



**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. 45/09

Date to Members: 13/11/09

Member's Deadline: 19/11/09 (5pm)

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE: 13/11/09

SCHEDULE NO. 45/09

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

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

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

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

Please note: - Reason for Referral

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

SIGNATURE

DATE

CIRCULATED SCHEDULE – 13 NOVEMBER 2009

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK09/5338/O	Approve with Conditions	The Rotunda Centre Ltd 82 Moravian Road Kingswood South Gloucestershire BS15 8NF	Woodstock	
2	PK09/5357/F	Approve with Conditions	6 York Close Yate Bristol South Gloucestershire BS37 5XA	Yate North	Yate Town
3	PK09/5433/TRE	Approve with Conditions	Open Space At The Front Of 3 Charnhill Brow Mangotsfield South Gloucestershire	Rodway	None
4	PK09/5461/OH	Approve	Beach Hill Bitton South Gloucestershire BS30 6NU	Bitton	Bitton Parish Council
5	PT09/5211/F	Approve with Conditions	84 - 86 High Street Winterbourne South Gloucestershire BS36 1RB	Winterbourne	Winterbourne Parish Council
6	PT09/5233/LB	Approve with Conditions	Over Court Farm House Outbuildings Over Lane Almondsbury South Gloucestershire BS32 4DF	Almondsbury	Almondsbury Parish Council
7	PT09/5279/F	Approve with Conditions	Over Court Farm House Over Lane Almondsbury South Gloucestershire BS32 4DF	Almondsbury	Almondsbury Parish Council
8	PT09/5299/R3F	Deemed Consent	Bradley Stoke Community School Fiddlers Wood Lane Bradley Stoke South Gloucestershire BS32 9BS	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
9	PT09/5409/F	Approve with Conditions	2 The Sherrings Patchway South Gloucestershire BS34 6NQ	Bradley Stoke Central And Stoke Lodge	Patchway Town Council
10	PT09/5425/F	Approve with Conditions	11 High Street Thornbury South Gloucestershire BS35 2AE	Thornbury North	Thornbury Town Council
11	PT09/5427/TRE	Approve with Conditions	37-39 Meadow View Frampton Cotterell South Gloucestershire BS36 2NF	Frampton Cotterell	Frampton Cotterell Parish
12	PT09/5440/TRE	Approve with Conditions	The Auklands Gloucester Road Thornbury South Gloucestershire BS35 1JH	Thornbury North	Thornbury Town Council

ITEM 1

CIRCULATED SCHEDULE NO. 45/09 – 13 NOVEMBER 2009

App No.: PK09/5338/O

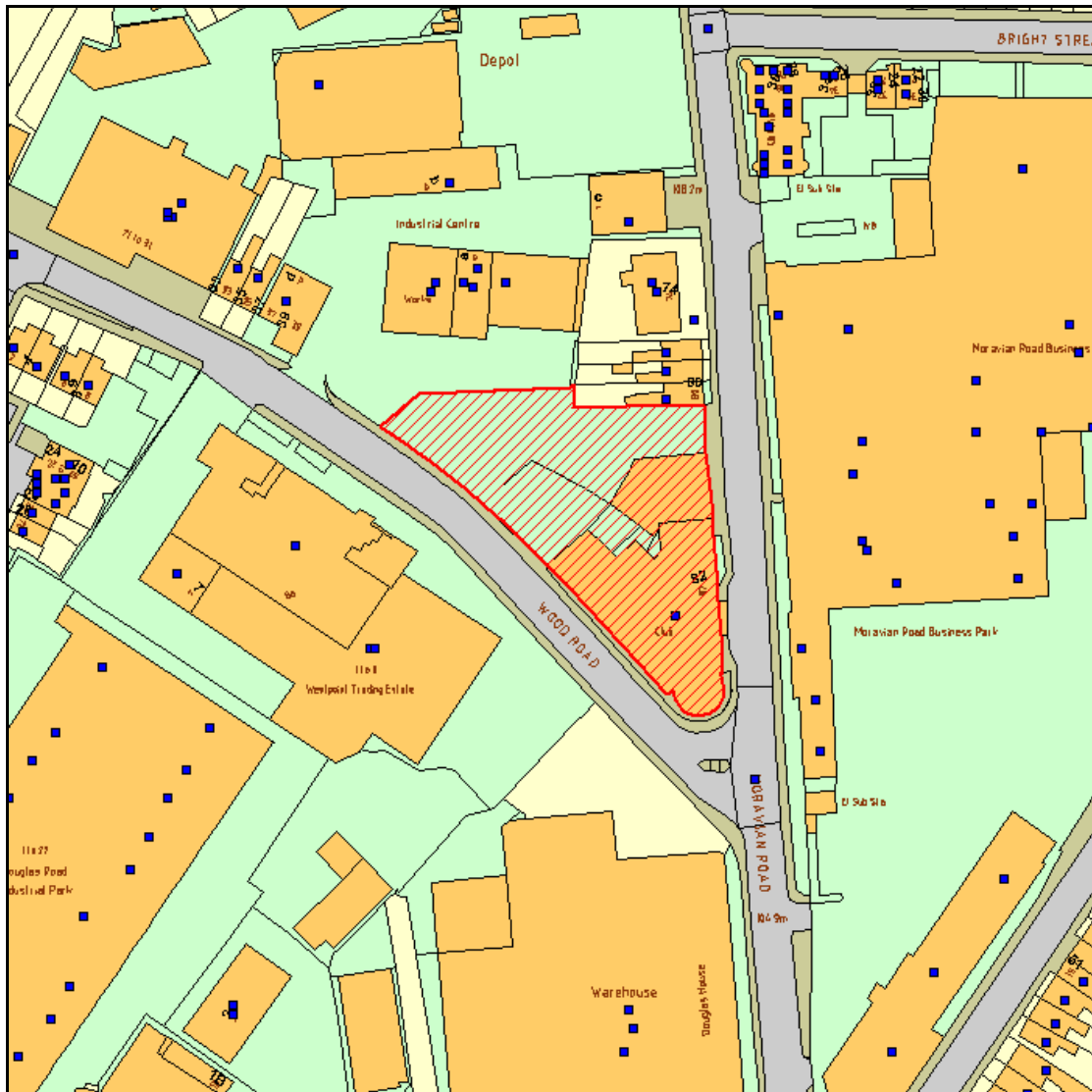
Applicant: Freemantle Capital Partners (Rounda) Ltd
Date Reg: 17th September 2009

