



**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. 51/09**

**Date to Members: 23/12/09**

**Member's Deadline: 04/01/10 (5pm)**

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

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

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **within five working days of the publication of the schedule (by 5pm)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee.**

## **NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS**

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Area Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (eg, if the schedule is published on a Friday, comments have to be submitted by the end of Thursday) (see cover page for the date). A proforma is attached for your use and should be forwarded by fax to the appropriate Development Control Support Team, or by sending an email with the appropriate details to [PlanningApplications@southglos.gov.uk](mailto:PlanningApplications@southglos.gov.uk)

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

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

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

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

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

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

## CIRCULATED SCHEDULE

**DATE: 23/12/09**

**SCHEDULE NO. 51/09**

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

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

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

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

**Please note: - Reason for Referral**

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

**SIGNATURE .....**

**DATE .....**

**Dates and Deadlines for Circulated Schedule  
over the Christmas and New Year period 2009/2010**

<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline 5pm on</b>
50/09	Wednesday 16 December 2009	Tuesday 22 December 2009
51/09	Wednesday 23 December 2009	Monday 04 January 2010
52/09	No Circulated Schedule production	No Circulated Schedule production
01/10	Friday 08 January 2010	Thursday 14 January 2010

# CIRCULATED SCHEDULE – 23 DECEMBER 2009

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	<b>PK09/5371/LB</b>	Refusal	Stepping Stone Mill Shire Hill Tormarton Chippenham South Gloucestershire SN14 7AS	Boyd Valley	Marshfield Parish Council
2	<b>PK09/5746/R3F</b>	Deemed Consent	Land Adjacent To Yate Leisure Centre Kennedy Way Yate South Gloucestershire BS37	Yate Central	Yate Town
3	<b>PK09/5789/O</b>	Approve with Conditions	137 Badminton Road Downend South Gloucestershire BS16 6NE	Downend	Downend & Bromley Heath Parish Council
4	<b>PK09/5799/F</b>	Approve with Conditions	Land At The Rear Of 184 Bath Road Longwell Green South Gloucestershire BS30 9DB	Longwell Green	Hanham Abbots Parish Council
5	<b>PK09/5832/F</b>	Refusal	Stepping Stone Mill Shire Hill Tormarton Chippenham South Gloucestershire SN14 7AS	Boyd Valley	Marshfield Parish Council
6	<b>PK09/5835/CLE</b>	Approve with Conditions	363 Soundwell Road Soundwell South Gloucestershire BS15 1JN	Kings Chase	
7	<b>PT09/0461/RM</b>	Approve with Conditions	Plot 8020 Govier Way Western Approach Distribution Park Sevenside South Gloucestershire	Pilning And Severn Beach	Pilning & Severn Beach Parish Council
8	<b>PT09/5754/LB</b>	Refusal	Churchill House The Street Olveston South Gloucestershire BS35 4DP	Severn	Olveston Parish Council
9	<b>PT09/5816/CLP</b>	Approve with Conditions	Woodbine Cottage Iron Hogg Lane Falfield Wotton Under Edge South Gloucestershire GL12 8DU	Charfield	Falfield Parish Council

## CIRCULATED SCHEDULE NO. 51/09 – 23 DECEMBER 2009

<b>App No.:</b>	PK09/5371/LB	<b>Applicant:</b>	Mr T Aubery
<b>Site:</b>	Stepping Stone Mill Shire Hill Tormarton Chippenham South Gloucestershire	<b>Date Reg:</b>	17th November 2009
<b>Proposal:</b>	Retention of porch with proposed alterations to amend roof design.	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	378820 176453	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	8th January 2010



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 100023410, 2008. **N.T.S.** **PK09/5371/LB**

## **INTRODUCTION**

This listed building application and an associated planning application PK09/832/F which appears elsewhere on this schedule, have been referred to the Council's Circulated Schedule in line with the Council's procedures as the Officer is recommending refusal but a letter of support has been received from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 This application concerns a grade II listed former mill, which has been converted for residential use.
- 1.2 This listed building application seeks listed building application permission to retain an existing porch that has been attached to the front elevation and to amend the design of the existing roof.

#### **1(b) Background**

- The porch subject of this application was erected without planning permission and listed building consent.
- Retrospective applications (PK07/1587/F and PK07/1575/LB) were submitted and subsequently refused on visual amenity grounds and harm to the listed building.
- Two further applications PK08/1048/F and PK08/1049/LB were submitted for identical works and again refused for the same reasons
- An appeal was lodged and dismissed
- A further appeal was submitted against an Enforcement notice, which was upheld. The Inspector's findings will be discussed in detail below.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1            Delivering Sustainable Development  
PPG15         Planning and the Historic Environment

#### **2.2 Development Plans**

South Gloucestershire Local Plan (Adopted) January 2006  
L13             Listed Building

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

3.1 The following history relates to the application site:

- 3.2 PK07/1587/F            Retention of porch  
Refused July 2007 on visual amenity grounds and  
harm to listed building July 2007
- 3.3 PK07/1575/LB         Retention of porch

Refused July 2007 due to harm to listed building July 2007

- 3.4 PK08/1048/F Retention of porch
- Refused May 2008
  - Appeal dismissed October 2008
  - Enforcement appeal upheld but extension of time Granted September 2009
- 3.5 PK08/1049/LB Retention of porch
- Refused May 2008 due to harm on listed building
  - Appeal dismissed October 2008
  - Enforcement appeal upheld but extension of time granted September 2009

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

- 4.1 Marshfield Parish Council  
Support application.

##### **Other Representations**

- 4.2 Local Residents  
No consultation replies were received.

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

- 5.1 Principle of Development  
Policy L13 of the South Gloucestershire Local Plan seeks to protect listed buildings.
- 5.2 PPG 15 states that when considering whether to grant listed building consent for works which affect a listed building or its setting, special regard should be had to the desirability of preserving the building, or its setting, or any features of architectural or historic interest which it possesses.
- 5.3 Regard must be had to the planning history and appeal decisions, which are clearly strong material planning considerations with regard, the determination of this application. For the purposes of assessing this application the Council has to consider whether or not there are any new material planning consideration, which would outweigh the harm as already identified.
- 5.4 Listed Building  
The previous two listed building applications were refused on the following grounds:

*The proposed works would be detrimental to the architectural and historic character of this listed building contrary to Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.*



5.5 The Inspector made the following assessment:

*The byre to which the porch has been added has been converted to domestic use, the special interests of the building lies in its historic agricultural form and the contribution it thereby makes to the grade II listed mill house*

*PPG 15 notes that many listed building can sustain some degree of sensitive alterations or extension but goes on to caution that minor works of indifferent quality, which may seem individually of little importance, can cumulatively be very destructive of the buildings special interest.*

*The building has already undergone extensive alterations to facilitate its new use and whilst the porch may be relatively small, the visual impact it has is considerable. In my view the effect is significant degradation of the agricultural character and appearance of the barn.*

*I conclude the porch fails to preserve the special interest of the listed building and the setting of the adjacent listed buildings contrary to Policies L13, D1 and H4 which seek to ensure that extensions respect the design and character of the existing property.*

5.6 Material Considerations advanced in support of application.

This current application proposes a different roof design to those previous refused schemes. The agent makes reference to the enforcement appeal and is of the view that the Inspector's comments make provision for a new application to amend the existing porch in order to overcome the previous objections to the appearance and form of its roof.

5.7 The agent advises that the proposal retains the lower structure of the existing porch and replaces the existing roof with a cat slide roof to match the roof of the previously approved conservatory and follows a simple agricultural form which is in keeping with the main building.

5.8 At the time of the Enforcement appeal the Inspector made the following comments and commented on the previous appeal decision:

*That appeal decision is an important consideration. In it the Inspector compared unfavourably the overtly domestic appearance of the porch with a conservatory room extension on the rear. I have had regard to the appellant's contention that many of the Inspector's concerns could be overcome simply by replacing the existing roof of the porch with a catslide one similar to that of the conservatory room extension. However it is not clear to me that would be sufficient to overcome her concerns, which I share. In particular her comments regarding scale and location would not be addressed by changing the roof of the porch*

*Put simply I do not share the appellants apparent belief that the domestic appearance of the porch, and the harm it causes is simply a product of its roof form.*

*If the appellants wish to explore the possibility of replacing the roof with a different one, I consider that formal applications that could be subject to the normal procedures are called for.*

5.9 The Planning Officer concurs with the Listed Building Officer that the fundamental objection to the principle of the porch has not been overcome. The fundamental problem with this development is that a porch of a domestic nature such as this would not historically be attached to an agricultural outbuilding such as the byre. One of the justifications for the development, as set out in the submitted planning statement, is that the byre is now converted to residential dwelling and therefore domestic extensions such as a porch are appropriate. The policy and guidance relating to listed buildings does not advise that this is how conversions or alterations to listed buildings should be considered. All alterations to listed buildings, whether in their original use or a converted use, should respect and maintain the original character and architectural qualities of the building. PPG15 advises that *'minor works of indifferent quality, which may seem individually of little importance, can cumulatively be very destructive of a building's special interest.'*

5.10 While the porch may be considered as a relatively minor addition, it is not appropriate to the building and is detrimental to its historic character and architectural integrity. It is therefore considered that the proposed revised changes have not addressed the previous listed building refusal reasons and appeal decisions.

5.11 Design and Access Statement

The Design and Access Statement submitted with the application is not considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

## 6. CONCLUSION

6.1 The decision to refuse Listed Building Consent has been taken having regard to the section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 and Government advice contained in PPG 15 (Planning and the Historic Environment).

## 7. RECOMMENDATION

7.1 Listed Building Consent be refused for the following reason.

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

## **REASONS FOR REFUSAL**

1. The proposed works would be detrimental to the architectural and historic character of this listed building contrary to Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and National Guidance set out at PPG15.

