is to form part of the S106 agreement that will be tied to the planning application and any subsequent consent.
- 5.59 With regard to new buildings to be constructed adjacent to the Hall, the Energy Centre has been reduced in scale to help mitigate its massing and keep this

building subservient to the Hall while still making a positive visual impact at the entrance to the development. Furthermore the utterly modern appearance is also considered the correct approach as any attempt at pastiche would only dilute the prominence and integrity of the Hall. It is considered therefore, that the proposed Energy Centre does not harm the setting of the listed building.

- 5.60 The principle objection of English Heritage is the close proximity and scale of the dwellings closest to the Hall. However although three-storey, the proposed new dwellings immediately to the south and south-east have low roofs due to their contemporary design and so the massing of the buildings is less in comparison to traditional roof forms. It is considered that this factor along with the separation distance will not result in the proposed new residential units visually competing with the Hall and so the view of English Heritage on this matter is not shared. Moreover, it is considered that moving the proposed buildings further away from the Hall risks leaving the Hall isolated and unrelated to its context. There is no doubt that the setting of the Hall to the south and south-east will change significantly, but it is considered that for this development to be successful, the Hall needs to be at its heart and thus integrated in a positive way. Therefore rather than harm its setting, it is considered that the buildings closest to the Hall will help provide a link to its new surroundings.
- 5.61 English Heritage has also made reference to the two terraces to the south of the Hall not being situated in a symmetrical position in relation to the central axis of the south facing Hall elevation. The position of the terraces has been the subject of great discussion between Officers and the applicants and a number of revised schemes were put forward to try and address the concerns of English Heritage as well as the Council's Listed Building Officer. However working through the potential alternative solutions, it became clear that by trying to achieve the desired symmetry, if the terraces were moved closer together than as currently proposed, the approach to the Hall became far too enclosed by a limited separation distance between the two terraces. Also along with a compressed space, the terraces became far too prominent in views to and from the Hall which would have been unacceptable in the interests of the setting of the Hall. If the symmetry was achieved by moving the terraces back from their current position, the space in front of the Hall would have become too open with views of the Gover Road development becoming more prominent and this wasn't acceptable as one of the main functions of the terrace is to create a new boulevard to frame the historic formal approach to the Hall in either direction.
- 5.62 Therefore while ideally achieving perfect symmetry would be preferable, it is clear that this could not be achieved without compromising other objectives of the terrace development in this location. Also it is considered that in reality the perception of the asymmetry of terraces would not be that evident on the ground. It is considered therefore that the listed building would not be harmed.
- 5.63 The proposed design of these terraces and the dwellings closest to the Hall has also been raised as a concern by English Heritage with specific references previously made to the vertical emphasis with the elevational treatment of the new units and this failing to accord with the more horizontal emphasis of the south facing elevation of the Hall. However it is considered that any attempt to design terraces with a horizontal emphasis to relate more to the Hall would

undermine the townhouse form that is being sought which in principle is considered to sit well with the character of the Hall. In addition having terraces with horizontal emphasis could also appear unsightly and less residential which would be harmful to the setting of the Hall. Furthermore as seen in the contemporary approach for the Energy Centre, any attempt at pastiche would be incorrect and through the contrasting architectural styles of the new buildings and the Hall, the prominence and integrity of the Hall would be preserved.

5.64 In conclusion, the concerns of English Heritage regarding the design, scale and position of the new buildings and how they would affect the setting of the Hall have been very carefully considered. However their objections are not supported. It is acknowledged that the setting of the Hall will be significantly changed in some particular areas (to the south of the Hall), but this change is not harmful. Moreover it is clear that the setting of the Hall will be significantly improved through the removal of the NHS buildings and other associated structures. Therefore although the comments of English Heritage have been taken on board, on balance Officers are confident that the proposed scheme will help provide a sustainable future for the Hall which would not subsequently harm the historic or architectural appearance or integrity.

5.65 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.

5.66 Section 106 Requirements

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

6. CONCLUSION

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

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

7. **RECOMMENDATION**

- 7.1 (1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the application first voluntarily entering into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
1. Ensure that within 3 months from the date of the planning permission decision notice, a programme of repair works for the Grade II* Hanham Hall, and the curtilage listed boundary walls, gates and gate piers is agreed with the Council and implemented in full within 3 calendar years of the date of the planning permission decision notice.
 2. The completion of the repair and restoration of the external envelope of the Grade II* Hanham Hall (as agreed in the programme of repair under clause 1) before the occupation of the 50th unit of residential accommodation or within 18 months from the commencement of development whichever is earlier.
 3. Ensure that within 1 month from the date of the planning permission a programme of temporary works of protection for the Grade II* Hanham hall is agreed with the Council and implemented in full within 6 months of the date of the aforesaid permission. The temporary works of protection are to be maintained in full to the satisfaction of the Council until the programme of repairs referred to above is completed in full.
 4. Ensure that prior to the first occupation of any unit, a management trust is established and in place to maintain/service the areas of the site as indicated on the submitted adoption plan as to be adopted by the management trust (drg no.AL02-015).
 5. In accordance with South Gloucestershire Local Plan Policy H6 the Council will seek 33.3% affordable housing to be provided on site in line with the findings of the John Herington Associates Housing Needs Survey 2004. This planning application is to provide 195 dwellings and therefore the Council is seeking 65 of these dwellings to be affordable housing.
 6. Affordable housing delivered in tenure split 77% social rent and 23% intermediate affordable housing – this equates to a unit split of 50 units social rented and 15 units for shared ownership.
 7. All affordable housing delivered through planning obligations is to be in line with the definitions contained in Planning Policy Statement 3 and any low cost market housing will be in addition to the affordable housing.
 8. The affordable housing is to be provided in the following mix:
 - 10 units x 1 bed flats
 - 14 units x 2 bed flats/ maisonettes
 - 10 units x 2 bed houses

- 10 units x 3 bed houses
 - 21 units x 4 bed houses
 - Of which 8 units to be wheelchair accessible
9. All affordable housing to be provided at sizes as stated in the South Gloucestershire Affordable Housing Supplementary Planning Document para 4.3 and Appendix 4.
 10. The affordable housing should be distributed across the site in clusters of no more than 6 units.
 11. All units to meet or exceed the latest Homes and Communities Agency Design and Quality standards applicable at the time the S.106 is signed or 6 months prior to start on site whichever date is the latter, or in accordance with such other guidance as shall be issued by the Homes and Communities Agency or its successor, to achieve Level 3 of the Code for Sustainable Homes, Joseph Rowntree Lifetime Homes standard and Secured by Design.
 12. Delivery is preferred through a non-profit making Registered Provider – the Council encourages the developer to work with a Registered Provider that is a member of the HomesWest partnership. In the event of the developer choosing a Registered Provider from outside of the Council’s partnerships then the Council will require that set management standards will be met.
 13. Phasing - the affordable housing should be built at the same time as the rest of the housing on site in line with agreed triggers as set out in the S.106 Agreement.
 14. Services charges to be capped at no more than £525 per annum and inflated by RPI thereafter.
 15. The Council will define affordability outputs in the S106 agreement and currently that would be:
Social rented units to be delivered at Target Rents.
Intermediate housing to be provided as shared equity affordable housing with no more than 40% initial equity share and an annual residual rent of no more than 1% of unsold equity.
 16. Any capital receipts from the affordable housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire.
 17. Nomination rights given to the Council of 100% nominations on initial lettings and 75% subsequently to ensure that the affordable housing is secured and retained for those households in need in perpetuity.
 18. To help promote sustainable modes of transport, the developer/owner is to fund, implement and promote a travel plan and details of this are to be agreed prior to the commencement of development.

19. The applicant/owner is to ensure a new footway is provided along the eastern side of Whittucks Road together with all associated works within an agreed timeframe.
 20. The application is to provide a new bus lay-by on Whittucks Road together with all associated work.
 21. The applicant shall make a financial contribution of £60,000 towards traffic management and road safety measures in the area (likely highway works would include (a) provision of zebra crossing on Whittucks Road, (b) provision of pedestrian island on Whittucks Road at its junction with Memorial Road and (c) implementation of necessary Traffic Regulation Orders (TROs).
 22. Prior to occupation on any dwellings on site, the applicant upgrades two bus stops and to include bus shelters, raised pavement for disabled and provision of real-time information technology at each stop (all details to be agreed with the Council).
 23. Prior to occupation, the applicant puts in place necessary measures to introduce Car Club scheme on site, with free first year membership to new residents on site, and the car club scheme would be operational for at least 3 years at this location. The applicant accepts that they would need to provide legal evidence that the car club is operational (and contractually obliged to remain so for 3 years).
 24. Prior to occupation of any new dwelling, the developer would provide new occupiers with a travel pack which shall include promotional transport tickets providing residents with free travel on buses within Bristol and South Gloucestershire area for a period of one year.
 25. That the developer/owner to make a financial contribution of £444,627 towards primary school provision in the area.
 26. The developer/owner is to make a financial contribution of £248,475.42 towards the provision of off-site formal open space.
 27. The developer/owner to make a financial contribution of contribution of £34,789.50 towards local library provision in Hanham.
 28. The developer/owner to make a financial contribution of £16,790.24 towards dog and litter bin maintenance
 29. The developer/owner to make a financial contribution of £150,000 towards on-site public art.
- 7.2 If the Section 106 Agreement is not signed and sealed within 12 months of this determination then, in view of the length of time, the application should either:
- (a) Be referred to the Development Control Committee for reconsideration:
or

- (b) The application should be refused due to the failure to secure the Heads of Terms listed under a Section 106 Agreement, for the reasons listed in Section 7.1.