Site: The Rotunda Centre Ltd 82 Moravian Road Kingswood Bristol South Gloucestershire
Proposal: Demolition of existing buildings to facilitate erection of mixed use development comprising 1059 square metres of B1 office/light industrial use, 14 no. dwellings and 34no. car parking spaces (Outline) with layout, scale and access to be considered. All other matters to be reserved.

Parish:

Map Ref: 364830 173473
Application Category: Major

Ward: Woodstock
Target Date: 15th December 2009



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100023410, 2008.

N.T.S.

PK09/5338/O

INTRODUCTION

This application is placed on the Circulated Schedule to Members in accordance with procedure as objections have been raised.

1. PROPOSAL

- 1.1 The applicant seeks outline planning consent, (with layout, scale and access to be considered – detailed design/appearance and landscape are to be reserved for future consideration), for the redevelopment of 82 Moravian Road (known as the Rotunda Centre). The site comprises a triangular shaped piece of land 0.2694 hectares in area, formed by Moravian Road and Wood Road. The site currently has a vacant D2 use (Assembly and Leisure). The site is situated within an area allocated in the South Gloucestershire Local Plan as an Employment Area (as defined in Policy E4). Consent was given in 2008 for outline planning consent (PK08/0028/F) for the demolition of the existing buildings to facilitate the erection of a mixed use development comprising 268 square metres of commercial B1/A2 office use and 24 no. apartments, this was never implemented.
- 1.2 The current proposal will involve the replacement of the existing building with a mixed development of 14 no. three bedroom dwellings, B1 floor space and a total of 34 No. parking spaces that are located within a central courtyard location. The total amount of B1 floor space comprises 1,059sq.m. This figure includes 882.5 sq.m of office floor space (located at the apex of Moravian Road and Wood Road) and 176sq.m of industrial floor space that will be located at the northern end of the site with a frontage onto Wood Road. This scheme therefore re-introduces a B Class use to the established employment area.
- 1.3 Although the design is reserved, the indicative drawings indicate that the office buildings at the road junction would extend to 3 storeys in height with the remaining buildings following the road frontages with a height of two and a half storeys (with room in the roof space). Cycle and refuse storage is provided. Each unit has an area of amenity space. The applicant has indicated that they are willing to enter into a legal agreement to provide financial contributions to meet the shortfall of provision of community infrastructure, including primary education and improvements to public transport.
- 1.4 Within context, to the immediate north of the site on Moravian Road, there is a terrace of three residential properties, while on the opposite side of this road there are further Industrial/Commercial buildings associated with the Moravian Road Business Park. Further commercial premises lie to the south, north and west along Wood Road. The site lies approximately 50 metres to the east of the 138 dwelling Newland Homes development located on land at Wood Road, Forest Road and Douglas Road (Planning Permission PK03/3222/F).

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing

PPG4 Industrial and Commercial Development and Small Firms
PPG13 Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

E4	Safeguarded Employment Areas
D1	Design
L18	The Water Environment
EP1	Environmental Pollution
EP6	Contaminated Land
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy
H2	Proposals for Residential Development within the Existing Urban Areas
LC1	Provision for Built Sport, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2	Provision for Education Facilities (Site Allocations and Developer Contributions)
LC8	Open Space and Children's Play in Conjunction with New Residential Development

Supplementary Guidance

The South Gloucestershire Design Checklist (Adopted August 2007)

3. **RELEVANT PLANNING HISTORY**

3.1 All previous history relates to the commercial use of the premises. The exception is:

PK08/0028/F Demolition of existing buildings to facilitate erection of mixed use development comprising 268 square metres of commercial B1/A2 office use and 24 no. apartments (Outline) with layout, scale and access to be considered. All other matters to be reserved. Approved subject to conditions.