**CIRCULATED SCHEDULE NO. 51/09 – 23 DECEMBER 2009**

<b>App No.:</b>	PK09/5746/R3F	<b>Applicant:</b>	SGC & Yate Town Council
<b>Site:</b>	Land Adjacent To Yate Leisure Centre Kennedy Way Yate Bristol South Gloucestershire	<b>Date Reg:</b>	11th November 2009
<b>Proposal:</b>	Erection of two storey extension to form Youth Centre and Cafe (Class A3) with landscaping and associated works. Erection of 3.4m maximum high wire mesh fencing.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371231 182478	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th January 2010



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 100023410, 2008. **N.T.S.** **PK09/5746/R3F**

## **INTRODUCTION**

This application is reported on the Circulated Schedule under the standard procedure, as it has been submitted (albeit jointly with Yate Town Council) by the Council itself.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for a two storey extension to Yate leisure centre to form a youth café with landscaping and associated works. The proposal includes the erection of a mesh fence to a maximum height of 3.4 metres. The leisure centre stands at the western end of the 'island' in the middle of Yate, bounded by Kennedy Way, Link Road and Station Road, where the majority of Yate's civic functions are located, along with the town's shopping centre and associated peripheral car parking. The leisure centre is effectively two storeys high, with a flat roof and landscaping including mature trees to the west of it, where the island abuts a mini roundabout. It is an, albeit well landscaped, gateway site for the centre of the town.
- 1.2 The proposed extension would take an usual form, with six stepped (sedum) flat roof elements of render and horizontal timber cladding, descending down in a curve from the blank side elevation of the leisure centre. These elements, with the appearance of extensions in relation to each other, provide predominantly two storey accommodation, although necessarily reducing to single storey due to the design. The ground floor would provide a café, complete with kitchens, servery, toilets and group rooms, while the first floor would comprise of two activity rooms, office and meeting room. The use applied for the building would be a joint use of a youth centre and café, intended to provide leisure, social and entertainment facilities for young people in the town. As such it would be a formal and semi-formal facility to provide a safe meeting space for young people.
- 1.3 The curving nature of the design would partially enclose an access path linking the site to the car parking to the south of it, accessed off Kennedy Way. The works would entail the loss of two trees with are covered by a Tree Protection Order and potentially effect others as the new fencing would go through their root protection areas. The proposed fence would continue the curve of the proposed built form and enclose the site around a group of existing trees. The fence would be stepped at intervals from 3.4 metres, to 2.9 metres and finally 2.4 metres above ground level. It would finish in gates at the southern end of the leisure centre's western elevation.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
RT1 Development in town centres  
D1 Design  
L1 Trees

LC4 Community facilities

2.3 Supplementary Planning Guidance  
Design checklist

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

3.1 N1559Erection of sports centre Approved

3.2 No other applications affecting the land to the west of the leisure centre.

### 4. **CONSULTATION RESPONSES**

4.1 YateTown Council

As joint applicants, the Council simply noted the application's submission.

4.2 Other Consultees

Tree Officer

I am satisfied that the tree issues have been addressed. I have no objections to the removal of the two trees identified. We will need a detailed Tree Protection Plan and Arboricultural Method Statement to approve. I am happy for this to be conditioned on this occasion.

Transportation

Planning permission is sought to erect a two storey building to form a Youth Centre and Café. The proposed building is within the existing Yate Town Centre where there is good access by all modes of transport. It is considered that given the proposed use, it is likely to be most popular during the evening when the town centre area is less busy.

On that basis, there is no transportation objection to this proposal.

Avon & Somerset Police

Support the proposal.

#### **Other Representations**

4.3 Local Residents

No replies received.

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

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The following analysis concentrates on the criteria to be met which are set out in policy LC4, along with landscape and design issues. Policy RT1 governs development in town centres. RT1 sets 5 criteria, three of which overlap with the criteria in policy LC4. Of the others it is considered that A) the proposal would have no detrimental impact on the vitality and viability of the centre, being located on a site which at present plays no role in the centre, being an area of landscaping and B) it would be consistent with the scale and function of the centre, for the same reason and as examined in

detail at 5.7 below. The proposal overall is therefore considered to meet the terms of policy RT1 and is therefore acceptable in principle.

5.2 LC4 A: Accessibility of the site by foot and cycle

The site forms part of Yate town centre. This is the hub of foot and cycle routes for the town and therefore it is considered that this is the ideal location for the proposed facility in order to meet this criterion of policy LC4.

5.3 LC4 B: Effect on Residential Amenity

Three sides of the site are bounded by roads and the roundabout while the eastern side abuts the leisure centre. The nearest housing is to the south of the site, across Kennedy Way and this is considered to be too distant, at approximately 100 metres, to be affected by the proposed development.

5.4 LC4 C: Environmental or Transportation Effects

The location of this site would make use of the parking facilities around the town centre generally and therefore it is not anticipated that the proposed development would cause any particular transportation effects. The location of the site would allow drivers the opportunity to combine visits to the site and other facilities in and around the centre. Regarding environmental effects, the likely impact on residential amenity has already been covered and no other environmental impacts are foreseen. It is considered that the proposal accords with this criterion of the policy.

5.5 LC4 D: Effect on On-Street Parking

Given the level of available off street parking in the vicinity of the site, with convenient and safe access by foot to the site, it is not considered that the proposal would lead to any increase in on-street parking.

5.6 L1 Trees

It is acknowledged that the proposed development would involve the loss of two trees which are covered by a Tree Protection Order. There would also be some effects on the root protection areas of surrounding TPO trees. It has been agreed with the developer's agent that these issues can be dealt with through the imposition of appropriate conditions, which appear below.

5.7 Design and Visual Amenity

The design of the building, while nominally an extension, is considered to be innovative and suitable for a gateway site to a town centre. These type of sites mark a transition from one area to another and therefore it is considered to be appropriate to mark this transition with a landmark building. As such, it advertises the fact that the town centre begins at this point. The building is distinctive, even though its form does not indicate the function that it performs, it does indicate that it would have an unusual function and this is considered to be appropriate to a town centre location. As such, the design is considered to respect local distinctiveness.

At the same time as being read as a separate building, it also forms an extension to the existing blank side elevation of the leisure centre. As an extension, it is appropriately subservient to the host building, although it displays its own identity through its form and its materials, which bears no resemblance to its host.

Overall, the design is considered to be successful and accords with policy D1.

#### 5.8 Fence

The fence, while taller than is usually the case, is considered to form part of the design in that it is stepped down in stages to mirror the design of the building/extension. As such, given the degree of integration of the fence into the design and the screening effect of the vegetation around it, it is considered that it would not be out of place. Therefore it is considered that the fence accords with policy D1.

#### 5.9 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.

#### 5.10 Use of Energy and Sustainability

The main glazing in the building would face south and thereby benefit from solar gain. The layout with a central social space will aid natural ventilation. The building will be constructed with sustainable materials and waste generated in the construction process will be processed in a sustainable manner. The lighting and heating will be energy efficient. A sedum roof will be used to reduce the urban heat island effect and provide a habitat for insects. Major building elements will have insulation U values significantly better than those required through the Building Regulations.

#### 5.11 Improvements Achieved to the Scheme

Negotiations were undertaken at length prior to the submission of the proposal and involved minor alterations to the design.

#### 5.12 Section 106 Requirements

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



## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- 6.3 The site is centrally located to maximise accessibility, which also offers opportunities for trip combining and alternatives to car use, precluding any parking provision being necessary. The use would be appropriate too the site's town centre location and it's form, mass and detailed design are considered to have a positive effect on this gateway site to the town centre. The proposal is considered to accord with policies RT1, LC4, D1 and L1 of the adopted Local Plan.

## 7. RECOMMENDATION

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

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

### CONDITIONS

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

Reason

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

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

Reason

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

3. The premises shall be used for a youth centre and cafe (Class A3); and for no other purpose (including any other purpose in Class A3); of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

To prevent a change of use to a function less suitable within a town centre and to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No machinery shall be operated, no process shall be carried out, no deliveries taken and the site shall not be open to the public outside the following times 0900 to 2200.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of development, a Tree Protection Plan specifying the method of protection of the trees on site including their root areas and the times when any protective measures shall be provided and removed as well as an Arboricultural Method Statement covering the proposed works to trees shall be submitted for approval in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved.

Reason

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

**CIRCULATED SCHEDULE NO. 51/09 – 23 DECEMBER 2009**

<b>App No.:</b>	PK09/5789/O	<b>Applicant:</b>	Mrs S Tarr
<b>Site:</b>	137 Badminton Road Downend Bristol South Gloucestershire BS16 6NE	<b>Date Reg:</b>	17th November 2009
<b>Proposal:</b>	Demolition of existing dwelling to facilitate the erection of 2no. dwellings (Outline) with means of access to be determined. All other matters reserved.	<b>Parish:</b>	Downend & Bromley Heath Parish Council
<b>Map Ref:</b>	365261 177361	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	8th January 2010



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 100023410, 2008. **N.T.S.** **PK09/5789/O**

This application appears on the Circulated Schedule following objections received from Downend and Bromley Heath Parish Council and two local residents, the concerns raised are contrary to the officer recommendation.

## **1. THE PROPOSAL**

- 1.1 The application seeks outline consent for the erection of two detached dwelling with detached garages at the rear. The proposal is to demolish the existing two-storey detached dwelling and to erect two no. of detached dwellings. Access is to be determined at the outline stage and an illustrative plan to show the footprint, scale, elevations and floor plans of the dwellings and access arrangements has been submitted accordingly.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1 Delivering Sustainable Development  
PPG3 Housing  
PPG13 Transport  
Circular 11/95: Use of Conditions in Planning Permissions

### **2.2 Development Plans**

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

D1 Design  
H2 Residential Development  
H4 Development within existing Residential Curtilages  
H6 Affordable Housing  
L1 Landscape Protection and Enhancement  
T8 Parking Standards  
T12 Transportation Development Control Policy for New Development  
EP1 Environmental Pollution  
LC2 Provision for Education Facilities  
LC8 Open Space

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None.