Background Papers **PK08/3230/F**

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

CONDITIONS

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

Reason

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

2. Development shall not begin until a drainage master-plan for the site, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the Local Planning Authority (LPA), and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The development must be implemented in accordance with the approved master-plan. The development must not be occupied until a satisfactory scheme has been implemented.

Reason

To prevent the increased risk of flooding and to improve water quality and to accord with policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPS25.

3. Development shall not begin until drainage design for each plot or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the LPA, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason

To prevent the increased risk of flooding and to improve water quality to accord with policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPS25.

4. Development shall not begin until a temporary drainage arrangement strategy has been submitted and approved by the LPA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason

To ensure that the surface water drainage system operates effectively during the construction phase. In addition, please see attached our latest comments to Arup on the Flood Risk Assessment for the current scheme. It is important that these issues are resolved at the discharge of condition stage, and to accord with policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPS25.

5. No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPS25.

6. Prior to the commencement of development full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manholes); retained historic landscape features and proposals for their restoration where relevant. Soft landscape works shall include 1:200 scale planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason

To protect the character and appearance of the area to accord with Policies D1, GB1, L1, L13 and of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To protect the character and appearance of the area to accord with Policies D1, GB1, L1 & L13 and of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment(s) to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with Policies D1, GB1, L1, L13 and of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Replacement trees, the species, size and location of which are to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

Reason

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

10. Prior to the commencement of development, a scheme detailing the measures for the protection of the existing hedges and trees (to be retained) during the course of

development shall be submitted to the local planning authority. The agreed scheme shall then be insitu prior to development commencing and shall also be carried out in accordance with the agreed details.

Reason

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

11. No development shall take place until there has been submitted to, and approved by the Local Planning Authority, a programme of archaeological investigation and recording of designation areas to be agreed with the local planing authority. Thereafter, the approved programme shall be implemented in all respects unless the Local Planning Authority agrees in writing to any variation. For the avoidance of doubt the programme shall included further building recording, excavation, watching briefs, post excavation works, archiving, storage and publication of appropriate reports.

Reason

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

12. Prior to the commencement of the development hereby approved, samples panels of the proposed new stonework, areas of repointing, and new render (including proposed finishes) shall be prepared on site for the approval of the Council. No development shall be commenced until the Council has given written approval, for the sample panels and the new stonework, render and any finishes shall exactly match the details so approved. For the avoidance of doubt the stonework shall be natural stone rubble or natural dressed limestone set in lime mortar to match surviving historic stonework and render should be a traditional lime render formed without corner reinforcing beads.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

13. Prior to the commencement of the development hereby approved, large scale details of the proposed rooflights and fenestration, the external doors and doorcases, and internal joinery including doors, doorcases, balusters, staircases, panelling and fire surrounds, skirtings, shall be submitted to the Council for approval. No development shall be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved. For the avoidance of doubt, sash windows and casement windows with glazing bars shall be single glazed.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

14. Prior to the commencement of the development hereby approved, construction details including surface finishes and sample panels of the proposed finishes for the energy centre shall be submitted to the Council for approval. No development shall be

commenced until the Council has given written approval, for the submitted details and sample panels and the Centre shall be constructed exactly in accordance with the details so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

15. Notwithstanding the submitted drawings (Arup Job 125071-00), prior to the commencement of the works hereby approved, large scale details of the proposed extent of demolition and of rebuilding of the frontage boundary wall, including the proposed entrance gates and gate piers, shall be submitted to the Council for approval in writing. No development shall be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

16. Prior to the commencement of the development hereby approved, large scale details of the proposed stack, the fenestration, the roof construction including finishes, seating and perimeter fence for the energy centre, shall be submitted to the Council for approval. No development shall be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

17. Prior to the commencement of any part of the relevant development, the lighting strategy with full details of design and scale of the means of lighting shall be submitted to the local planning authority for prior written approval and the development shall then be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with Policies D1, GB1 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

18. Prior to the commencement of any development, full details of the play equipment to be provided within the play areas identified on the proposed site plan are to be submitted to the local planning authority for written approval. The development shall be then carried out in accordance with the approved schedule.

Reason

To accord with the provisions of Policy LC8 of the South Gloucestershire Local Plan (Adopted) January 2006.

19. Prior to the commencement of development, large scale details of the communal refuse storage areas are to be submitted for written approval demonstrating capacity for the twin-bin system and also accessibility for refuse collection vehicles. The development shall then be carried out in accordance with the approved detail.

Reason

To accord with the provisions of Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

20. Prior to the commencement of development, a badger mitigation strategy and method statement is to be submitted to the local planning authority and agreed in writing. This shall also include any licensable work under the Protection of Badgers Act (1992) (eg. sett enclosures).

Reason

To accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

21. Prior to the commencement of development, a mitigation strategy to safeguard the slowworm colony by translocation to a receptor area within the application site is to be submitted to the local planning authority for written approval.

Reason

To accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

22. Prior to the commencement of development, details indicating the use of "bat slates" to be fitted to the roof pitch of the Hall shall be submitted to the local planning authority for written approval.

Reason

To accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

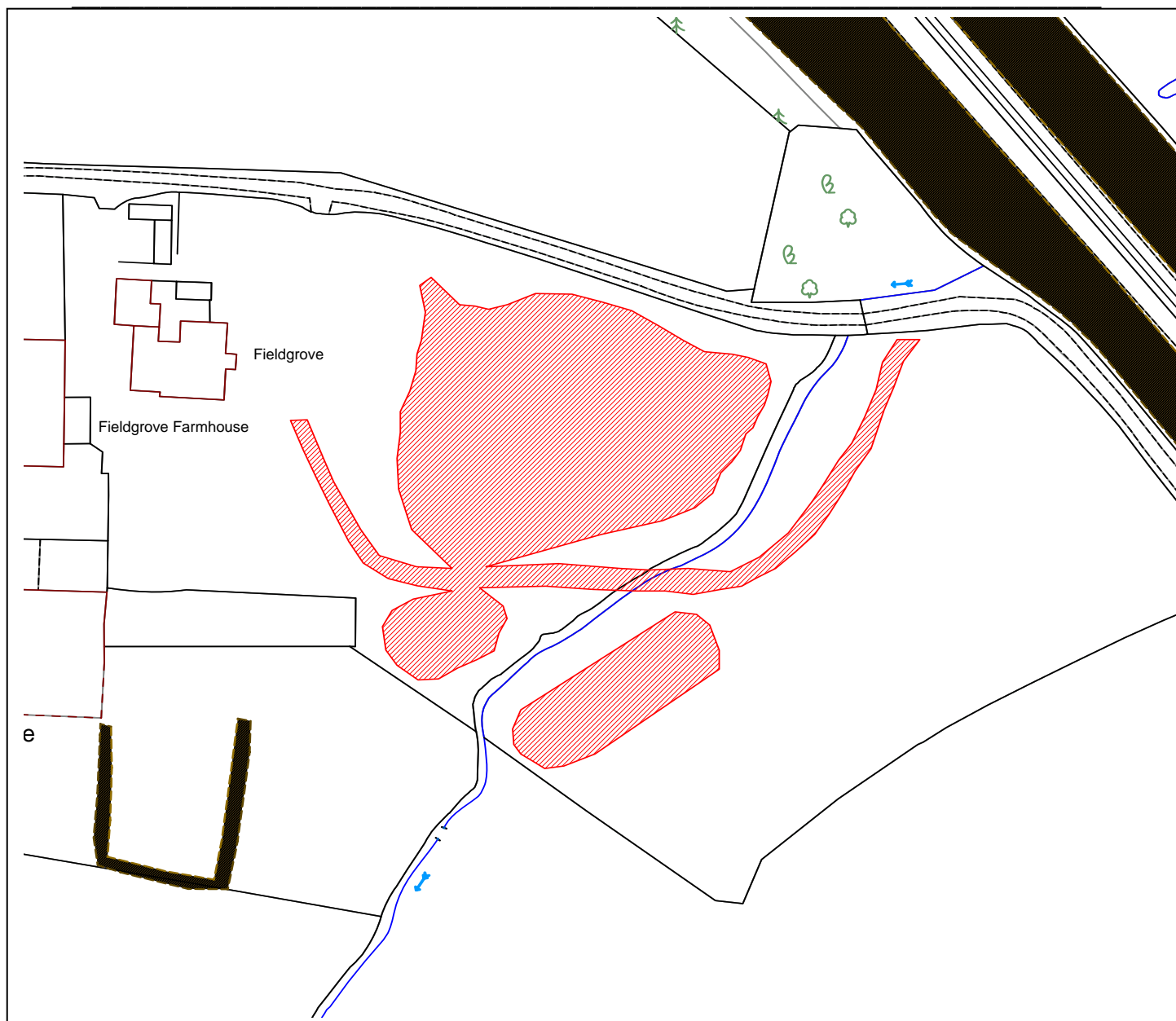
23. Prior to the commencement of development, to safeguard any population of hedgerows present on the site, a mitigation strategy to and working methodology is to be submitted to the local planning authority for written approval. This is to include five wooden hibernation boxes sited in agreed locations; a hand search of suitable habitat immediately prior to clearance; and a translocation strategy to move any animals found to an agreed site within the application site. The receptor site should be of suitable habitat, of sufficient size to support the population and not isolated, being linked by corridors of suitable connecting habitat.