4. **CONSULTATION RESPONSES**

4.1 Parish Council - This area is unparished

4.2 Wessex Water - Standard comments with respect to connection to the drainage system.

4.3 Sustainable Transport

The proposed development is to demolish the existing Rotunda Club and then the site would be redevelop with 14 no. dwellings together with 4 commercial units (comprising of 882.5m² of office floor space and 176.5m² of industrial floor space; totalling of 1059m² business use). There are current two vehicular accesses to the site. One access is from Wood Road and the other is from Moravian Road. The existing vehicular access from Moravian Road would be closed off as part of this development.

As part of the current scheme, it is proposed to create one single vehicular access to serve the development from Wood Road direction. Adequate visibility splays can be provided from the site access onto the public highway. Proposed new office units on the site are located on the corner of Wood road and Moravian Road with separate pedestrian accesses to each unit. New industrial units on the site will be accessed off Wood Road. The officer is satisfied that traffic generation that would result from the new development would be less than that likely traffic from the extant or the lawful use on the site. The proposal includes provision of 34 car parking spaces on site to serve the proposed development. It is recommended that 21 spaces are to be allocated for residential development (i.e. parking ratio of 1.5 spaces per residential dwelling), 5 spaces are allocated for commercial units and 8 spaces are allocated to the offices. I also recommend that parking spaces no. 1, 20, 21, 22 and 23 (as indicated on the submitted plan) are marked as spaces for industrial units on the site.

Additionally, the site is within easy walking distance to Kingswood Town centre and close to other amenities, employment, education establishments, etc and as such, it is considered to be a sustainable site. In order to promote the use of public transport facilities and in line with the national and local policies to reduce the reliance on the use of private vehicles, it is considered appropriate that the developer makes financial contribution towards public transport facilities in the area. In consideration of all the above therefore, there are no highway objections subject to the followings;

- 1) Financial contribution of £10,000 towards improvements to public transport facilities.

(Note: The said contribution would be secured under an appropriate legal agreement and be used towards provision of "Real time information" facility in connection to bus stops improvement in the Kingswood area.)

4.4 Community Services

It is calculated that this development of 14 dwellings would generate an average population increase of 34.3 people. If this development is implemented it would create a need for extra community facilities. In order to offset this increased demand on community facilities we would request contributions towards the following:

Guidelines from the National Playing Field Association recommends a minimum of 24m² of public open space per person and Policy LC8 of South Gloucestershire Local Plan (Adopted) January 2006 requires provision for informal open space, we consider 5m² per person to be reasonable to improve the quality of the environment in this area. Therefore the total public open space required from this development equates to: 994.70sq.m. The total contribution towards off-site enhancements of public open space would be £26,118.10. The developer would be required to contribute towards future maintenance of the enhancements, which equates to £23,352.59 a total requirement of £49,470.74.

In accord with Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006, a contribution towards the provision of community facilities in scale and kind is required to meet the needs of future residents. In this instance the contribution required would be £3,073.62 towards the cost of library services with the money being allocated to Kingswood Library.

4.5 Education

The Department for Children & Young People calculates contributions on the basis of 36 primary pupils per 100 dwellings with two or more bedrooms. Current DCSF cost calculators give a figure of £10,747 per additional primary pupil place, indexed at Q4 2008 prices.

At primary level there is a projected deficit of places in the local area. The proposed development of 14 dwellings will generate five additional primary school pupils based on the pupil number calculator. A contribution of £53,735 is required for additional primary provision.

There is a projected surplus of places at secondary schools in the local area. No contribution is required for additional secondary provision.

The total contribution required for additional school provision is £53,735.

Should the mix of dwelling change, or should the development not proceed in the near future, the contribution would need to be reassessed. Additionally, the final amount of contribution should be calculated using DCSF cost calculators current at the time of signing a Section 106 agreement, increased in accordance with any increases in the Royal Institute of Chartered Surveyors Building Cost Index.

Other Representations

4.6 Local Residents

There have been two letters received. One letter seeks clarification of a number of points including access issues and maintenance rights. This letter has been responded to by the Case Officer.

A letter of objection has been received. The objection is made on the grounds that there is inadequate parking provision to serve the development.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The Site lies within a Safeguarded Employment Area as defined on the South Gloucestershire Local Plan proposals map and as set out in Policy E4. Policy E4 supports the retention of Employment Areas within the Urban Area.

An analysis of the proposal against the criteria set out in Policy E4 is set out in detail below. A key material consideration however is the fact that consent (**PK08/0028/O**) has previously been given for a development that included 24 no. units and 268 sq.m.

The current proposal would create 1,059sq.m of employment space including 882.5 sq.m of office floor space and 176sq.m of industrial floor space. This space will be in modern accommodation of a superior standard to that being replaced which includes a large area of space devoted to a leisure use rather than employment.