## **4. CONSULTATION RESPONSES**

### **4.1 Downend and Bromley Heath Parish Council**

Objection to demolishing a house of character which fits into the locality. 2x detached houses would be out of keeping on a plot of this width in the locality.

### **Other Representations**

### **4.2 Local Residents**

Two responses were received from the occupant of neighbouring properties. The concerns raised are summarised as follows:

- Loss of privacy
- Loss of light

### **Internal Consultees**

- 4.3 Technical Services – Drainage  
No objection in principle subject to submission of a drainage scheme.
- 4.4 Environmental Services  
No objection subject to standard informatives for construction sites.
- 4.5 Highways  
No objection.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
The site is within the established residential area as defined in the local plan. Government advice contained in PPG3 – ‘Housing’ (para. 54 and 58) supports a more efficient use of land in the urban area, with a (para.11) provision for more intensive housing development in and around existing centres and close to public transport nodes.

The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:

- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
- B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
- C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
- D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.

Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to secure good quality designs.

- 5.2 Density  
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPG3 seeks to avoid development, which makes an inefficient use of land.

PPG3 defines an inefficient use as a density of less than 30 units per hectare, and the supporting text to Policy H2 sets out the Council's expectation that higher densities (in excess of 50 dwellings per hectare) will be achieved in and around existing town centres and at locations well served by public transport.

The South Gloucestershire Local Plan (Adopted) 6th January 2006 and PPG3 (para.54) also seek to ensure, in achieving higher densities for new development, that "*local planning authorities and developers think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment*". The density on this 0.05 ha plot would be 40 units per hectare, which is considered to be the maximum achievable having regard to the site's constraints relating to width, access, impact on residential amenity and proximity to a railway line.

### 5.3 Scale and Design

The Parish Council is concerned that the proposed development would be out of keeping with the character and appearance of the area. The application is only related to the principle of the residential development and the proposed access, therefore the appearance, layout and scale of the proposed dwellings will be subject to an application of reserved matters. of the proposal will be assessed at the reserved matter stage.

### 5.4 Residential Amenity

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

Local residents are concerned that the proposed development would cause the loss of daylight and the loss of privacy.

As this is an outline planning application, and the proposal is only related to the principle of the residential development and access arrangement. . The submitted elevations and floor plans for the proposed dwellings are only for illustrative purposes. The appearance, layout and scale of the proposed dwellings will be subject to an application of reserved matters. In this instance, the issues of residential amenity will be assessed within an application for reserved matters.

### 5.5 Transportation Issues

The existing access will be enlarged and a turning area will be provided at the front of the property. Two off-street parking spaces and two detached garages will be provided within the site. Officers therefore consider that the proposal would comply with Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

Subject to conditions to secure all of the above highway matters, there is no objection on highway grounds to the proposal.

### 5.6 Drainage Issues

In terms of drainage the Council's Drainage Engineer has raised no objection to the proposal. A condition would however secure the submission of a full drainage scheme for approval before development could commence.

- 5.7 Environmental Issues  
The Council's Environmental Health Officer raises no objection to the principle of the scheme.
- 5.8 Affordable Housing  
The proposal is for two houses only, which is below the Council's threshold for affordable housing provision.
- 5.9 Education Service  
The proposal is for two houses only, which is below the Council's threshold for contributions to the Education Service.
- 5.10 Community Services  
The proposal is for two houses only, which is below the Council's threshold for contributions to Community Services.
- 5.11 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.
- 5.12 Use of Energy and Sustainability  
Given the nature of the development, this is not required above building regulations.
- 5.13 Improvements Achieved to the Scheme  
None required.
- 5.14 Section 106 Requirements  
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 6. CONCLUSION

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

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

### **CONDITIONS**

1. Approval of the details of the layout, scale and appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the layout, scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

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

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

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



Reason

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

6. 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 H2/D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006

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

Reason

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

8. The drainage scheme approved, incorporating Sustainable Drainage Systems (SUDS), shall be implemented in accordance with the approved details before the development is occupied.

Reason

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

9. The off-street car parking including the detached garages and access facilities shown on the Site Block Plan No. 2740 hereby approved shall be provided before the building is first occupied, and thereafter retained as such and used only in conjunction with the occupation of the buildings purpose.

Reason

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

10. The proposed off-street parking area and turning area shall be finished with permeable bound surface and shall be maintained as such thereafter.

Reason

To ensure a satisfactory means of drainage and pollution control in order to comply with South Gloucestershire Local Plan (Adopted) January 2006 Policy L17, L18, EP1, EP2 and Town and Country Planning Order 2008 (No 2362) Class F.

11. Building operations shall not be commenced until samples of the roofing and external facing materials proposed to be used have been submitted to and approved by the Council and all such materials used in construction of the buildings hereby authorised shall conform to the details so approved.

Reason

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

12. The hours of working on the site for the period of construction of the development hereby approved, shall be restricted to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies EP1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. Notwithstanding the submitted details, no habitable windows shall be installed at the side elevation of the dwellings.

Reason 1

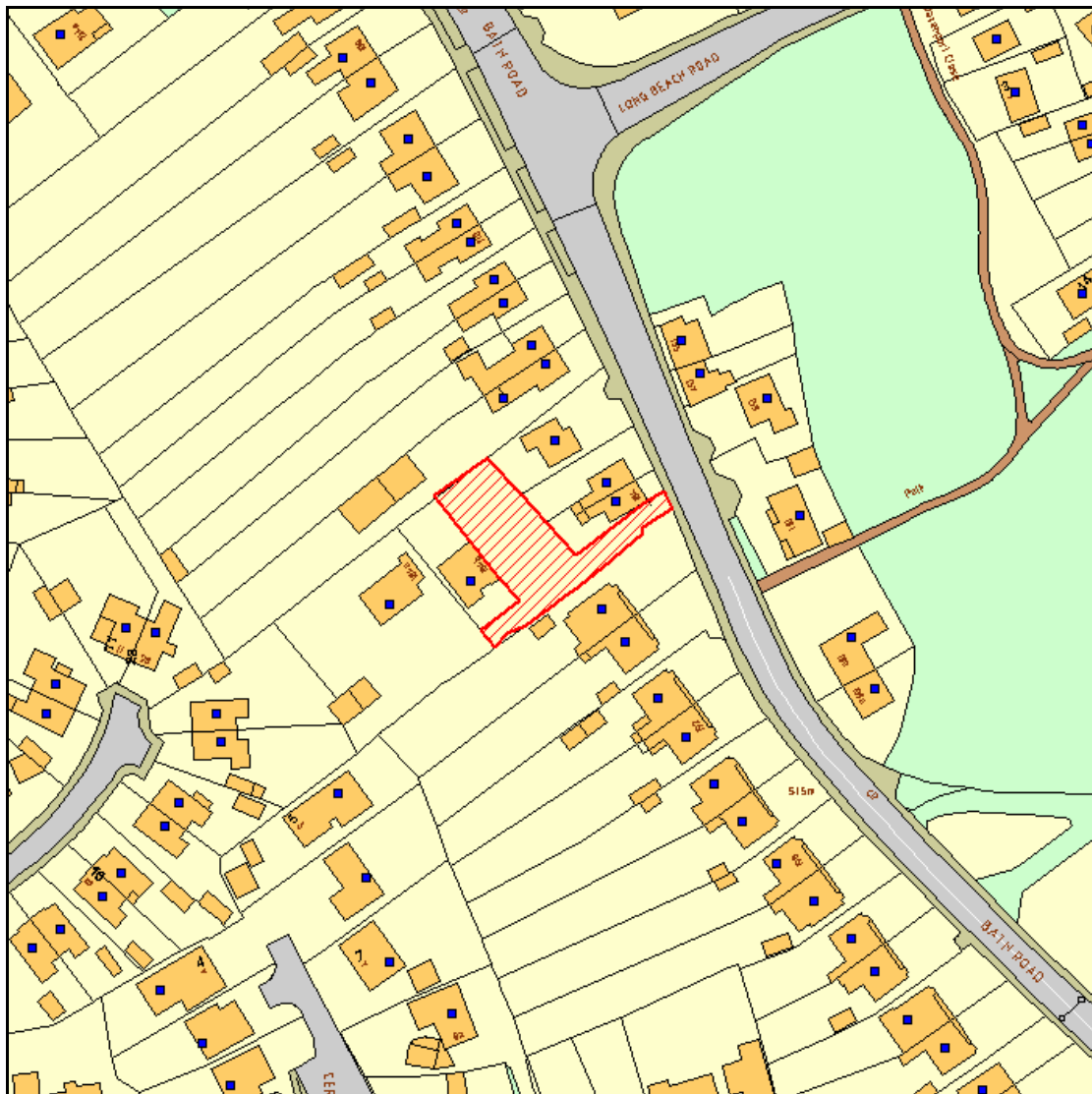
In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2

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

**CIRCULATED SCHEDULE NO. 51/09 – 23 DECEMBER 2009**

<b>App No.:</b>	PK09/5799/F	<b>Applicant:</b>	A And J Properties
<b>Site:</b>	Land At The Rear Of 184 Bath Road Longwell Green Bristol South Gloucestershire BS30 9DB	<b>Date Reg:</b>	19th November 2009
<b>Proposal:</b>	Erection of 1no. detached dwelling with access and associated works. (Amendment to previously approved scheme PK09/1282/F to include a first floor extension over proposed garage.)	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	365976 170819	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th January 2010



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## **INTRODUCTION**

This application has been referred to the circulated schedule due to the receipt of one letter of objection from a local resident and objections from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a detached dwelling to the rear of 184 Bath Road, Longwell Green. The proposed dwelling would measure 9.3 metres wide by a maximum of 11.6 metres in depth and would have an overall height to ridge of 8.8 metres.
- 1.2 The proposed dwelling would be situated on a vacant plot of land to the rear of 184 Bath Road and adjacent to 184b Bath Road. The property would be accessed via the existing private road off Bath Road.
- 1.3 This application proposes an amendment to a previously approved scheme reference PK09/1282/F. The only difference between this application and the approved scheme is that the proposal includes a first floor over the proposed side garage.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG3 Housing  
PPG13 Transport
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H2 Proposals for Residential Development within the Existing Urban Area  
L17 The Water Environment  
T8 Parking Standards  
T12 Transportation Development Control Policy for New Development  
EP1 Environmental Protection
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.