Reason

To accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006

CIRCULATED SCHEDULE NO.14/09 – 9 APRIL 2009

| | | | |
|----------------------------------|---|-------------------------|--------------------------|
| App No.: | PK09/0154/F | Applicant: | Ms E Davies |
| Site: | Fieldgrove House, Bath Road, Bitton, South Gloucestershire, BS30 6HU | Date Reg: | 27th January 2009 |
| Proposal: | Construction of new conservation lake and culverting of existing watercourse. Construction of 1m high earth bund, new driveway, 2no. bridges and timber boat mooring jetty. (Resubmission of PK08/2367/F). | Parish: | Bitton Parish Council |
| Map Ref: | 67314 69598 | Ward: | Bitton |
| Application Category: | Minor | Target Date: | 17th April 2009 |



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S

PK09/0154/F

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of an objection from Bitton Parish Council.

1. THE PROPOSAL

- 1.1 This is a resubmitted application seeking full planning permission to construct a natural clay conservation lake, as well as culvert part of the existing watercourse and re-route the drive across the new lake within the curtilage of Fieldgrove House.
- 1.2 Fieldgrove House is a Grade II listed building, and lies within the Bristol/Bath Green Belt. The property is however outside the Bitton Conservation Area.
- 1.3 Previous planning permission was refused for the following reasons:
- (i) The proposed development, by reason of the lack of arboricultural report and method statement, would be harmful to the protected trees, Horse Chestnut tree and Ash tree. The proposed works would also adversely affect the existing 2 no Purple plums on the island because of the proximity of the tree roots to the water level.
 - (ii) The proposed development, by reason of the lack of justification of the proposed roadway and the proposed material, i.e. tarmac, would have a harmful impact upon the setting of the listing building. No details submitted with regard to the treatment of the proposed entrance into the field.
 - (iii) The proposal fails to demonstrate that the proposed conservation lake would provide the sorts of features to benefit local wildlife, and there is insufficient information to clarify the features and details of the design of the lake in response to the ecological survey.
- 1.4 To overcome the above refusal reasons: the applicant submitted the following information to support the proposal:
- (i) arboricultural impact assessment report, method statement and tree protection plan.
 - (ii) full details comprising section drawings of the proposed driveway and site entrance.
 - (iii) detailed information with regard to the features to benefit local wildlife.

2. POLICY CONTEXT

- 2.1 National Guidance
- | | |
|-------|--|
| PPS1 | Delivering Sustainable Development |
| PPG2 | Green Belt |
| PPS9 | Biodiversity and Geological Conservation |
| PPG15 | Planning and Historic Environment |

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

| | |
|------|--------------------------------------|
| D1 | Design |
| L1 | Landscape Protection and Enhancement |
| GB1 | Green Belt |
| L13 | Listed Buildings |
| LC12 | Recreational Routes |
| L9 | Protected Species |

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/1284/F Erection of 1.8 metres fence and alteration to access (retrospective). Approved 02.10.08
- 3.2 PK08/1374/F Installation of flat roof with central glazed lantern. Refused 01.07.08
- 3.3 PK08/1378/LB External alterations to form roof over courtyard with glazed lantern feature. Refused 01.07.08
- 3.4 PK08/2007/F Erection of orangery to west elevation. Approved 29.08.08
- 3.5 PK08/2008/LB Erection of orangery and installation of replacement window to west elevation. Approved 29.08.08
- 3.6 PK08/2019/LB Demolition and rebuilding of boundary wall to form new entrance. Approved 29.08.08
- 3.7 PK08/2016/F Erection of outbuilding to form garages with store and hobby room above. Demolition and rebuilding of boundary wall to form new entrance. Refused 03.09.08
- 3.8 PK08/2367/F Construction of new conservation lake and culverting of existing watercourse. Construction of 1m high earth bund, new driveway, 2 no. bridges and timber boat mooring jetty. Refused 11.11.08

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Councillors objected to the proposed development for the same reasons as given for previous applications. Additionally, they were concerned about what would happen to spoil from the creation of the lake. They also asked what the areas marked as for future development may be intended for.
- 4.2 Local Resident
No response received
- 4.3 Environment Agency
No objection subject to the following conditions

- 4.4 Sustainable Transport
No objection.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy GB1(B) of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the change of use of land where it would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purpose of including land in it. Policy GB1 also states that any proposals for development within or conspicuous from the Green Belt which would have an adverse impact on the visual amenity of the Green Belt will not be permitted.

As the proposal would be within the curtilage of a listed building, i.e. Fieldgrove House, Policy L13 is also relevant to the assessment of this application. Policy L13 states development including alterations or additions affecting a listed building or its setting will not be permitted unless

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

A public footpath runs along the southern boundary of the site. Policy LC12 of the adopted local plan states that existing and proposed recreational walking, cycling and horse-riding routes will be safeguarded. Development proposals that would unacceptably affect the utility and amenity of existing or proposed routes will not be permitted.

5.2 Bristol / Bath Green Belt

Paragraph 5.13 of the adopted local plan states that changes in land use may be appropriate where there are suitable safeguards to protect the openness of the Green Belt.

The proposal would change part of the land to a conservation lake and a wetland pond area. It also includes the erection of two flat bridges and a number of timber jetties. The total area required to construct the lake is approximately 0.41 hectares. The lakes are located to the south-east of Fieldgrove House. The outer bank to the south west will be created from subsoil excavated from main bulk excavations. This bank will be approximately one metre high. The bank will be topped with topsoil. Wild flower mix will be spread over the bank upon completion. This bank will act as a screen. In addition, the finished level of the proposed watercourse bridge would be below the datum level of the site boundary and the finished level of the proposed lake bridge crossing would only slightly higher than the datum level of the southern boundary. Officers therefore consider that the proposed works would not affect the openness the Green Belt.

As a whole, it is considered that the proposal would not affect the openness and the visual amenity of the Green Belt.

5.3 Landscape Issues

The site adjoins an existing listed building set in open countryside within the Green Belt to the west of Bitton. The site is presently part garden, part disused grass tennis court and part field. An existing hedgerow and watercourse crosses the site and there are existing trees within the site and adjoining the garden.

The application in terms of the layout and construction details is to all intents and purposes the same as previous submission and the impacts upon the Green Belt remain as previously reported to committee. Officers stated in the previous report

‘The application represents an improvement upon the previous submission as the proposed bridges are at lower levels and will appear in the landscape as being at ground level rather than being free standing structures. This will considerably diminish their potential visual impact and their effect upon the openness of the Green Belt. The proposed boathouse has also been omitted still further reducing the effect upon openness.’

With this application, an avenue of proposed trees is also proposed but no species or planting size are indicated. Native and semi-native trees would be considered the most appropriate in this location. In this instance, officers therefore impose a condition to seek the full details of planting scheme indicating planting species, planting sizes, plant locations, plant protection and a planting and maintenance specification.

Subject to the above condition, it is not considered the proposal would adversely affect landscape character or the visual amenity of the Green Belt or compromise the openness of the Green Belt in the context of Policies L1 and GB1 of the adopted local plan.

5.4 Impacts upon TPO trees

There are areas where the proposed construction lays within the Root Protection Areas of the existing trees on the site in particular the construction of the driveway adjacent to the house.

The applicant has submitted a tree survey report, an Arboricultural impact assessment and a tree root protection plan. Officers have assessed the submitted details and it is considered that the details are acceptable subject to the following conditions.

5.5 Impact upon the setting of the listed building

This application seeks permission to introduce a new conservation lake and a new access drive on land to the east of Fieldgrove House, a grade II listed building. The principle elevation of the building faces due east, with the area of land immediately in front it comprising an oval gravel drive, dropping down to what appears to have once been a tennis court (20th Century), then dropping down further to the original levels of the field.

Historically, it would appear that the house was originally set in an open field/farmland setting, with the 1880 OS map showing little in the way of landscaped gardens beyond the area occupied by the oval drive. This edge may have originally comprised railings or a low ha-ha wall, providing an

unrestricted view of the farmland beyond whilst providing a physical barrier against animals. There may be some evidence of a small retaining wall or ha-ha to the south of the house, but the introduction of the tennis courts and the re-grading of the land have removed any trace to the east. The access to the main house has, since the 19th Century always been along the current track, providing access to both Fieldgrove House and Farm.

The land is now out of agricultural use and is contained on most sides by hedging and trees with the occasional gap providing views of the outer fields. It still provides a very rural setting to the listed building although the removal of the historic boundary has brought this land effectively into the curtilage of the listed building at some point during the mid-late 20th Century.

With the previous application, officers were concerned about there were insufficient information with regard to the proposed roadway, materials to be used on the new drive, the detailing of the new road at the point it joins the existing oval drive, and the treatment of the proposed entrance into the field.

The applicant submitted comprehensive and full details with regard to the above items, officers consider that the detailed drawings are acceptable and the proposal would not be harmful to the setting of the listed building subject to the following conditions.

5.6 Ecology

The site comprises the grounds of an existing property (Fieldgrove House) south of Bath Road in Bitton.