Paragraph 7.54 of the policy states that *“The Council is concerned to ensure that within South Gloucestershire, there is a wide choice of land and premises available to businesses wishing to continue or undertake new investment in the local economy and the local workforce. In this respect, vacant or underdeveloped land situated within the employment areas listed in Policy E4 and defined on the Proposals map represent a valuable resource”*. Paragraph 7.55 states *“long established employment areas located within the urban areas provide a valuable opportunity for people to work near their homes and thereby minimise commuting distances”*..

In summary therefore policy indicates that land and premises subject to Policy E4 should, in the first instance and unless material considerations indicate otherwise, remain available for re-use and redevelopment for employment purposes. The policy recognises however that there may be circumstances where a site is no longer capable of accommodating employment uses or an alternative non-employment generating use may result in improvements to the amenities of any existing neighbouring residential occupiers.

Policy E4 states that Planning Permission will only be granted where it can be clearly demonstrated that:

- A) The proposal would support or would not prejudice the creation of employment uses elsewhere within the defined employment area
- B) No suitable alternative provision for the proposal has been made elsewhere in the plan
- C) It can be clearly demonstrated that the site is no longer capable of offering accommodation for employment purposes
- D) It can be clearly demonstrated that it would contribute to a more sustainable pattern of development
- E) The proposal would provide a significant improvement in the amenities of existing neighbouring residential occupiers

It is therefore necessary to carefully assess the proposal against the above criteria in turn, mindful, as has been indicated above that in the first instance the site should remain available for employment purposes for the reasons set out in Paragraphs 7.54 and 7.55 of Policy E4.

With respect to Criteria A, it must be recognised that there has already been a loss of employment land as a result of the previous development around Douglas Road. Officers consider however that the current proposal would not prejudice the creation of employment uses elsewhere within the defined employment area. It should be noted that the site has included a non-employment use for approximately 20 years having been used as an entertainment facility. The applicant has previously indicated that as an entertainment facility the premises employed 2 or 3 full time staff and up to 6 part staff, the floor area of 1059 sq.m would cater for significantly more than this.

The current proposal would therefore introduce a net gain of employment space, hence no objection has been raised to the development on these grounds by the Council Economic Development Officer, as the scheme enhances employment generating opportunities.

With respect to Criteria B, clearly the South Gloucestershire Local Plan makes provision for housing/residential development elsewhere in the plan area. As such the proposal would fail this criteria. PPS3 (Housing) makes clear however that local authorities should demonstrate a 5 year land supply and the need to deliver housing is considered a significant material consideration (this has been demonstrated in recent appeal decisions). Windfall development schemes such as the current proposal form a *“significant role in the process of supplying housing”* (para 8.28 Policy H1). Given that the scheme is considered to comply with the other criteria and is acceptable in terms of other material considerations, (transportation, residential amenity, layout and agreement with respect to affordable housing and community service provision), it is not considered that this criteria is an impediment to this scheme.

With respect to Criteria C, it is considered by Officers that the location, size and not least the shape of the site ensure that the chance of the site being redeveloped wholly for employment use for light industrial or a distribution use is low. The market for offices is unproven in this location. No objection on these grounds is raised by the Council Economic Development Officer.

With respect to Criteria D, as the scheme will provide some employment space it would contribute to a more sustainable pattern of development. The residential units are also situated in a sustainable location close to local services and facilities. It is considered the proposal is in accord with this criterion.

With respect to Criteria E, this vacant property does not contribute anything to the local area and as a vacant property would almost certainly over a period of time become a target for vandalism. The Case Officer is aware of complaints relating to the current use of the site when it has been operating. In addition it should be noted that there was opposition to an extension to the hours of the club by the Police as well as local residents. It is considered that a residential use has benefits, in terms of providing natural surveillance opportunities along both Moravian Road and Wood Road. It is therefore considered that the proposal is in accord with this criterion.

It is acknowledged that the approval of an application for a predominantly residential use could act as a precedent for further residential development within this protected employment area. However the characteristics of this case is unique given the particular site and its history and the re-introduction of an employment use on the site.

Policy H2 of the South Gloucestershire Local Plan (Adopted January 2006) allows for residential development within existing urban areas, subject to certain criteria, including environmental and transportation effects, effects on residential amenity, the maximum density is achieved for the site’s location, with a minimum density of 30 dwellings per hectare, and provision for education, leisure, recreation and other community facilities is adequate to meet the needs arising from the proposals.

The proposed density on site is approximately 52 dwellings per hectare, which is over the minimum density level set out in Policy H2 and PPS3, this is nevertheless considered appropriate given the sustainable nature of the location, close to local services and public transport routes.

The principle of development is therefore acceptable, subject to the following detailed assessment.

5.2 Residential Amenity

Policy H2 of the South Gloucestershire Local Plan (Adopted January 2006) states that the residential amenity of existing occupiers is to be assessed when determining applications for new residential development. Amenity is assessed in terms of whether the development would appear oppressive or overbearing when viewed from that property and also includes whether overlooking/loss of privacy would result. Premises immediately abutting the site are commercial in character with the exception of a terrace of three properties to the north in Moravian Road.