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

- 3.1 P88/4601                      Erection of 1no two storey four bed house with garage. (Outline)  
Approved October 1988
- 3.2 P89/4308                      Erection of 1 No. four bed detached house with integral garage. Alter existing vehicular/pedestrian access.  
Approved August 1989

- 3.3 PK09/1282/F          Erection of 1no. detached dwelling with access and associated works.  
Approved August 2009

#### 4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council  
Object to the proposal on the basis that the extension would have an overbearing effect on neighbouring properties and the windows would overlook neighbouring gardens resulting in a loss of privacy.
- 4.2 Sustainable Transport  
No objections

#### Other Representations

- 4.3 Local Residents  
One letter of objection has been received stating the following concerns:
- The appearance would be overbearing
  - Loss of privacy as the windows at the rear would be closer to their property.

#### 5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposed new dwellings within the existing residential curtilage, providing that the design is acceptable, highway safety would not be compromised, adequate parking and amenity space is provided and that there is no unacceptable impact on residential and visual amenity.

The South Gloucestershire Plan (Adopted) 2006 identifies the site as lying within the urban area. With the exception of design, Policy H2 of the adopted Local plan encompasses all the relevant issues of the above policies. Policy H2 allows for new residential development providing that the following criteria are complied with:-

- 5.2 **(a) Development would not have unacceptable environmental or transportation effects; and would not significantly prejudice residential amenity.**

In the interests of clarity these two issues will be discussed in turn.

#### Transportation Issues

The amendment to the previously approved scheme includes the addition of a first floor above the attached garage only, the additional first floor space would increase the size of the bedrooms and facilitate the installation of an en-suite bathroom. The proposed dwelling would be accessed via the existing private access road off Bath Road, which already serves residential properties at 184a and 184b. One integral garage space and space for one car on the driveway is proposed.

The parking provision would be in compliance and within the Councils required parking standards, outlined in Policy T8. The Councils Transportation Officer has raised no concerns regarding the access to the proposed development which only intensifies an existing use and as such the proposal is considered acceptable.

#### Residential Amenity

The proposed dwelling would be erected adjacent to and in line with No. 184b Bath Road. Abutting the north-western side boundary of the application site would be an access lane to the rear garden of No. 178 Bath Road. The proposed dwelling would be located approximately 4.5 metres away from the neighbouring property, No. 184 Bath Road, and 8 metres away from 182 Bath Road. At its closest point the side elevation of the proposed dwelling would be located over 9 metres away from the existing rear protrusion of No. 184 Bath Road and the front elevation of the proposed dwelling would be over 12 metres away from the side elevation of 186 Bath Road. As such, by virtue of the location of the new dwelling and the distance from the surrounding residential properties, it is not considered that there are any issues of overbearing or overshadowing.

The proposal to add a first floor above the garage would result in an additional rear and front window. Given the location of the dwelling adjacent to No. 184b with the same outlook as this existing dwelling, it is not considered that the windows on the front elevation of the proposal would result in any significant increase in overlooking or loss of privacy over and above the levels of overlooking from the existing neighbouring dwelling. The rear elevation windows would overlook the rear garden for the property and to a lesser extent the rear garden of No. 178 Bath Road. This has however been mitigated against with the proposed planting of trees along the rear boundary. Whilst the additional windows would inevitably result in some increase in overlooking, it is not considered that the proposal would result in such a significant increase in overlooking or loss of privacy, for a refusal reason on overlooking grounds to be justified and substantiated at appeal.

The plans show adequate private and useable amenity space would be provided to serve the proposed dwelling. The impact on residential amenity is therefore considered to be acceptable.

#### 5.3 **(b) The maximum density compatible with the sites location, its accessibility and surroundings is achieved.**

Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3, seeks to avoid development which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used.

Officers are satisfied that having regard to the sites constraints, the pattern and scale of existing development, access and impact on residential amenity, no more than one additional dwelling could be accommodated on the site and as such density has been maximised.

- 5.4 **(c) The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination.**  
The new dwelling would be subjected to no greater levels of noise, dust, pollutants etc than the existing dwellings in the vicinity.
- 5.5 **(d) Provision for education, leisure, recreation etc. in the vicinity is adequate to meet the needs arising from the proposal.**  
The proposal is only for 1 dwelling and therefore would not have a significant impact on the area in terms of service provision.
- 5.6 Design / Visual Amenity  
There is a mix of housing types and ages in the vicinity. The proposed dwelling has been designed to reflect the appearance of the neighbouring property No. 184 Bath Road. The resultant building would be well proportioned and would remain in keeping with the scale and appearance of the surrounding dwellings. As such it is considered that the proposed dwelling is of an appropriate standard in design. The proposed dwelling would be located to the rear of 184 Bath Road and would not be readily visible from Bath Road. It is therefore considered that the proposal would not be harmful to the character and appearance of the street scene.
- 5.7 Environmental and Drainage Issues  
Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. There are therefore no objections on environmental grounds. In terms of drainage the Councils Drainage Engineer has raised no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme for approval before any development could commence.
- 5.8 Use of Energy and Sustainability  
No measures proposed.
- 5.9 Improvements achieved to the scheme  
None required.
- 5.10 Section 106 Requirements  
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposal is of an appropriate standard in design and reflects the character of the area. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of overbearing impact, and it is not considered that there are any significant concerns regarding overlooking and loss of privacy. As such the proposal accords with Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 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

**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 & Country Planning Act 1990 (as amended).

2. The hours of working on site during the period of construction shall be restricted to 07.30-18.00 Monday - Friday and 08.00-13.00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

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



Reason

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

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

Reason

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

**CIRCULATED SCHEDULE NO. 51/09 – 23 DECEMBER 2009**

<b>App No.:</b>	PK09/5832/F	<b>Applicant:</b>	Mr T Aubery
<b>Site:</b>	Stepping Stone Mill Shire Hill Tormarton Chippenham South Gloucestershire	<b>Date Reg:</b>	17th November 2009
<b>Proposal:</b>	Retention of porch with proposed alteration to amend roof design.	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	378820 176453	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	8th January 2010



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## **INTRODUCTION**

This planning application and an associated listed building application PK09/5371/LB which appears elsewhere on this schedule, have been referred to the Council's Circulated Schedule in line with the Council's procedures as the Officer is recommending refusal but a letter of support has been received from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 This application concerns a grade II listed former mill, which has been converted for residential use.
- 1.2 This planning application seeks planning permission to retain an existing porch that has been attached to the front elevation and proposal to amend the design of the existing roof.

#### **1(b) Background**

- The porch subject of this application has been erected without planning permission and listed building consent.
- Retrospective applications (PK07/1587/F and PK07/1575/LB) were submitted and subsequently refused on visual amenity grounds and harm to the listed building.
- Two further applications PK08/1048/F and PK08/1049/LB were submitted for identical works and again refused for the same reasons
- An appeal was lodged and dismissed
- A further appeal was submitted against an Enforcement notice, which was upheld. The Inspector's findings will be discussed in detail below.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1            Delivering Sustainable Development  
PPG15         Planning and the Historic Environment

#### **2.2 Development Plans**

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

D1             Design  
H4             Development within Existing Residential Curtilages including  
                  Extensions  
L13            Listed Building

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

South Gloucestershire Council Advice Note 2 – *"House Extensions"*.

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

3.1 The following planning history relates to the application site:

- 3.2 PK07/1587/F Retention of porch  
Refused July 2007 on visual amenity grounds and harm to listed building July 2007
- 3.3 PK07/1575/LB Retention of porch  
Refused July 2007 due to harm to listed building July 2007
- 3.4 PK08/1048/F Retention of porch
- Refused May 2008
  - Appeal dismissed October 2008
  - Enforcement appeal upheld but extension of time Granted September 2009
- 3.5 PK08/1049/LB Retention of porch
- Refused May 2008 due to harm on listed building
  - Appeal dismissed October 2008
  - Enforcement appeal upheld but extension of time granted September 2009

### **4. CONSULTATION RESPONSES**

4.1 Marshfield Parish Council  
Support application.

#### **Other Representations**

4.2 Local Residents  
No consultation replies were received.

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

#### **5.1 Principle of Development**

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to existing dwellings subject to criteria relating to scale and design, highways, and impact upon visual and residential amenity. A further consideration is Policy L13 i.e. the effect of the subject structure on the character and appearance of this building and the setting of listed neighbouring properties.

5.2 Regard must be had to the planning history and appeal decisions, which are clearly strong material planning considerations with regard to the determination of this application. For the purposes of assessing this application the Council has to consider whether or not there are any new material planning considerations, which would outweigh the harm as already identified.