The site is not covered by any statutory or non-statutory nature conservation designations. Meadowdrive Hay Meadow Site of Nature Conservation Interest (SNCI), designated for its neutral grassland (lowland hay meadow) interest, lies a few fields away to the south but will be unaffected by the development.

The application includes a statement regarding the design of the lake and aquatic/marginal planting scheme to benefit local wildlife (referred to as 'the lake design & planting statement'). Officers consider that the submitted details are acceptable subject to the following conditions.

The application also includes a slow-worm methodology statement to address the possibility that reptiles might be present within a few areas of potentially suitable habitat on site. The statement is considered to be acceptable subject to the following conditions.

5.7 Drainage / Flooding

The Environment Agency and the Council Drainage Engineer have been consulted with this application. Both parties have no objection to the proposal. As the proposed works lies in Flood Zone 1, which is a low risk area. Subject to a number of conditions, the Agency and the Engineer have no objection to the proposal.

5.8 Transportation Issue

As the proposal would not affect the public highway, there is no transportation objection to the application.

5.9 Residential Amenity

The proposed works would be nearer the southern and eastern boundary, and would not affect the residential amenity of the nearby residential properties, i.e. Field Grove Farm.

5.10 Impact upon the Public Rights of Way

The proposal would not affect the adjacent public footpath.

5.11 Other Issues

Bitton Parish Council also asked what the areas marked as for future development may be intended for.

The submitted drawing shows that the area will be re-landscape, blending soils sympathetically into existing contours. The existing levels to be increased by approximately 300mm and the area will be topped with a small amount of topsoil and planted with a wild flower mixture.

Officers therefore consider that the proposed re-landscaping would not have an adverse impact upon the visual and residential amenity of the area.

5.12 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.

5.13 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK09/0154/F**

Contact Officer: **Olivia Tresise**

Tel. No. **01454 863761**

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 proposed parkland fence / railing hereby permitted shall be painted in black and maintained thereafter.
Reason:
To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.
3. Prior to the commencement of development a sample of material to be used on the surface of the new drive shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved sample.
Reason:
To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.
4. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.
Reason:
To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.
5. Notwithstanding the submitted details the new drive and new site entrance shall be constructed in accordance with the drawing nos MW-08-3596 B and MW-08-3595 B.
Reason:
To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.
6. Prior to the commencement of development a slow worm survey shall be carried out and a full detailed report including protection measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

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

7. Prior to the use of the lake, the proposed planting mix for the aquatic/marginal vegetation shall be implemented in accordance with the approved details.

Reason:

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

8. Notwithstanding submitted details and prior to the commencement of development a scheme of landscaping indicating times of planting, planting species, planting sizes, plant locations, plant protection and a painting and maintenance specification shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason:

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

9. Prior to the commencement of development the Tree Protection Zone Barrier Fence shall be erected on site until the development is fully completed. All construction work shall be carried out in accordance with British Standard 5837 - 2005 'Trees in Relation to Construction'. The tree protection measures shall be carried out in accordance with the approved details.

Reason:

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

10. No development shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal, and to accord with Policy L17 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. A strip of land 6 metres wide adjacent to the top of the banks of all watercourses fronting or crossing the site must be kept clear of all new structures (including gates, walls and fences). Ground levels must not be raised within such a strip of land.

Reason:

To preserve access to the watercourse for maintenance and improvement, and to accord with Policy L17 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 14/09 – 9 APRIL 2009

App No.: PK09/0309/F
Site: 26 Streamside, Mangotsfield, South Gloucestershire, BS16 9EA

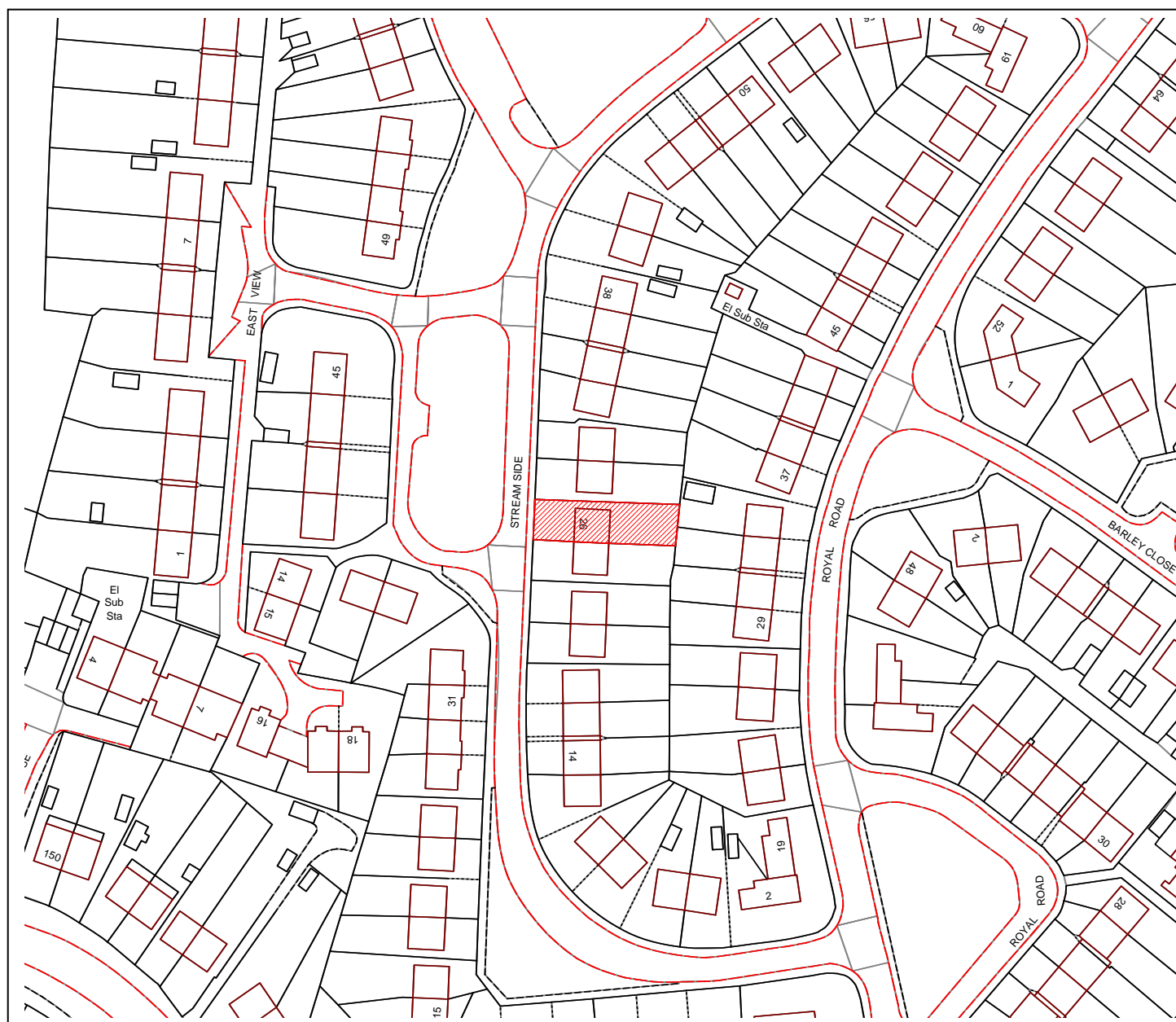
Applicant: Mr N Platten
Date Reg: 17th February 2009

Proposal: Erection of a two storey side extension to form additional living accommodation. Erection of front porch.

Parish:

Map Ref: 65958 76755
Application Category: Householder

Ward: Rodway
Target Date: 17th April 2009



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S

PK09/0309/F

This application has been referred to the Circulated Schedule due to the receipt of two letters of objection from neighbouring residents.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a two storey extension to the side of 26 Streamside, Mangotsfield. The proposed extension would measure 1.4 metres wide by a maximum of 8.8 metres in depth and would have an overall height to ridge of 7.9 metres.
- 1.2 The property is a two storey semi-detached dwelling and is located within a residential area of Mangotsfield.
- 1.3 The initial application included a large two storey rear extension. During the course of the application amended plans were requested to reduce the depth and scale of the proposed rear extension. Amended plans were received as requested however subsequent to that revision, the whole of the rear extension has now been omitted.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance
South Gloucestershire Council Advice Note No 2: House Extensions
South Gloucestershire Design Checklist (adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/1278/F Erection of a two storey side extension to form additional living accommodation.
Refused July 2008 for the following reason:

‘The proposed two storey extension, by virtue of its scale and height would not appear subservient to the original dwelling and therefore does not respect the character and appearance of the pair of semi-detached dwellings and similar styled neighbouring dwellings within the immediate street scene.’

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Site falls outside of a parish area.

Other Representations

4.2 Local Residents

Two letters of objection have been received from local residents; these were both in relation to the initial application which included the two storey rear extension. The following concerns were raised:

- Loss of sunlight to several rear gardens and to a neighbouring properties kitchen
- Extension far too large and would not fit in with the surrounding dwellings.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that extensions should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

5.2 Design / Visual Amenity

The applicant is seeking full planning permission for the erection of a two storey side extension. It is considered that the proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. This application differs from the recently refused scheme for a two storey side extension in that the first floor of the proposed extension would be set back from the main front elevation of the dwelling, and the ridge height of the proposed extension would be set down approximately 500mm from the main ridge. The extension is thus considered subservient to the bulk of the main dwelling, furthermore it is considered that the appearance of the resultant building is well proportioned and would remain in keeping with the scale of the surrounding dwellings within Streamside.

The proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling. It is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

5.3 Residential Amenity

A landing window is proposed on the northern elevation facing the neighbouring property, No. 28 Streamside, as this is not a habitable room, there would be no detriment arising from this. The proposal includes the addition of two new first floor windows one on the front elevation and one on the rear elevation. Given the location of these windows, it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy over and above the levels of overlooking from the existing first floor windows.

It is not considered that the extension would have any overshadowing or overbearing effect on the neighbouring dwellings. Further, with regard to the concerns raised by local residents, given that the rear extension has been removed from the proposal, it is considered that the proposal would not result in any loss of daylight/sunlight and sufficient garden space would remain to

serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.4 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK09/0309/F**

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

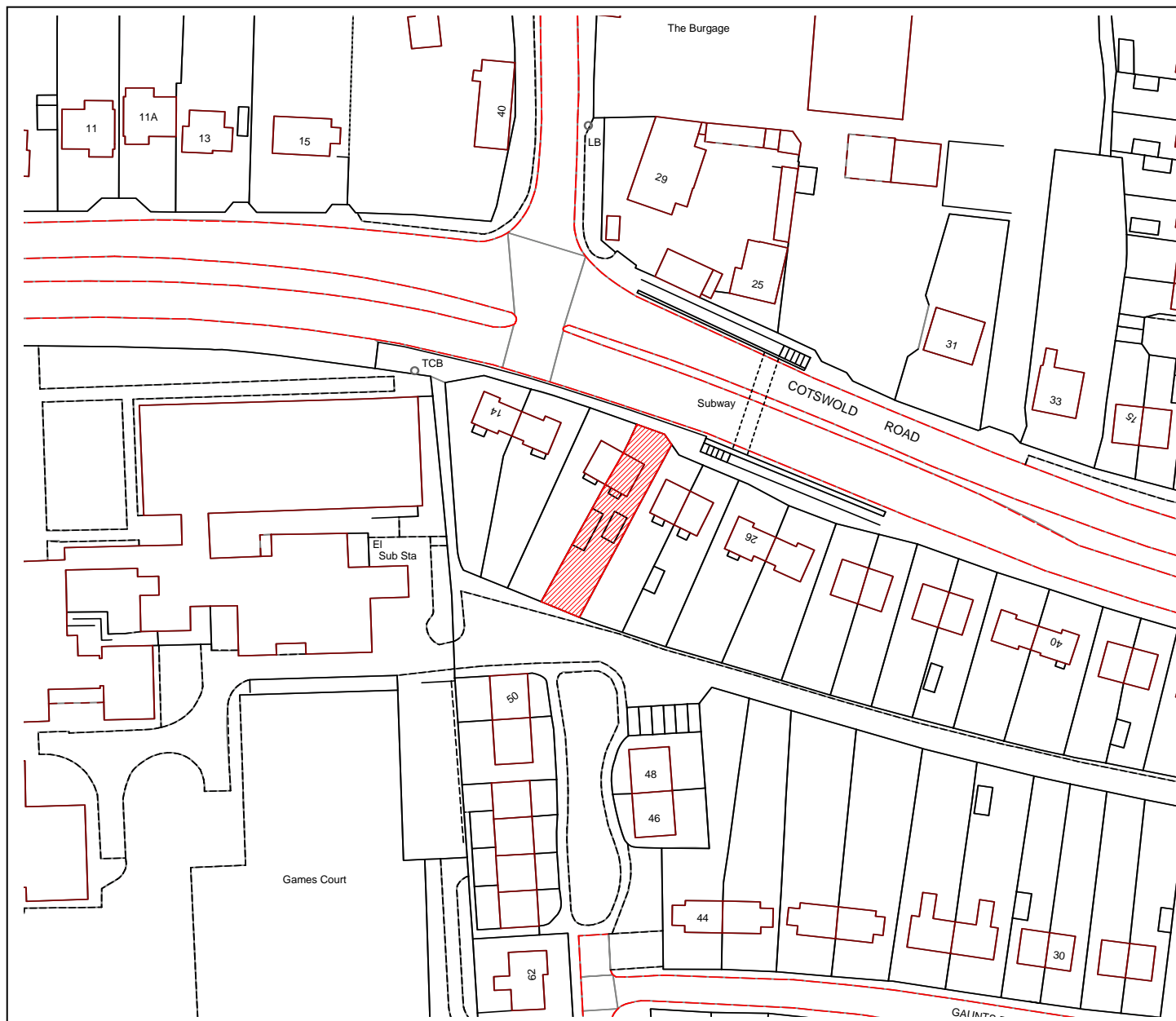
CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason:
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
Reason:
To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 14/09 – 9 APRIL 2009

App No.: PK09/0368/F
Site: 20 Cotswold Road, Chipping Sodbury, South Gloucestershire, BS37 6DP
Proposal: Erection of single storey front, side and rear extension to provide additional living accommodation.
Map Ref: 72842 81796
Application Category: Householder

Applicant: Mr G Elliott
Date Reg: 27th February 2009
Parish: Sodbury Town Council
Ward: Chipping Sodbury
Target Date: 23rd April 2009



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S

PK09/0368/F

INTRODUCTION

This application has been forwarded to the Circulated Schedule for Member consideration as a representation has been received which is contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is situated towards the south east edge of Chipping Sodbury adjacent to the south side of Cotswold Road (A432). The site is bounded by residential development to the east and west with vehicular access to the rear (south) and the A432 to the north. The site comprises a post war two storey semi detached dwelling with single storey lean to extension at the rear.

The site is situated within the settlement boundary as defined in the adopted Local Plan.

- 1.2 The application proposes erection of single storey front, side and rear extensions to provide additional living accommodation.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance/Documents
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council

No objection

- 4.2 Other Consultees

None

Other Representations

4.3 Local Residents

Two letters of objection have been received from the occupiers of 18 and 22 Cotswold Road commenting on the original plans submitted raising the following concerns:

Loss of light to no 18; loss of sunlight to no 22; overbearing impact on no 18; loss of privacy; concern that work has commenced internally; concern that the house will be subdivided into flats in the future; noise from construction.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity.

5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The dwelling is situated within a suburban residential context. The dwelling the subject of this application is a semi-detached two storey building which is typical of the south side of Cotswold Road. The scheme has been amended as the originally submitted drawings were inaccurate and poor quality. Additionally, a front extension was proposed which has been amended and reduced in size. A porch canopy is now proposed to the front elevation, which would replicate a number of other houses in the street. The side addition would read as a subservient lean to, in keeping in terms of scale and form with the existing dwelling. The design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

5.3 Residential Amenity

Adequate rear amenity space to the property would be retained following the erection of the proposed extension. The proposed side and rear extensions would measure 2.4m to eaves, 3.3m to ridge. The side extension would project 2.4m to the east at a distance of 2.5m from no.22. Due to the modest scale of the side extension and the 2.5m distance to no.22, the proposal is considered not to materially affect the amenity of the occupiers of no.22. The rear extension would project 4.4m to the rear (south) on the boundary with no.18. Although a 4.4m rear projection is not considered to be modest, the low proposed eaves at 2.4m and ridge at 3.3m would ensure no material loss of amenity to the occupiers of no.18.

The proposal is single storey and as such would result in no additional loss of privacy to the adjacent occupiers.

5.4 Other issues

Concerns have been raised by the adjacent occupiers that the applicant may intend to convert the building into flats. This has been discussed with the applicant who has stated this is not his intention. Nevertheless, planning permission would be required for conversion of the building to flats, an application would therefore be invited and would be considered on its own merits.

Concern was raised in terms of noise during construction. This matter is controlled through noise nuisance legislation and enforced by either Environmental Health or the police. This is not a material planning issue.

5.5 Design and Access Statement

A Design and Access Statement is not required for this application

5.6 Section 106 Requirements

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

6. CONCLUSION

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

The 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 Consent is GRANTED subject to the following conditions and informatives:

Background Papers **PK09/0368/F**

Contact Officer: **Sean Herbert**
Tel. No. **01454 863056**

CONDITIONS

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

Reason:

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

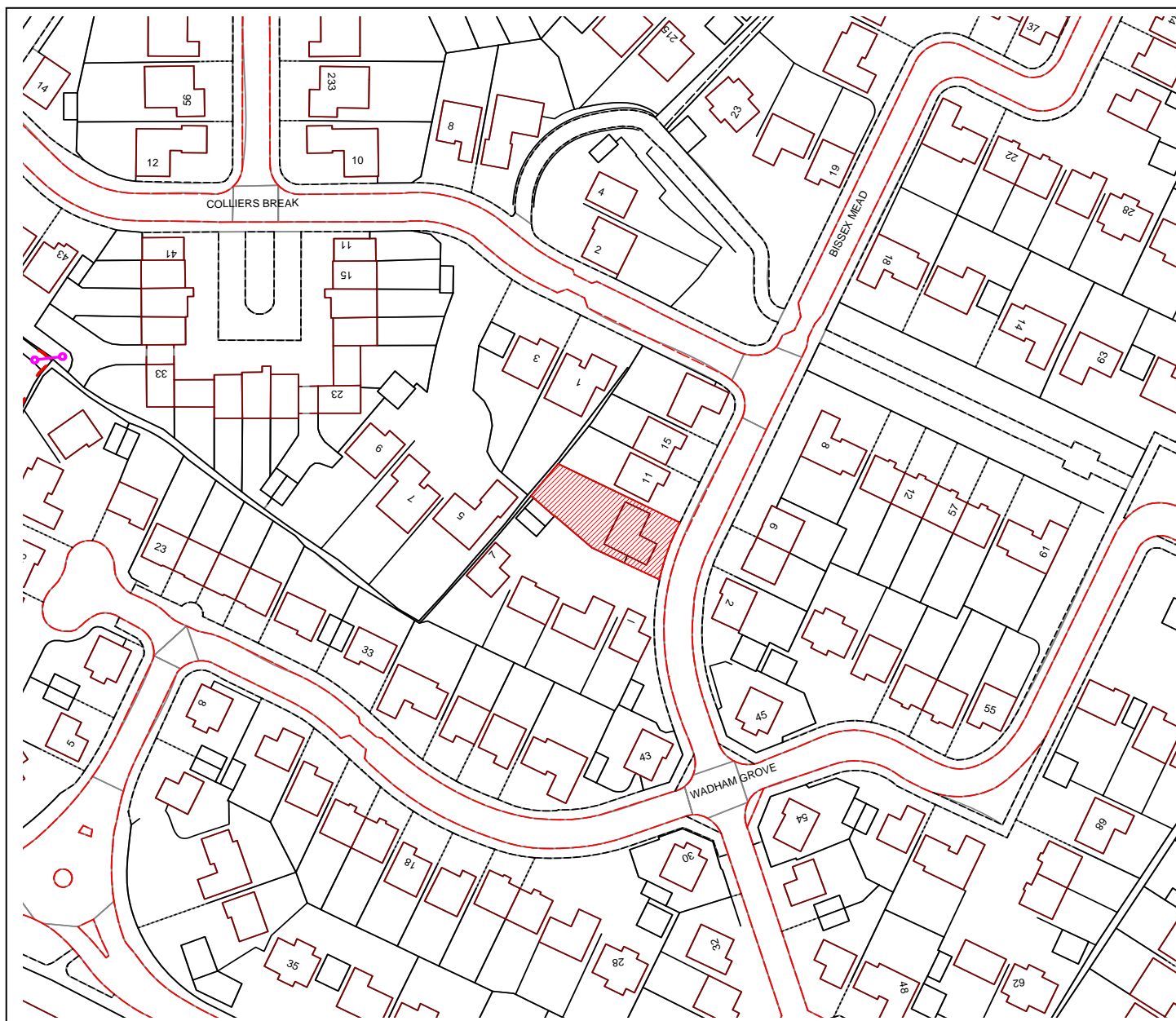
2. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing dwelling.

Reason:

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

CIRCULATED SCHEDULE NO. 14/09 – 9 APRIL 2009

| | | | |
|----------------------------------|--|-------------------------|--------------------------------------|
| App No.: | PK09/0371/F | Applicant: | Mr W Bryant |
| Site: | 9 Bissex Mead, Emersons Green, South Gloucestershire, BS16 7DY | Date Reg: | 27th February 2009 |
| Proposal: | Erection of first floor side extension over existing garage to form additional living accommodation. | Parish: | Mangotsfield Rural Parish Council |
| Map Ref: | 66806 76245 | Ward: | Emersons Green |
| Application Category: | Householder | Target Date: | 29th April 2009 |



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S

PK09/0371/F

This application has been referred to the Circulated Schedule due to the receipt of one letter of objection from a neighbouring resident.

1. THE PROPOSAL

- 1.1 The application property is a two storey detached dwelling and is located within a residential area of Emersons Green. The property is of an unusual form, with a projecting two storey gable set off a two storey hipped unit with the hipped roof continuing over an attached side garage. Whilst the surrounding properties are of various size and design, there are dwellings of similar design and scale to the application property in the vicinity.
- 1.2 The applicant is seeking full planning permission for the erection of a first floor side extension over the existing garage at 9 Bissex Mead, Emersons Green. The proposed extension would raise the eaves height of the garage to 4.9 metres to match the main eaves height. The roof ridge of the main roof would be extended 2.5 metres and hipped to balance with the existing hip on the other side of the roof.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance
South Gloucestershire Council Advice Note No 2: House Extensions

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/0923/F Erection of rear conservatory
Approved May 2006

4. CONSULTATION RESPONSES

- 4.1 Mangotsfeild Rural Parish Council
No objections

Other Representations

- 4.2 Local Residents
One letter was received from a local resident raising the following concerns:
- Proposal would have a detrimental impact on the neighbouring property resulting in a boxed in appearance.
 - Due to the No. 9 being set forward of the neighbouring property the proposal would be very imposing.

- The estate has been designed so that angled roofs give a sense of space, the proposal would ruin this careful planning.
- The proposed extension would block signal to a satellite dish.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that extensions should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

5.2 Design / Visual Amenity

Concern has been raised that visually the proposal would have a detrimental impact on the neighbouring property and the surrounding area. It is considered that the proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. This is particularly the case given that the buildings in the surrounding area are of various size and design. Whilst the extension would change the unusual appearance of the building into a far more standard dwelling, the appearance of the resultant building is well proportioned and would remain in keeping with the scale of the surrounding dwellings within Bissex Mead. Furthermore, the proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling. It is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

5.3 Residential Amenity

Concern has been raised that the proposal would be very imposing on the neighbouring property. Whilst the application property is set forward of the neighbouring property, No. 11 Bissex Mead by approximately 1 metre, given that the proposed extension would be adjacent to the blank side elevation of this neighbouring property, in combination with the existing boundary treatment in place, it is not considered that a refusal reason on overshadowing or overbearing grounds could be substantiated.

The proposal includes the addition of two new first floor windows, one on the front elevation and one on the rear elevation. Given the location of these windows, it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy over and above the levels of overlooking from the existing first floor windows. It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.4 Other Issues

With regard to the objection raised stating that the proposal would result in loss of signal to a satellite dish, this is not a material planning consideration.

5.5 Section 106 Requirements

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

6. CONCLUSION

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

The recommendation to grant 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 **PK09/0371/F**

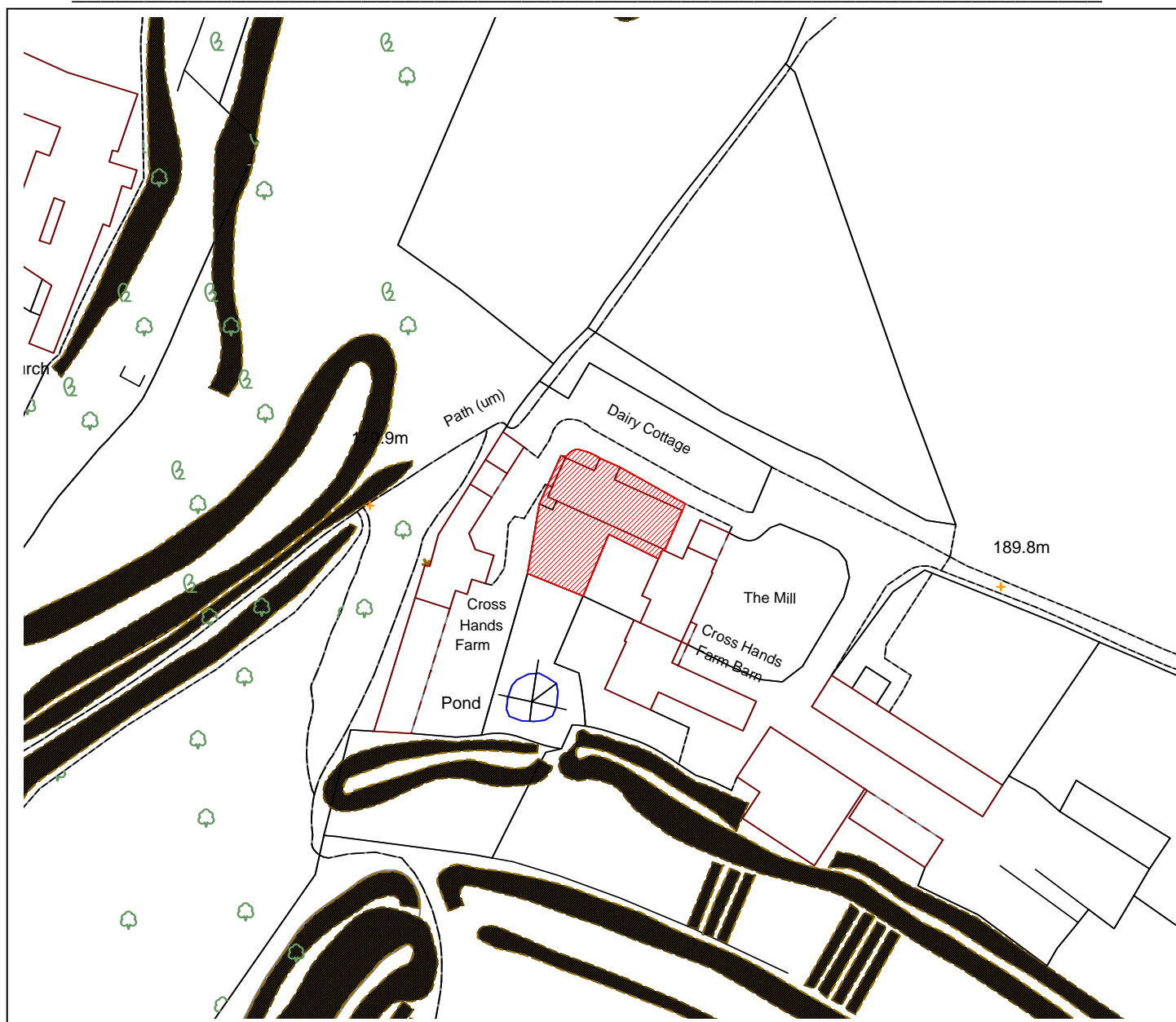
Contact Officer: **Kirstie Banks**
Tel. No. **01454 865207**