Although the detailed design is reserved for future consideration and this would include window locations, it is not considered that the submitted layout and indicative design would have any significant impact. The relationship between the units proposed is also considered appropriate with the back of properties in Moravian Road set at an angle to the rear of those on Wood Road avoiding direct inter-visibility.

5.3 Design - Siting/Layout/Scale

Policy D1 of the South Gloucestershire Local Plan (Adopted January 2006) seeks to achieve good design in all new development. Policy H2 considers the environmental impact of new development, the density of the development and the extent to which the development takes into the account the amenity of future and neighbouring occupiers. The detailed design will be considered as part of the reserved matters, however indicative elevations have been submitted.

In terms of the context, this site is situated in an area of mixed character close to the centre of Kingswood, comprising a combination of residential properties (typically two-storey terraced houses) and industrial/ commercial premises (typically medium/ large-scale buildings with large footprints). Circular 01/2006 indicates that the minimum amount of information required at the outline stage to begin the design process is information relating to the use, the amount, an indicative layout, scale parameters and indicative access points (in this case access is a material consideration in any case).

With respect to the use the proposal comprises a mixture of office and residential use that is appropriate to the surrounding context of nearby residential terraces, business parks and trading estates. This is as has been demonstrated above appropriate in land use terms. Turning to the amount of development, the amount of units is considered appropriate as is the mix given the context.

With respect to the layout, submitted details show residential and commercial buildings providing active frontages to both Moravian and Wood Road. Officers consider that this alignment of buildings will create a perimeter block-style development that will create an improved level of enclosure along both these roads.

The residential properties will front onto Moravian Road in line with existing dwellings to the north, with access also from a parking area to the rear. Whilst this could dilute the level of activity to Moravian Road the improved level of enclosure and surveillance to this road will greatly improve the street scene. Private amenity space for the residential element is shown in the centre of the site. Whilst some of these areas are small and awkwardly-shaped due to the building alignment the majority are of an adequate size and this is not considered to warrant a reason for refusal. The office element at the corner of Moravian Road and Wood Road emphasises the junction of these two streets and will provide a new focal element in the street scene. Again, access will be provided from both Moravian and Wood Roads, which will improve the level of activity and therefore surveillance on these streets. The commercial units to the north on Wood Road will also have access from the street and will contribute to this. In summary the proposed layout is considered to enhance the character and amenity of the site and locality in accordance with policy D1(A).

Turning to the scale parameters for the proposed development that have been set out in the submitted drawings and design and access statement. These drawings show a three-storey building at the corner of both roads, stepping down to 2.5 storey residential buildings on the Moravian Road frontage, and 2.5/ 2 storey buildings on the Wood Road frontage. At the apex of the roads the proposal will have the appearance of a four storey building and as such will provide an important focal point (as this element of the current building). This part of the site will be prominent in views from Hanham Road and along Wood Road, and the scale of this building is therefore considered acceptable. The Design and Access Statement indicates that the proposed residential buildings will be of a similar scale and height to the existing residential terraced properties on Moravian Road (Nos. 80-74 Moravian Road) and again this broad approach is considered acceptable and will help to integrate this part of the proposal with the character of the surrounding area. The information submitted in relation to the proposed scale is considered acceptable and in accord with Policy D1(A).

With respect to the access, this will be from a single point on Wood Road and gives onto the central parking area. This is shown as a recessed gated entrance, which is considered acceptable in terms of safety and security. Access to individual residential properties will be from the street (as well as rear access from the central car park). Similarly access to the office and light industrial buildings are also to from the streets. These points of access will contribute to active street frontages and represent an improvement over the current situation in this regard. The proposal is considered in accordance with policy D1(D), (E) and (F) in this regard.

Appearance is not being considered at this stage, however it should be noted that a high quality appearance will be required by policy D1(A) and an informative will be attached to the decision notice, to this effect. A condition is recommended to secure samples of all materials prior to the commencement of works on site.

5.4 Landscaping

Policies D1 and L1 seek to conserve those aspects of the landscape that make a significant contribution to the character of the landscape and where possible to conserve these elements. Landscaping should be integral to the entire scheme.

Landscaping is reserved, (and would be the subject of condition(s) at the reserved matters stage), however some limited landscaping is shown in the layout within the courtyard area and is considered appropriate.

5.5 Contamination

Given the former use of the site as a factory, it is considered that there is potential for land contamination. In accord with Policy EP6 a condition will be attached to the decision notice requiring a preliminary site investigation including a desk study report for any land contamination. The condition will set out the process and measures to be taken should contamination be discovered at this stage.

5.6 Transportation

Policies T7 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006 consider standards for both cycle and car parking respectively. Policy T12 indicates that new development will be permitted provided that the new development makes adequate, safe and appropriate provision for the transportation demands that it will create with the paramount aim of preserving highway safety and minimising the impact of motorised traffic. Concern has been raised regarding the impact of the development upon parking congestion as it is stated that there is an existing problem.