5.3 Design/ Visual Amenity

The previous two planning applications were refused on the following grounds:

*The extension seeking retention, by reason of its size, design and external appearance, is considered to be out of keeping with the historic form of the host building and its immediate neighbours, all to the detriment of the levels of visual amenity and the character and appearance of this listed building and the setting of the adjacent listed buildings. The proposal is therefore considered contrary to Policies D1, H4 and L13 of the South Gloucestershire Local Plan*

5.4 The Inspector made the following assessment:

*The byre to which the porch has been added has been converted to domestic use, the special interests of the building lies in its historic agricultural form and the contribution it thereby makes to the grade II listed mill house*

*PPG 15 notes that many listed building can sustain some degree of sensitive alterations or extension but goes on to caution that minor works of indifferent quality, which may seem individually of little importance, can cumulatively be very destructive of the buildings special interest.*

*The building has already undergone extensive alterations to facilitate it new use and whilst the porch may be relatively small, the visual impact it has is considerable. In my view the effect is significant degradation of the agricultural character and appearance of the barn.*

*I conclude the porch fails to preserve the special interest of the listed building and the setting of the adjacent listed buildings contrary to Policies L13, D1 and H4 which seek to ensure that extensions respect the design and character of eth existing property.*

5.5 Material Considerations advanced in support of application.

This current application proposes a different roof design to those previous refused schemes. The agent makes reference to the enforcement appeal and is of the view that the Inspector's comments make provision for a new application to amend the existing porch in order to overcome the previous objections to eth appearance and form of its roof.

5.6 The agent advises that the proposal retains the lower structure of the existing porch and replaces the existing roof with a cat slide roof to match the roof of the previously approved conservatory and follows a simple agricultural form which is in keeping wit the main building.

5.7 At the time of the Enforcement appeal the Inspector made the following comments and commented on the previous appeal decision:

*That appeal decision is an important consideration. In it the Inspector compared unfavourably the overtly domestic appearance of the porch with a conservatory room extension on the rear. I have had regard to the appellant's contention that many of the Inspector's concerns could be overcome simply by replacing the existing roof of the porch with a catslide one similar to that of the conservatory room extension. However it is not clear to me that would be sufficient to overcome her concerns, which I share. In particular her comments regarding scale and location would not be addressed by changing the roof of the porch*

*Put simply I do not share the appellants apparent belief that the domestic appearance of the porch, and the harm it causes is simply a product of its roof form.*

*If the appellants wish to explore the possibility of replacing the roof with a different one, I consider that formal applications that could be subject to the normal procedures are called for.*

- 5.8 The Planning Officer concurs with the Listed Building Officer that the fundamental objection to the principle of the porch has not been overcome. The fundamental problem with this development is that a porch of a domestic nature such as this would not historically be attached to an agricultural outbuilding such as the byre. One of the justifications for the development, as set out in the submitted planning statement, is that the byre is now converted to residential dwelling and therefore domestic extensions such as a porch are appropriate. The policy and guidance relating to listed buildings does not advise that this is how conversions or alterations to listed buildings should be considered. All alterations to listed buildings, whether in their original use or a converted use, should respect and maintain the original character and architectural qualities of the building. PPG15 advises that '*minor works of indifferent quality, which may seem individually of little importance, can cumulatively be very destructive of a building's special interest.*'
- 5.9 Whilst the porch may be considered as a relatively minor addition, it is not appropriate to the building and is detrimental to its historic character and architectural integrity. It is therefore considered that the proposed revised changes have not addressed the previous planning refusal reasons and appeal decisions.
- 5.10 Design and Access Statement  
The Design and Access Statement submitted with the application is not considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.
- 5.11 Use of Energy and Sustainability  
No specific measures proposed.
- 5.12 Improvements Achieved to the Scheme  
None requested.

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

## **7. RECOMMENDATION**

- 7.1 Planning permission be refused for the following reason.

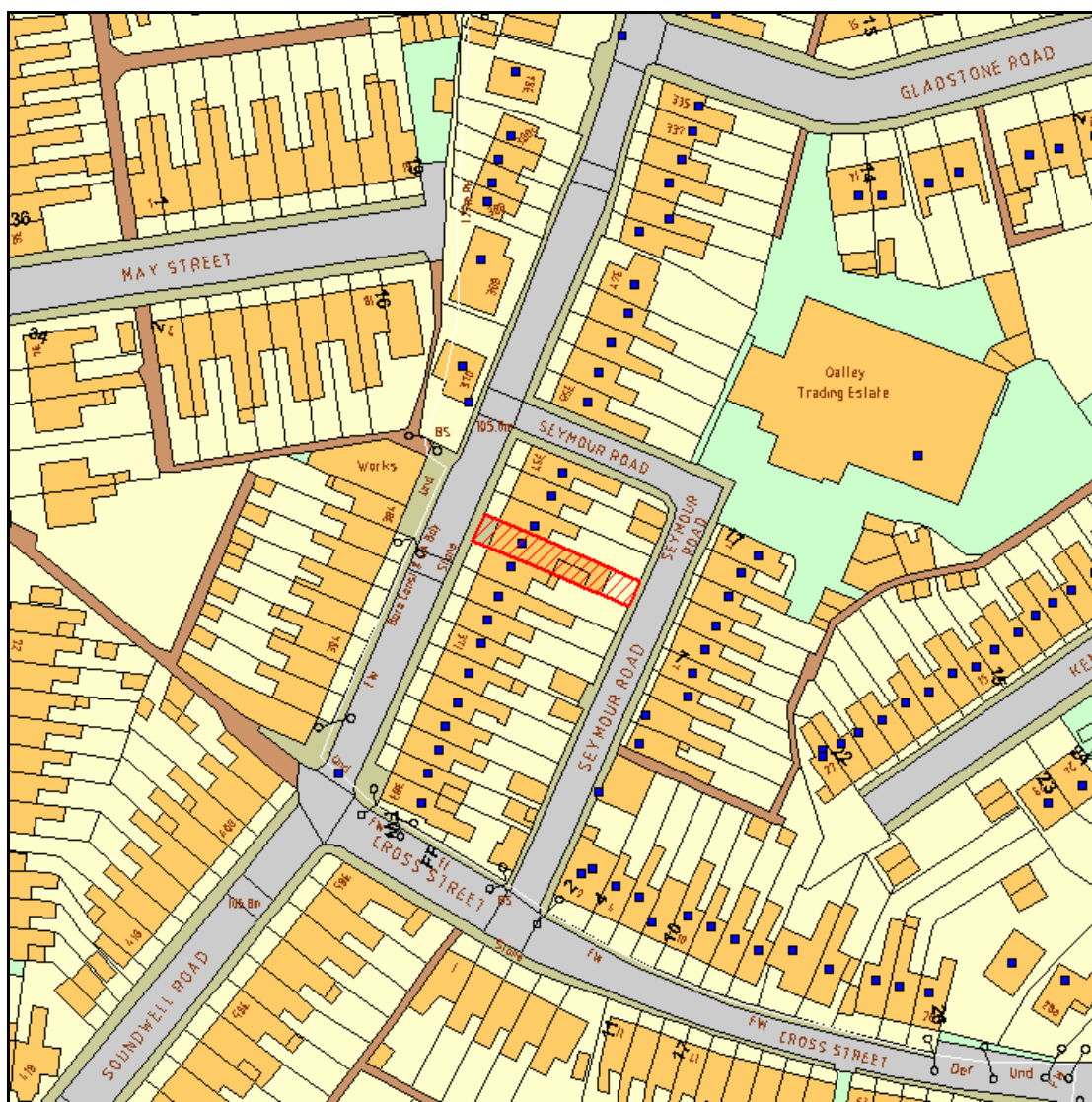
**Contact Officer: Tracey Price**  
**Tel. No. 01454 863424**

## **REASONS FOR REFUSAL**

1. The extension seeking retention, by reason of its size, design and external appearance, is considered to be out of keeping with the historic form of the host building and its immediate neighbours, all to the detriment of the levels of visual amenity and the character and appearance of this listed building and the setting of the adjacent listed buildings. The proposal is therefore considered contrary to Policies D1, H4 and L13 of the South Gloucestershire Local Plan.

**CIRCULATED SCHEDULE NO. 51/09 – 23 DECEMBER 2009**

<b>App No.:</b>	PK09/5835/CLE	<b>Applicant:</b>	Mr S Chan
<b>Site:</b>	363 Soundwell Road Soundwell Bristol South Gloucestershire BS15 1JN	<b>Date Reg:</b>	20th November 2009
<b>Proposal:</b>	Application of Certificate of Lawfulness for an existing use as Hot Food Takeaway (Class A5) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended).	<b>Parish:</b>	
<b>Map Ref:</b>	364477 174240	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th January 2010



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 100023410, 2008. **N.T.S.** **PK09/5835/CLE**



## **INTRODUCTION**

This application has been forwarded to the Council's Circulated Schedule for Member consideration in accordance with the adopted scheme of delegation as the application is for a Certificate of Lawfulness.

### **1. THE PROPOSAL**

1.1 This is an application for a Certificate of Lawfulness to ascertain whether the use of the building has remained as a Class A5 Take Away for a continuous period of ten years, and hence the use is lawful.

1.2 The site is situated within an early 20<sup>th</sup> Century residential street in Soundwell.

### **2. POLICY CONTEXT**

2.1 Circular 10/97: Enforcing Planning Control: Legislative Provisions and Procedural Requirements.

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

3.1 A218 Display of illuminated projecting sign to read "Yuen's Fish Bar Chinese Takeaway"  
Approved 17.12.1980

### **4. CONSULTATION RESPONSES**

4.1 Parish/Town Council

None

4.2 Other Consultees

None

#### **Other Representations**

4.3 Local Residents

None received

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

5.1 The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether or not the use described has continued for more than the period of time which would make it immune from enforcement action, re: 10 years in this case, and whether or not the use is in contravention of any enforcement notice which is in force. As noted above, there is no enforcement notice in force therefore it must be established whether

or not the Authority is satisfied that the use has taken place over the period in question. The application was registered on 12.11.2009 and accordingly the period over which the use must be proved is from 12.11.1999 to 13.11.2009. Any view on the planning merits of the case is not relevant to the determination of this application.