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason:
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
Reason:
To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 14/09 – 9 APRIL 2009

| | | | |
|----------------------------------|--|-------------------------|----------------------------------|
| App No.: | PK09/0439/CLE | Applicant: | Mr A Herbert |
| Site: | Dairy Cottage, Tetbury Road, Old Sodbury, South Gloucestershire, BS37 6RJ | Date Reg: | 12th March 2009 |
| Proposal: | Application for Certificate of Lawfulness for the existing use as residential without compliance with agricultural occupancy condition attached to planning permission P89/1456. | Parish: | Little Sodbury Parish Meeting |
| Map Ref: | 76086 82826 | Ward: | Cotswold Edge |
| Application Category: | Minor | Target Date: | 30th April 2009 |



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

CIRCULATED SCHEDULE REPORT

App No.: PK09/0439/CLE
Site: Dairy Cottage, Tetbury Road, Old Sodbury, South Gloucestershire, BS37 6RJ
Applicant: Mr A Herbert
Date Reg: 12th March 2009
Proposal: Application for Certificate of Lawfulness for the existing use as residential without compliance with agricultural occupancy condition attached to planning permission P89/1456.
Parish: Little Sodbury Parish Meeting
Map Ref: 76086 82826
Ward: Cotswold Edge
Application Category: Minor
Target Date: 30th April 2009

INTRODUCTION

This application is reported on the Circulated Schedule under the standard procedure for dealing with Certificate of Lawfulness applications.

1. THE PROPOSAL

- 1.1 This application makes the claim that Dairy Cottage, within the Cross hands Farm group in Little Sodbury was occupied by a person or persons not deriving their primary income from agriculture for a period exceeding 10 years prior to the submission of this application. The site is a converted single storey dwelling.
- 1.2 A site visit carried out on 16 March 2008 showed that the dwelling was occupied.

2. POLICY CONTEXT

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

3. PLANNING HISTORY OF SITE

- | | | | |
|-----|------------|--|----------|
| 3.1 | P86/2203 | Conversion of building to farm worker's dwelling | Approved |
| 3.2 | P86/2202/L | Listed Building application to accompany above | Consent |
| 3.3 | P89/1456 | Extension of existing agricultural worker's dwelling and change of use of two barns into dwellings | Approved |
| 3.4 | P89/1457/L | Listed Building application to accompany above | Consent |
| 3.5 | P90/1030 | Alteration and extension of ag. Worker's dwelling | Approved |
| 3.6 | P90/1031/L | Listed Building application to accompany above | Consent |
| 3.7 | P99/2123 | Removal of condition 5 of P90/1030 tying the agricultural worker | Refused |

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 4.1 The application is accompanied by an affidavit together with three appendices aiming to prove the claim.
- 4.2 The affidavit was sworn by Anthony Herbert, stating that his parents lived at the site from 1990 to their deaths in 2003 and 2006 respectively. In March 1989 Listed Building Consent and planning permission were granted (as at 3.3 and 3.4 above) with condition 5 of the planning permission reading:

The occupation of the dwelling Unit 3 hereby authorised shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture, as defined in Section 290 (1) of the Town & Country Planning Act 1971, or in forestry (including any dependents of such a person residing with him or her) or a widower of such a person.

The relevant planning permission is produced as an appendix – AH1.

Unit 3 as referred to above is known as Dairy Cottage and appendix AH2 shows the boundaries of the property shown marked in red on that plan.

At the time of the planning application Mr Herbert's father was operating a farming business at Cross hands Farm on some 160 acres. In addition, he had interests in several bakery shops, including Hobbs House in Chipping Sodbury and Herberts in Bath and Bristol. Other income in 1989 was derived from investment properties later given to members of the family (in 1993) including letting of buildings at Cross Hands Farm to car breakers and for storage purposes and a house in Patchway. He also had a pension and interest from deposit accounts.

By 1994/5 it is stated that his father was receiving income from other properties such as a bakers shop in Kingswood. Appendix AH3 contains two schedules of income received by Mr and Mrs Herbert Snr between 1994 and 2007, produced by chartered accountants.

In 1994/95 the Farm Accounting Profit (FAP) was £2,413 after depreciation and allowances. The net rent from the barns (at £6,613) was included in the farm accounts, subsidising that business. In 1995/96 the FAP was £3,205 and again without the rent, the business would have been in loss. In 1996/97 the FAP was £2,575 and during this year farming activities stopped. The accountant advises that during the time in which Mr Herbert Snr traded, the farm enterprise has not been profitable. In 1998/99 milling activity on the farm ceased, the equipment had been leased to a third party in 1994/95 and then sold.

When Mr Herbert Snr sold 121 acres of agricultural land to Mr E. Shiles on 9 October 1996, his farming activities ceased on the farm. No further farming income was received by him after that financial year. The remaining 40 acres of pasture land were sold in 1999 to Mr and Mrs Snell along with the former agricultural buildings which were still in Mr Herbert Snr's ownership. The accounts at AH3 show that income from the renting of the barns was between 1996 and 1999 only. Mrs Herbert Snr was not a partner in the farming business and received no income from let properties. Her only income came from interest on deposit accounts and a small amount from the D Herbert Trust in 2006 only.

The statutory declaration concludes that between 1 April 1994 and 8 October 1996, the farm enterprise made a loss for two years and between 9 October 1996 and 9 September 2006 his father and latterly his mother have occupied Dairy Cottage deriving their income from the letting of property and investments outside of agriculture, in contravention of condition 5 of the planning permission dated 14 July 1989. Subsequent to Mrs Herbert's death, Dairy Cottage has been occupied by Mr Wells, a retired baker.

5. SUMMARY OF CONTRADICTORY EVIDENCE

5.1 None received.

6. OTHER REPRESENTATIONS RECEIVED

6.1 Little Sodbury Parish Meeting

No reply received.

Other Representations

6.2 Local Residents

No replies received

Gloucestershire Estates

I cannot see how the amount of profit generated from a farm to which the dwelling has an existing or historic connection has any real bearing as to whether a tie should remain. It might help demonstrate that there is no longer a functional need on the holding but that is only part way to ascertaining whether the tie has outlived its usefulness.

In accordance with Clause 17 to Annex A to PPS 7, the retention or removal of an agricultural tie should be based on an up-to-date assessment for the demand for farm dwellings in the area bearing in mind that it is the need for a dwelling for somebody solely, mainly or last working in agriculture or forestry in an area as a whole and not just on the particular holding. With regard to this requirement, the common approach has been to market the property and carry out a survey in an attempt to establish lack of agricultural need in the locality.

There is no case as far as I can make out that the tie has not been adhered to for over 10 years. The father only died in 2003 who was "last employed, in the locality in agriculture" and the mother died in 2006 who was of course a "widower of such a person" as set out in the condition.

7. ASSESSMENT

7.1 The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the use described has or has not been carried out for a period exceeding ten years and whether or not the use is in contravention of any Enforcement Notice which is in force.

7.2 Dealing with the latter point from above first, as noted in the 'History' section above, no Enforcement Notice is in force on any part of the site. A Planning Contravention Notice was served, but no further action was taken after this.

7.3 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is "on the balance of probabilities". Advice contained

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

7.4 Hierarchy of Evidence

The evidence submitted comprises statutory declarations, in some cases referring to further documents. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits) which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.

Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

7.5 The tests in this case are considered to be whether the dwelling was occupied for the prescribed 10 year period and whether the occupants over that period were employed in agriculture or last employed in agriculture. If both took place over the last ten years then the breach of condition claimed would be immune from enforcement action and the continued occupation of the dwelling by non-agricultural workers would be lawful.

7.6 With regard to the time from September 2006, the dwelling has been occupied by a retired baker. There is no evidence put forward that this person derives an income from agricultural work and the available evidence points to his last work position not being agricultural. It is therefore considered that the claim is more likely than not been proved for the last two and a half years.

7.7 The previous period needs further scrutiny, since Mrs Herbert could have been the widow of someone last employed in agriculture and therefore have complied with condition 5. In order to examine this, the evidential test needs to be applied to her husband's last employment, which in itself relates to the remainder of the time of the claimed ten years. The evidence for non-agricultural income applying specifically from 1999, when the last of the

farmland and buildings were sold. Even at this point, Mr and Mrs Herbert could have been retired agricultural workers or dependents thereof, thereby satisfying the condition. Therefore the period immediately previous to the sale of the last of the holding is also considered to be relevant. It is noted that no mention is made of other sources of income in this submission, other than those deriving from renting parts of the farm and interest on deposit accounts.