With respect to access issues, at present there are currently two vehicular accesses to the site from Wood Road and Moravian Road (the later would be closed as part of this development). For the new development, the main vehicular access and pedestrian access would be from Wood Road.

Officers consider that adequate visibility splays can be provided from the site access onto the public highway. The proposed new office units on the site are located on the corner of Wood road and Moravian Road with separate pedestrian accesses to each unit. The new industrial units on the site will be accessed off Wood Road. Officers also consider that the likely traffic generation that would result from the new development would be less than that traffic from the extant or the lawful use on the site. The proposal includes provision of 34 car parking spaces on site to serve the proposed development. Officers consider that 21 spaces should be allocated for the residential development (i.e. parking ratio of 1.5 spaces per residential dwelling) with 5 spaces being allocated for the commercial units and 8 spaces being allocated to the offices. Parking spaces no. 1, 20, 21, 22 and 23 (as indicated on the submitted plan) are marked as spaces for industrial units on the site and a condition is recommended to ensure that these are clearly marked on the ground.

It should also be noted that the site is within easy walking distance to Kingswood Town centre and is close to other amenities, employment, education establishments, and as such, it is considered to be a sustainable site. In order to promote the use of public transport facilities and in line with the national and local policies to reduce the reliance on the use of private vehicles, it is consider appropriate that the developer makes financial contribution towards public transport facilities in the area. Subsequently there is no highway objection to the proposal subject to a financial contribution of £10,000 being made and secured through an appropriate legal agreement. The contribution would be used towards the provision of a "Real time information" facility to facilitate bus stop improvement in the Kingswood area.)

In summary, subject to the above conditions and agreement, the proposed development is considered to be in accord with the aims and objectives of Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.7 Drainage

There is no objection to the proposed development subject to the use of best drainage practice to include the use of Sustainable Urban Drainage systems (Suds). A condition is recommended to secure this. In addition given the location of the site within a former mining area, a condition will be attached to the decision notice requiring a mining report to be submitted to and approved in writing by the Council prior to the commencement of works on site.

5.8 Use of Energy and Sustainability

The applicant has confirmed that they will be achieving Code for Sustainable Homes Level 3. It is not possible at the outline stage to formally confirm whether the application will reach Code level 3 given that the detailed design will be submitted at the reserved matters stage. An assessor has confirmed that the scheme should be capable of reaching Code Level 3 and a condition is therefore recommended to ensure that no development takes place until a scheme for assessment of the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme for assessment shall require the development to achieve Level 3 as set out in the 'Code for Sustainable Homes'. The approved scheme for assessment shall also require adherence to a formal post-construction assessment regime, which shall be implemented prior to the first occupation of any of the dwellings hereby approved.

5.9 Improvements Achieved to the Scheme

The indicative design has been amended during the course of pre-application discussions to achieve a scheme that will enhance the character of the area and be fully in accord with the aims and objectives of Policy D1, H2 of the South Gloucestershire Local Plan Adopted January 2006 and PPS3.

5.10 Community Services

Policy LC8 of the South Gloucestershire Local Plan (Adopted January 2006) considers provision towards open space and Children's Play Space in relation to new residential development. The Policy indicates that where local provision is inadequate to meet the projected needs arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision to meet these needs. In addition Policy LC1 indicates that where local provision for leisure, recreation and other community facilities is inadequate to meet the projected needs arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision in scale and kind, (to accord with the tests set out in Circular 05/05), to meet these needs. This may include contributions towards the enhancement of existing provision within the vicinity where on-site provision is not possible.

Guidelines from the National Playing Field Association recommends a minimum of 24m² of public open space per person and Policy LC8 of South Gloucestershire Local Plan (Adopted) January 2006 requires provision for informal open space, and it is considered that 5m² per person is reasonable to improve the quality of the environment in this area. Therefore the total public open space required from this development based upon a population increase of 34.3 people equates to 994.70 sq.m. The total contribution towards off-site enhancements of public open space would be £26,118.10. The developer would be required to contribute towards future maintenance of the enhancements, which equates to £23,352.59 giving a total requirement of £49,470.74. Officers indicate that the enhancements would be carried out within 2 km of the development (this would include space at Court Road and Kingswood Park).

In accord with Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006, a contribution towards the provision of community facilities in scale and kind is required to meet the needs of future residents. In this instance the contribution required would be £3,073.62 towards the costs of servicing Kingswood Library which is situated within 1.14km of the site.

The applicant has agreed to the above requirements and their inclusion in a Section 106 Agreement.

5.11 Education Services

Policy LC2 indicates that where local education provision is inadequate to meet the projected need for places arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision in scale and kind, (to accord with the tests set out in Circular 05/05), to meet these needs via an appropriate agreement.

The Department for Children & Young People calculate contributions on the basis of 36 primary pupils per 100 dwellings with two or more bedrooms. Current DCSF cost calculators give a figure of £10,747 per additional primary pupil place, indexed at Q4 2008 prices.

At primary level there is a projected deficit of places in the local area. The proposed development of 14 dwellings will generate five additional primary school pupils based on the pupil number calculator. A contribution of £53,735 is required for additional primary provision.