## 5.2 Evidence submitted

The applicant's agent Mr Phillip Robin Hogan, solicitor of Henriques Griffiths has provided a Statutory Declaration in support of the application, acting for Mr Sze Wan Chan the current owner of the business. The Statutory Declaration lists evidence/claims in chronological order as follows:

- Mr Hogan acted for Mr Chan when he purchased the freehold property at 363 Soundwell Road from 29.06.2005
- At this time, Mr Hogan raised standard preliminary enquiries in relation to the business and property with the seller's solicitor Mr R Herne . Mr Herne confirmed at the time that the property had been used continuously as a fish and chip shop since 1946 when a Mrs Summerhill bought the property in her profession as a fish caterer.
- Mr Herne also confirmed that from 1980 to 1986 his client Mrs Yip Mui Yuen had used the property as a Chinese takeaway continuously.
- When Mr Chan purchased the business from Mr Ding Yun Kan and Mrs Choi Lin Kan, the previous occupiers had been in place since 1986 and had continuously used it since then for the purposes of a fish and chip and hot food shop.
- A copy of the original Lease dated 24.02.1986 was submitted.

## 5.3 Other evidence

Officers have instigated Business rates history for the address and all records going back to 1990 indicate accord with the above Declaration. Additionally, an application for Advertisement Consent was approved in 17.12.1980 specifically for (Display of illuminated projecting sign to read 'Yuen's Fish Bar Chinese Takeaway').

## 5.4 The Relevant Test of the Submitted Evidence

Circular 10/97 makes it clear that the onus of proof is on the applicant, but that in determining applications for a Certificate of Lawfulness, the relevant test of the evidence is 'the balance of probability' and not the more onerous criminal burden of proof, namely 'beyond reasonable doubt'.

Thus, the Council must decide whether or not it is more probable than not that the submitted evidence shows that the use has continued for the 10 year period in question.

## 5.5 Design and Access Statement

Not required

- 5.6 Use of Energy and Sustainability  
Not applicable
- 5.7 Improvements Achieved to the Scheme  
Not applicable
- 5.8 Section 106 Requirements  
Not required

## 6. **CONCLUSION**

- 6.1 Having assessed the evidence provided, it is considered that the applicant has shown that it is more probable than not that the use of this site has continued for more than 10 years from the date of this application. Therefore it is considered that the Certificate should be issued.

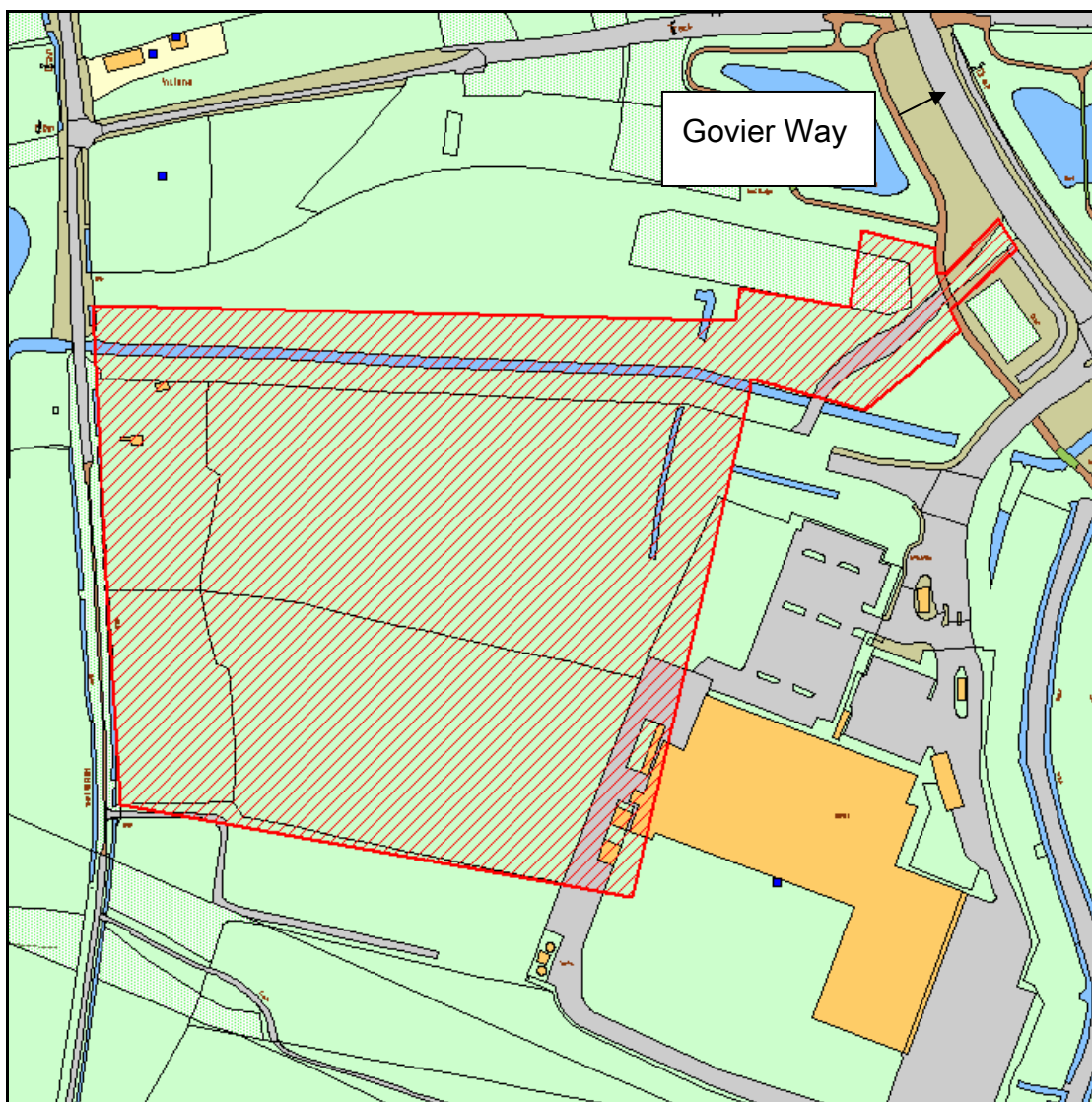
## 7. **RECOMMENDATION**

- 7.1 That the Council issue the Certificate of Lawfulness with a description as stated above.

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

**CIRCULATED SCHEDULE NO. 51/09 – 23 DECEMBER 2009**

<b>App No.:</b>	PT09/0461/RM	<b>Applicant:</b>	Gazeley UK Ltd
<b>Site:</b>	Plot 8020 Govier Way Western Approach Distribution Park Severnside South Gloucestershire	<b>Date Reg:</b>	13th March 2009
<b>Proposal:</b>	Erection of a distribution warehouse with ancillary offices, parking areas and landscaping. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission P94/0400/8 amended by PT05/3568/RVC).	<b>Parish:</b>	Pilning & Severn Beach Parish Council
<b>Map Ref:</b>	3545650 1838380	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Major	<b>Target Date:</b>	10th June 2009



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 100023410, 2008. N.T.S. PT09/0461/RM

## **INTRODUCTION**

This application is referred to the Circulated Schedule in light of the representations received by the Local Parish Council and a local resident.

### **1. THE PROPOSAL**

- 1.1 This application seeks reserved matters consent for the construction of a B8 storage and distribution warehouse following the approval of outline permission for the Western Approach Distribution Park in 1995 which was most recently renewed in 2005. The outline application was approved with all matters reserve and so this application is to consider access; appearance; landscaping and layout.
- 1.2 This application site comprises part of the Western Approach Distribution Park that is not yet developed. The site lies between the existing extensive commercial development of Avonmouth to the south, the M49 Motorway to the east and the residential settlement of Severn Beach to the north. The site lies within the area allocated under Policy E2: Severnside, in the adopted Local Plan.
- 1.3 Plot 8020 is some 6.72 hectares in area and is located on the southern side of Govier Way and directly to the west of the Warburton's Factory (Plot 8010). The Royal Mail building lies to the east and to the south east lies the recently constructed blue buildings on Plot 5000. The western boundary of the site abuts Ableton Lane, which although an adopted highway has been in a state of redundancy for some period of time and this has resulted in fly-tipping which has had a negative effect on the character of the area and represented a safety hazard. However through consultation with the Council's Public Rights of Way Team, Ableton Lane is to be cleared and used as a bridleway, cycleway and with an existing public right of way crossing the site being diverted to Ableton Lane, it will also become a public right of way. It is anticipated that early in the New Year, Ableton Lane will be cleared and in use once more.
- 1.4 The proposed building would have a footprint of 168 x 132 metres and a height of 15.75 metres. The gross floorspace would be 23,676 metres square.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
- |       |   |
|-------|---|
| PPS1  | Delivering Sustainable Development                    |
| PPG4  | Industrial and Commercial Development and Small Firms |
| PPS7  | Sustainable Development in Rural Areas                |
| PPG13 | Transport   |
| PPG16 | Archaeology   |
| PPS25 | Development and Flood Risk                            |
- 2.2 Joint Replacement Structure Plan (Saved Policies)
- |          |                                    |
|----------|------------------------------------|
| Policy 1 | Sustainable Development Objectives |
| Policy 2 | Location of Development            |