7.8 In this case, no contradictory evidence has been received. The test of the balance of probability will therefore be applied to the evidence which was submitted by the applicant, i.e. the affidavit and appendices. The relevant tests are that this evidence is clear and precise. The task of this application is to prove that in the last ten years the property has not been occupied (at any time) by someone who was 'employed, mainly employed or last employed in the locality in agriculture' (condition 5). The time in question, when proof is required is between March 1999 and March 2009, when the application was submitted.

7.9 The evidence supporting the claim over this period has been detailed at Section 4 above. The affidavit would need to prove that Mr Herbert was not employed, mainly employed or last employed in the locality in agriculture. If this was the case, then, by extension this would also apply to his widow. It is stated that Mr Herbert ran a farming business at the site in 1989, when the condition was imposed. It states that Mr Herbert's farming activities ceased in October 1996. At this point, he was last employed in agriculture in the locality and therefore met the terms of the condition. At no point does the affidavit state that Mr Herbert was employed in doing any other work, only that other sources of (non-agricultural) income grew over the subsequent years. Over that period, until his death in 2003, it is therefore considered that Mr Herbert met the terms of the agricultural tie. The same then applies to his widow, as a widower of a person who meets the terms of the condition. It is therefore considered that, on the balance of probabilities, there has been no breach of condition 5 of planning permission reference no. P89/1456 until after Mrs Herbert died in September 2006. Although the date from when the condition has been breached is unspecified, and the site visit showed that the building was currently occupied, the period of the breach of the condition cannot amount to a ten year period.

8. CONCLUSION

Officers conclude, objectively and on the balance of probability, that, according to the submitted evidence, the breach of the condition imposing an agricultural tie has not been for the requisite ten year period.

9. RECOMMENDATION

That the Certificate of Lawfulness is refused.

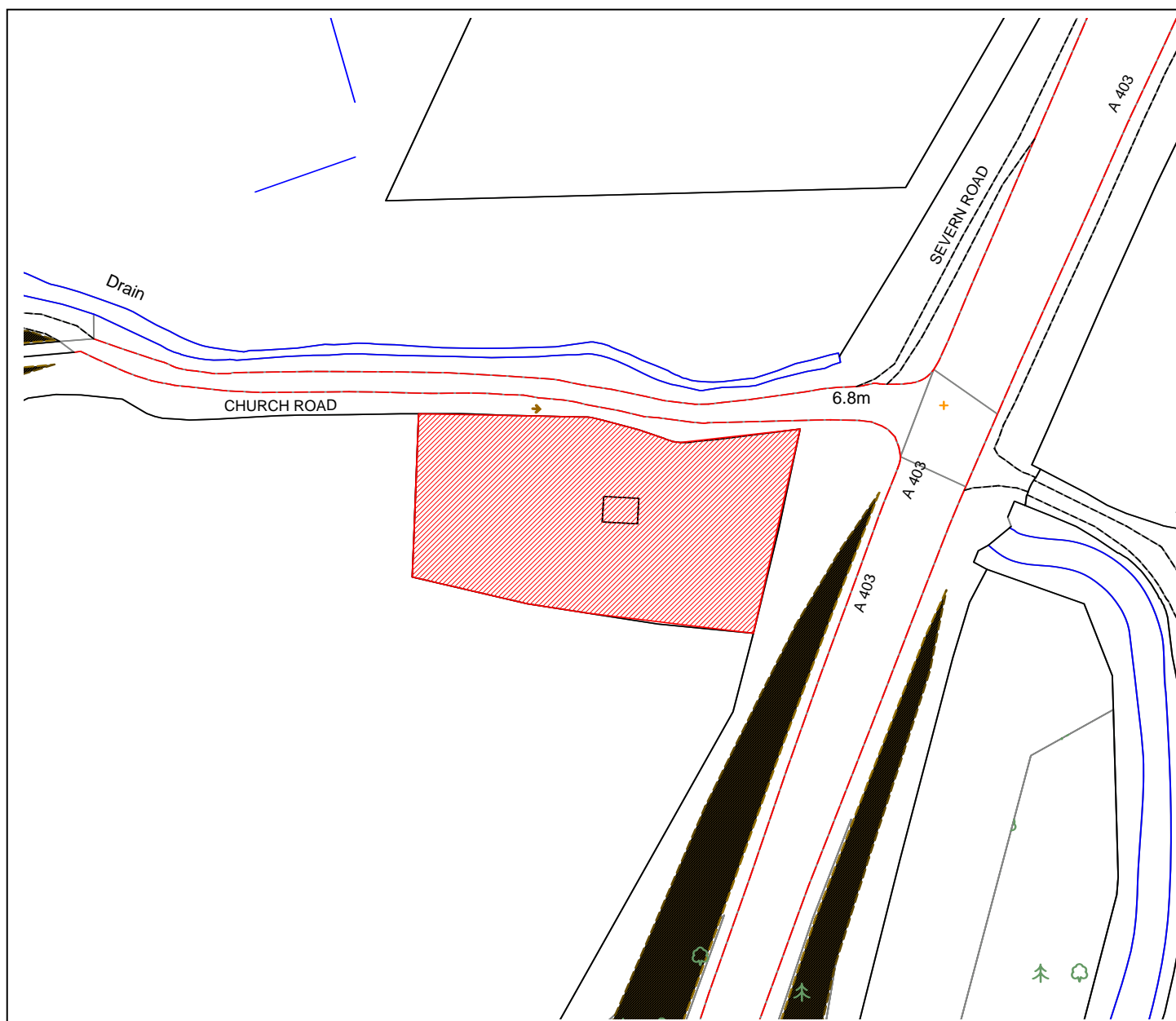
Background Papers **PK09/0439/CLE**

Contact Officer: **Chris Gosling**

Tel. No. **01454 863787**

CIRCULATED SCHEDULE NO. 14/09 – 09 APRIL 2009

| | | | |
|----------------------------------|---|-------------------------|-----------------------------|
| App No.: | PT09/0359/RVC | Applicant: | Mr K Phelps |
| Site: | Land adjacent A403 & Church Road, Severn Beach, South Gloucestershire, BS35 4NN | Date Reg: | 26th February 2009 |
| Proposal: | Variation of Condition A attached to planning permission PT06/1422/F to allow the land to be used for the storage of forestry products and machined timber including waste timber. | Parish: | Pilning and Severn Beach |
| Map Ref: | 54887 85002 | Ward: | Pilning and Severn Beach |
| Application Category: | Minor | Target Date: | 17th April 2009 |



© South Gloucestershire Council 2009. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410 2009
DC990 MW

N.T.S

PT09/0359/RVC

INTRODUCTION

This report appears upon the circulated schedule as the Parish Council has objected to the development contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 Planning permission has been obtained on this site for the use of the land for the storage of forestry products (within Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987). This consent was obtained following the appeal following the decision of the Local Planning Authority to refuse planning application PT06/1422/F.
- 1.2 This application proposes to vary the planning consent so as to allow processed and waste timber products, as well as forestry products currently consented.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
E6 Employment Development in the Countryside
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/1422/F Change of use from agriculture to allow continued use of land for storage of forestry products and logs (Class B8) as defined in the Town and Country Planning (Use Classes) Order 2005.
Refused. Appeal Allowed 15th October 2007.

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Parish Council
The Parish Council does not agree to the variation of this condition as it can see no reason why this should be the case.
- 4.2 Sustainable Transport
No Objection
- 4.3 Local Residents
No Comments Received

5. **ANALYSIS OF PROPOSAL**

5.1 The application seeks the variation of the existing consent for the storage of processed and waste timber in addition to forestry products and logs.

5.2 Principle of Development

The use of the site for the storage of forestry products and logs is established in principle. The authorised use of the land falls into Class B8 of the use classes order and is restricted to forestry products and logs by condition one of the consent.

5.3 It is now proposed to extend this restriction so that the site would also cater for processed timber including waste timber. In this instance it is considered that this change would not materially change the scope of the use that the previous Planning Inspector considered acceptable at the previous appeal. Essentially, the visual appearance of storing processed timber along side logs and forestry products would be very similar to that currently authorised.

5.4 The previous appeal decision also included a condition restricting the height of stacked timber material to a maximum of meters three and a condition precluding any direct sales from the site. These conditions would remain relevant and would prevent the use of the site to become a traditional timber yard selling direct to the public. Such conditions remain appropriate in relation to highway safety and visual amenity.

5.5 Subject to the inclusion of the above suggested conditions, it is considered that the amended wording of condition one to allow the storage of processed timber is acceptable. For the avoidance of doubt, officers consider that 'processed' timber would also include 'waste timber' as this has by implication been processed. The condition need not refer to waste timber specifically.

5.6 Design and Access Statement

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

5.7 Section 106 Requirements

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

6. **CONCLUSION**

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

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

7. RECOMMENDATION

7.1 That the proposed revision is granted and planning permission granted.

Background Papers **PT09/0359/RVC**

Contact Officer: **Simon Penketh**

CONDITIONS

1. The site shall be used for the storage of forestry products and processed timber and for no other purposes (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification)

Reason(s):

To preserve the character of the surrounding landscape and to accord with policies D1, L1 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006

2. No direct sales (public or trade) of the forestry or timber products shall take place at any time on or from this site.

Reason(s):

To preserve the character of the surrounding landscape and to accord with policies D1, L1 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006

3. In the interests of Highway Safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006

No forestry or timber products shall be stacked or deposited to a height exceeding 3 metres above ground level at any time.

Reason(s):

To preserve the character of the surrounding landscape and to accord with policies D1, L1 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.