There is a projected surplus of places at secondary schools in the local area. No contribution is required for additional secondary provision.

The total contribution required for additional school provision is £53,735. It should be noted that should the mix of dwelling change, or should the development not proceed in the near future, the contribution would need to be reassessed. Additionally, the final amount of contribution should be calculated using DCSF cost calculators current at the time of signing a Section 106 agreement, increased in accordance with any increases in the Royal Institute of Chartered Surveyors Building Cost Index.

Having regard to the above contribution, the applicant has indicated that they are willing to make this contribution that will be included in the Section 106 Legal Agreement. The proposal is therefore in accord with Policy LC2 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.12 Affordable Housing Requirements

Policy H6 of the South Gloucestershire Local Plan (Adopted January 2006) in line with guidance given in PPS3 states that the Council will seek an element of subsidised affordable housing without any public subsidy to meet local needs on all new housing development within the Urban Area of 15 dwellings or more (or where the site is 0.5 hectares or more). In this case the size of the site and the number of units being provided falls below the threshold for affordable housing.

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 South Gloucestershire Council Design Checklist (Adopted August 2007)

5.14 Section 106 Requirements

In this instance, having regard to the above advice, contributions towards Education provision, transportation improvements, public open space and community facilities are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

- 7.1 1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- £26,118.10 towards enhancement of existing open space in the vicinity of the site and £23,352.59 towards the future maintenance of these enhancements to accord with Policy LC8 of the South Gloucestershire Local Plan (Adopted January 2006).

- £3,073.62 towards the provision of book/IT/audio equipment to the nearest library to the site (Kingswood Library) to accord with Policy LC1 of the South Gloucestershire Local Plan (Adopted January 2006).
- £10,000 to be used towards improvements to Public Transport Links ("Real Time" Information facilities at bus stops in the vicinity of the site to accord with Policy T12(F) of the South Gloucestershire Local Plan (Adopted January 2006).
- £53,735 towards the provision of five additional primary school places to accord with Policy LC2 of the South Gloucestershire Local Plan Adopted January 2006
- A contribution at a rate of 4% of the total requirement sum for monitoring purposes. This equates to £4,651.17

2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.

7.2 Should the agreement not be completed within 6 months of the date of the resolution that planning permission be refused.

Contact Officer: David Stockdale
Tel. No. 01454 864533

CONDITIONS

1. Approval of the details of the 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 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. Application for the approval of the reserved matters shall be in accordance with the scale parameters described in the design and access statement (and indicative drawing no. 2009/102) hereby approved.

Reason

To accord with Policy H2, T12 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of any works, full details of means of preventing vehicular access along the gap between the site and the side elevation of No.80 Moravian Road, (in the form of a suitably design traffic bollard), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall proceed in accordance with the approved details and be retained as such thereafter.

Reason

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

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 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPS25.

8. No development shall take place, until a Mining Report has been submitted to and approved in writing by the Local Planning Authority.

Reason

The site is situated within a former mining area and to prevent flooding or water emergence and to accord with Policy EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. No development shall take place until a scheme for environmental assessment of the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme for environmental assessment shall require the development to achieve, as a minimum, 'Code for Sustainable Homes' Code Level 3. The approved scheme for environmental assessment shall also require adherence to a formal post-construction assessment regime, which shall be implemented prior to the first occupation of any of the dwellings hereby approved. The development shall be carried out in accordance with the approved scheme for environmental assessment, unless otherwise agreed in writing by the Council.

Reason

To achieve improved energy conservation and the protection of environmental resources and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006 and The South Gloucestershire Design Checklist (Adopted August 2007).

10. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 hours Monday to Friday and 0800 to 1300 hours Saturdays and no working shall take place on Sundays or Public Holidays. The term "working" shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to occupiers of the immediately adjoining residential dwellings in Moravian Road and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