Policy 14	Employment at Avonmouth/Sevenside
Policy 17	landscape areas
Policy 21	Forest of Avon
Policy 22	Coastal zone protection
Policy 23	Water conservation
Policy 30	Safeguarding employment sites
2.3	<u>South Gloucestershire Local Plan (Adopted) January 2006</u>
D1	Design
L1	Landscape Protection and enhancement
L4	Coastal Zone
L5	Forest of Avon
L6-L9	Nature Conservation
L11	Archaeology
L17&L18	Water environment
EP1	Environmental Pollution
EP2	Flood Risk and Development
EP9	Safety hazards
T7&T8	Cycle and car parking
T12	Transportation
E1	Employment development
E2	Sevenside
E3	Safeguarded Employment Areas

### 3. RELEVANT PLANNING HISTORY

- 3.1 The surrounding area and the site has a long history of employment designation associated with the ICI Agreement of the early 1950's.
- SG4244: Mixed use development, predominately industrial, in excess of 1000 hectare. Outline permission granted 1957. This permission remains extant.
- 3.2 P94/400/8: Outline permission for the development of 87.9 hectares of land for the layout and construction of a distribution park (Class B8).
- 3.3 P98/1845: Application to vary condition 01 of planning permission P94/400/8 dated 8 June 1994 to extend the period for the submission of reserved matters from three years to 6 years from the date of the outline permission. Consent granted 5 August 1998.
- 3.4 PT01/0293/RVC Variation of conditions 1b and 1c attached to P94/0400/8 as amended by condition 1 attached to P98/1845 to extend the time limits for submission of reserved matters for a further 4 years. Consent granted 16<sup>th</sup> August 2001.
- 3.5 PT05/1073/RVC Variation of condition 2 attached to PT01/1073/RVC to extend the time limit for submission of reserved matters. Approved 8<sup>th</sup> August 2005

- 3.6 PT05/3568/RVC Variation of conditions 4(a) attached to planning permission PT01/0293/RVC to permit the gross floorspace to exceed 2,350,000 square feet ( limited to 2,413,338 Sq ft). Permission granted 24.2.96. ( Expired 24.2.09)
- 3.7 PT09/0751/O - Erection of building for B8 and/or B2 uses (as defined in the Town and Country Planning (Uses Classes) Order 1987 as amended) with ancillary offices, parking and landscaping. Outline application Approved 15<sup>th</sup> July 2009. (Plot 6030)

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

##### **4.1 Pilning and Severn Beach Parish Council**

The concern is that this could be considered another elevated concrete platform requiring water run-off onto the surrounding flood plain. The traffic increases on local roads will also cause further distress to local residents. The landscaping scheme appears to be reasonable provided it is supervised and carried out in full, but any planting of willow, alder and other moisture loving plants would be welcomed.

##### **4.2 Other Consultees**

###### **The Environment Agency**

No objection subject to the inclusion of a number of recommendations and informatives.

###### **BAE Systems**

No objection but the following should be taken into account:

- The buildings should not exceed 101.5 metres AOD.
- The proposed design of the buildings and landscaping should not be designed to attract birds into the area.

###### **The Highways Agency**

No objection as the application is in broad conformity to the original outline application for the wider Western Approach Distribution Park.

###### **Lower Severn Internal Drainage Board**

No adverse comments to make and it is noted that the proposal indicate improvement to the local drainage network.

###### **Natural England**

Given the limited number of curlew sightings associated with Plot 8020 (total of three birds seen over two visits), they (Natural England) confirm that it appears reasonable for South Gloucestershire Council to conclude No Likely Significant Effect for this element of the 57/58 consent areas.

#### **Other Representations**

##### **4.3 Local Residents**

1no. consultation letter was received which expressed a concern over the potential increase in traffic

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

With outline permission previously been granted for Plot 8020, the principle of a B8 use on this site has been established. What remains to be considered are the matters of detail and these will be determined against the policies listed above and in the light of all material considerations, under the following headings

### 5.2 Design and Visual Amenity

**The application proposes the erection of a single industrial/distribution unit. The unit would measure 168 metres length by 132 metres in width and attain a maximum height of just under 16 metres. The B8 element is to be located on the ground floor with the ancillary B2 accommodated at first floor level. The scale and design of the units proposed is consistent with existing development at Western Approach. The materials proposed comprise profiled cladding in varying shades of blue, becoming lighter towards the top of the elevation to help merge the building into the site and skyline. This approach will help ground the building and reduce its visual impact in longer views of the site. This would match the recently constructed units at Plot 5000 and the recently approved building at Plot 6030 to the south east of the site, and is considered acceptable. Sustainability measures within the building are also outlined in the accompanying Sustainability Proposals document that sets out the buildings use of rainwater harvesting, grey water recycling and the use of solar panel technologies which are all welcomed**

### 5.3 Transportation Implications

Access to the site is proposed via a roundabout from the main spine road, which leads to individual access points to each of the units via a new estate road. No objection has been raised by The Highways Agency. Having regard to the existing planning permission, the level of traffic generation from the proposed development is acceptable subject to a condition requiring a travel plan to be submitted to the local planning authority for written approval.

### 5.4 Landscape

The site lies within the Severn Estuary floodplain and consequently the surrounding area is flat, which has accentuated the need for landscape mitigation to the park generally. The original Western Approach Masterplan provides a generous landscaped infrastructure, incorporating attenuation ponds



- and swales linking to the existing rhine system and the proposed scheme can be considered to comply with this.
- 5.5 The submitted landscaping scheme specifies planting proposals that are considered acceptable in terms of density and species and should provide an acceptable level of landscaping. It is noted that the species listed within the ecological report should help achieve the ecological mitigation objectives.
- 5.6 The plan states that the proposed hedgerow will be managed by trimming every 2-3 years. In line with best practice for hedgerow management, the hedgerows should be sided-up approximately years 3 and 5 and laid in year 6 or 7, according to growth, to produce both an effective barrier and ecological corridor. Simply trimming is therefore not considered adequate and so a condition requiring the submission of a detailed landscape management scheme will therefore be appended to any approval.
- 5.7 Drainage and Flood Risk Issues  
The site lies within Flood Zone 3a, as defined in the Strategic Flood Risk Assessment. PPS25 states that 'less vulnerable' uses such as industrial, and storage and distribution are appropriate in Zone 3a.
- 5.8 To support the scheme, the applicant has submitted a flood risk assessment. This has been considered by the Environment Agency who have confirmed its acceptability. The proposal is therefore considered acceptable in drainage and flood risk terms, subject to the relevant informatives being attached to any consent.
- 5.9 Archaeology  
The application site may be of archaeological significance given its proximity to the estuary, and as such an archaeological investigation of the land is necessary. An archaeological evaluation has been carried out but the council's archaeologist considers that some issues remain outstanding. A condition requiring further archaeological work is therefore recommended.
- 5.10 Ecological Issues  
Following the submission of the findings of a habitat survey prepared by Arnott & Mann Consulting Ecologist to support the application, the only outstanding issue remained the presence of wild fowl during the winter period which would be within an area of the Severn Estuary that is designated as a Special Protection Area (SPA) and a Ramsar site (a Wetland of International Importance). Although the site lies just outside the SPA and Ramsar site, the legislative provisions afforded such areas extends to any land used by species of wildfowl for which the SPA was designated.
- 5.11 Therefore to be able to comply with Regulation of the Habitat Regulations, the site needs to be subject to an *appropriate assessment* by the *competent authority*.
- 5.12 Such an assessment has now been undertaken and in consultation with Natural England, it is considered that in light of the limited number of curlew sightings (a total of 3no. birds seen over 2 visits), the proposed development

would have no significant effect on the conservation objective of the Estuary SPA and therefore planning permission can be granted if the local authority wishes.

5.13 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.**

5.14 Section 106 Requirements

This application is only seeking approval of detailed reserved matters and any Section 106 contributions would have been secured against the outline application.

## 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 It is concluded that the design and scale of the proposed buildings are consistent with the character and appearance of the sites immediate and wider context. The generation of vehicular movements to and from the site was considered in principle at outline stage and so although the views of the local resident are noted, in light of outline approval and this proposal complying with the parameters of the outline application, the proposed scheme is compliant with the relevant transportation development control policy subject to a travel plan being required via a condition to any approval. It is concluded that the findings and management measures outlined within the Flood Risk Assessment are acceptable and the proposal is therefore compliant with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006. It is also concluded that subject to a management condition, the detailed hard and soft landscaping scheme would help protect and enhance the character of the area and thus comply with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006. Moreover subject to the addition of a relevant condition, the proposal is considered compliant with the Local Plan Policy L15 (archaeology) and through detailed consultation with Natural England and the applicant, following the submission and consideration of an appropriate assessment, the proposal would not adversely effect a protected species and so would comply with Policies L6-L9 of the adopted local plan.

6.3 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 reserved matters submitted in accordance with condition 1 associated with Outline planning permission 94/04008/8 and condition 1 of PT05/3568/RVC.

**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 & Country Planning Act 1990 (as amended).

2. Notwithstanding the submitted hedgerow management proposals, prior to the commencement of development, details regarding the future management of existing retained and proposed hedges are to be submitted to the local planning authority for written approval. In line with best practice for hedgerow management, the hedgerows should be sided-up in approximately years 3 and 5 and laid in year 6 or 7, accordingly to growth, to produce both an effective barrier and ecological corridor.

Reason

To protect the character and appearance of the area to accord with Policies H4/D1/L1/E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the occupation of the building hereby approved, a Staff Travel Plan shall be submitted to the Local Planning Authority for approval. The agreed scheme shall be implemented as approved before the development hereby permitted is brought into use; or otherwise as agreed in the Travel Plan.

Reason

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

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

Reason

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

5. 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, L1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 51/09 – 23 DECEMBER 2009**

<b>App No.:</b>	PT09/5754/LB	<b>Applicant:</b>	Mr And Mrs A Macaskill
<b>Site:</b>	Churchill House The Street Olveston Bristol South Gloucestershire	<b>Date Reg:</b>	16th November 2009
<b>Proposal:</b>	Lime pointing of north, south and west elevations	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	360132 187251	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th January 2010



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 100023410, 2008. **N.T.S.** **PT09/5754/LB**

## **INTRODUCTION**

This application appears on the circulated schedule list because correspondence in support of the application has been received.

### **1. THE PROPOSAL**

- 1.1 This application seeks consent for the removal of existing cement render and re-pointing with lime mortar leaving the stonework exposed.
- 1.2 The application site comprises a grade II listed building located within the village of Olveston on the eastern side of The Street adjacent to the Vicarage Lane junction.
- 1.3 A full planning application has not been submitted for the proposed works. It is considered that planning permission is required for the proposed works by reason of Schedule 2, Part 1, Class A2 of the General Permitted Development Order (2008).
- 1.4 Another listed building application for the removal of the existing cement render and the replacement with lime render has been submitted as an alternative to the proposed works (PT09/5753/LB).

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG15 Planning and the Historic Environment

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

- 3.1 PT09/5753/LB, Replacement of existing cement with lime render. Received.

### **4. CONSULTATION RESPONSES**

- 4.1 Olveston Parish Council  
No objection to both applications and the Parish Council is happy to support either of them. We feel lime pointing would be preferable. We would like to see a prompt decision.
- 4.2 Conservation Officer  
Objection
- 4.3 Ancient Monuments Society  
Clear preference for the re-rendering proposed in PT09/5753/LB rather than the repointing in PT09/5754/LB.

### **Other Representations**

- 4.3 Local Residents

Two letters have been received, which support the application for the following reason:

- Unrendered stone buildings are a characteristic feature and would not conflict with the Olveston Village Design Statement;
- The original stonework is of a high quality;
- Would be in-keeping with existing street scene and benefit the appearance of the immediate locality.

4.4 A petition with signatures from 58 residents in support of the application has been submitted with the application.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The only issue under consideration is the impact on the historic character and architecture of the listed building.

### **5.2 Consideration of Proposal**

Churchill House is a large detached house, which dates from the eighteenth century. It is located at a prominent corner position within the village of Olveston, at the main crossroads. Churchill House is at the south east corner of the crossroads, with St Mary's Church at the north west, the Old Post Office to the north east and the White Hart Public House to the south west. These four buildings are all important focal points within the village, and their scale and prominence distinguish them as important buildings. The classical, formal elevations of The Post Office and Churchill House were undoubtedly intended at the time of their construction to be rendered. Clearly, it is not possible to prove this, however it is highly unlikely that Churchill House would not have been rendered historically.

5.3 The best eighteenth century buildings would have been clad with stone ashlar. Render was a less expensive alternative intended to give a similar appearance to stone ashlar, and was quite often lined out to give an even more authentic appearance. This can be seen on the Old Post Office. The sash windows and coped parapets at Churchill House are features, which suggest a 'polite', formal elevation treatment such as render. Although the building has been extended and altered since the eighteenth century, it is considered that render is the most appropriate finish for the principal elevations of the building. Retaining exposed stonework on this building would be wholly inappropriate, and be contrary to it's intended appearance. Without render the building would appear 'bare' and unfinished.

5.4 At Churchill House the stone beneath the render is rubble stone, and roughly coursed. Quoin stones are used both structurally and aesthetically in buildings, however if used as an aesthetic feature, they would tend to be well dressed stone of a consistent size/pattern, as opposed to the randomly sized and roughly dressed stone at Churchill House. In the opinion of the Listed Building Officer, the quoin stones at Churchill House are a construction technique, and would not have been intended to be seen. It is quite common for historic

buildings to have lost their original render coats and therefore, it should not be assumed that because a building does not have a rendered finish that it did not originally. The White Hart dates from the fifteenth century, and was remodelled in the seventeenth century. It is of very different architectural design to Churchill House, and the elevation treatments should not therefore be compared. The White Hart may well originally have had a roughcast lime render finish, as is typical of many buildings in this period.

5.5 The removal of the cement render from Churchill House is welcomed, as the cement render will be causing damage to the fabric of the building, trapping moisture, and therefore causing the damp, which is occurring in the building. The removal of cement render and replacement with a lime mortar pointing is therefore acceptable, as this will allow the building to 'breathe' by allowing the transfer of moisture. However, in the view of the Listed Building Officer it is not appropriate to remove the render finish and not reinstate it. Render is a traditional finish and it is appropriate that this is reinstated on the building. If the render was removed, and not re-instated this would be likely to harm the architectural and historic interest of the listed building. Annex C of Planning Policy Guidance 15: Planning and the historic environment, states the following:

5.6 *'Existing plaster and render should not be stripped off merely to expose rubble, brick or timber framed walls that were never intended to be seen...Traditional lime-based render is generally preferable to cement-rich render....On late eighteenth century and nineteenth century stuccoed elevations where there is mock jointing, grooving, rustication or plaster architectural elements...these should always be retained where possible or carefully copied, never skimmed off.'*

5.7 Since an application has been submitted for the removal of the existing cement render and replacement with lime render, which is likely to be more acceptable, it is not considered necessary to seek revisions. The application will therefore, be refused.

## **6. CONCLUSION**

6.1 The recommendation to refuse Listed Building Consent has been made having regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained in PPG15 (Planning and the Historic Environment).

## **7. RECOMMENDATION**

7.1 Listed Building Consent is REFUSED for the following reasons.

**Contact Officer: Jonathan Ryan**  
**Tel. No. 01454 863538**



## **REASONS FOR REFUSAL**

1. The materials and works proposed are considered inappropriate and would harm the architectural and historic integrity of the listed building. The application is therefore, contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in PPG15.

**CIRCULATED SCHEDULE NO. 51/09 – 23 DECEMBER 2009**

<b>App No.:</b>	PT09/5816/CLP	<b>Applicant:</b>	Mr B Steer
<b>Site:</b>	Woodbine Cottage Iron Hogg Lane Falfield Wotton Under Edge South Gloucestershire	<b>Date Reg:</b>	23rd November 2009
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed replacement of existing outbuilding	<b>Parish:</b>	Falfield Parish Council
<b>Map Ref:</b>	367363 191413	<b>Ward:</b>	Charfield
<b>Application Category:</b>		<b>Target Date:</b>	6th January 2010



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 100023410, 2008. **N.T.S.** **PT09/5816/CLP**

## **INTRODUCTION**

This application appears before members, as it is an application for a Certificate of Lawfulness for a Proposed Development.

### **1. DESCRIPTION OF DEVELOPMENT**

- 1.1 The applicant is seeking a formal decision as to whether a proposal to construct a single storey outbuilding within the residential curtilage of Woodbine Cottage is lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.
- 1.2 The proposed rear outbuilding would replace an existing outbuilding and be 7.8 m deep, 4.2 m wide and 3.6 m in height.

The site lies outside the defined settlement boundary of Falfield.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Town and Country Planning (General Procedures) Order 1995 Article 24  
Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class E. (referred to in this report as GPDO 2008)

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

No relevant history.

### **4. CONSULTATION RESPONSES**

#### **4.1 Falfield Parish Council**

No objection raised.

#### **4.2 Other Consultees**

None.

#### **Other Representations**

#### **4.3 Local Residents**

No response.

## **5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

5.1 Site plan, existing and proposed plans and elevations drawing. Received 11<sup>th</sup> November 2009.

5.2 Written statement dated 3<sup>rd</sup> December 2009.

## **6. EVALUATION**

The application for a Certificate of Lawfulness is purely an evidential test. The test of evidence to be applied is whether the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence. As has been set out already the case made here is that the proposed rear outbuilding falls within the permitted development rights enjoyed by householders under the GPDO 2008. Accordingly, if this case is made successfully there is no consideration of planning merit nor an opportunity for planning conditions. The development is simply lawful or not lawful according to the evidence.

The key issue here is the operation of the permitted development rights, namely Part 1, Class E which allows householders “The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure”. There is no evidence that permitted development rights have been removed in this instance and there is no dispute as to the extent of the residential curtilage put forward. Accordingly, it is accepted that the permitted development rights apply to this site which is in use as a single dwelling house. The remaining issues are whether the proposed development falls within the remit. The limitations on the operation of Class E in respect of single storey outbuildings are as follows:

- Extensions (including previous extensions) and other buildings must not exceed 50% of the total area of land around the original house. The submitted plans demonstrate this.
- No part of the building would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse. The submitted plans demonstrate this.
- The height of the building would not exceed – 4 metres in the case of a building with a dual-pitched roof, 2.5 metres in the case of a building within 2 metres of the boundary of the dwellinghouse or 3 metres in any other case. The submitted plans demonstrate this.
- The height of the eaves must not exceed 2.5 metres. The submitted plans demonstrate this.
- The building must not have more than one storey. The submitted plans demonstrate this.
- The building would not include the construction or provision of a veranda, balcony or raised platform. The submitted plans demonstrate this.

- The proposed development does not relate to a dwelling or microwave antenna, or the capacity of a container. The submitted plans demonstrate this.
- The proposed development is not on land within the curtilage of a listed building. This is not the case.
- The proposed development is not of any land which is within a World Heritage Site, a National Park, an Area of Outstanding National Beauty or the Broads.

Accordingly, on the balance of probability the evidence points to the proposed development falling within Schedule 2, Part 1, Class E, of the GPDO 2008.

## **7. RECOMMENDATION**

7.1 That a Certificate of Lawfulness of Proposed Use be granted as it has been shown on the balance of probability that the proposal would fall within Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. Therefore the proposal does not require planning permission.

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