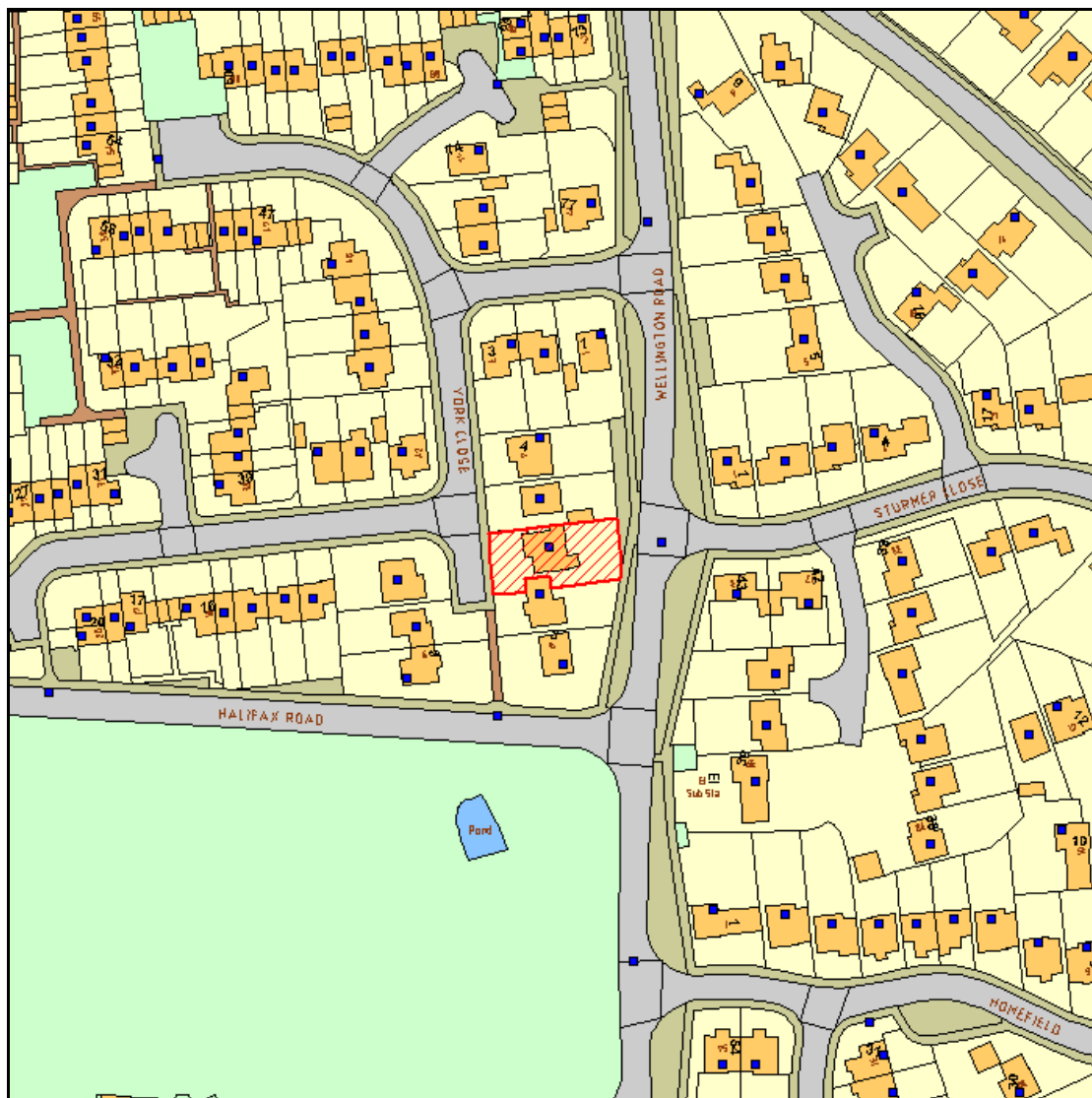
11. Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid the risk to the public, buildings, environment when the site is developed. Development shall not commence until the measures in the scheme have been implemented.

Reason

To ensure that adequate measures have been taken to mitigate against soil contamination to accord with Policies EP1 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 45/09 – 13 NOVEMBER 2009

App No.:	PK09/5357/F	Applicant:	Mr D Hatch
Site:	6 York Close Yate South Gloucestershire BS37 5XA	Date Reg:	29th September 2009
Proposal:	Erection of two storey rear extension to form kitchen/breakfast area and additional bedroom accommodation over. Extension to existing side porch.	Parish:	Yate Town Council
Map Ref:	371147 183570	Ward:	Yate North
Application Category:	Householder	Target Date:	24th November 2009



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 100023410, 2008. **N.T.S.** **PK09/5357/F**

INTRODUCTION

This application appears on the Circulated Schedule as representations have been received contrary to the officer's recommendation.

1. THE PROPOSAL

1.1 This application seeks permission for the erection of a two storey rear extension to a two storey detached house and extension to the existing porch. The dwelling is situated in a residential area of similar dwellings and is externally finished in reconstituted stone. The property has a rear conservatory that will be demolished if this application is permitted. The property has an integral garage.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

3. RELEVANT PLANNING HISTORY

3.1 No relevant history.

4. CONSULTATION RESPONSES

4.1 Yate Town Council
Object on the grounds of the scale of the development and the detrimental effect to neighbouring properties.

Other Representations

4.2 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety. The principle of development is therefore acceptable subject to the following detailed assessment.

5.2 Design/Visual Amenity

The proposed extension will extend along the full width of the original dwelling and will measure 8.5 metres in width. The extension will be 'L' shaped and at its deepest point will measure 3.5 metres in depth. The narrower half of the rear extension will measure 2.9 metres in depth and will continue the roof pitch of the existing dwelling, and will have a pitched dormer window. The deeper half of the extension will have an overall height of 6.5 metres with a height to eaves of 5.0 metres and have a fully hipped roof. The existing side porch will be extended from 3.0 metres in width to 4.2 metres. All other dimensions of the porch will remain the same.

5.3 The part of the proposed extension that projects into the rear garden by 3.4 metres will be fully hipped. The remaining part that has a depth of 3.0 metres will incorporate a pitched dormer window, with the degree of pitch mirroring the pitch of the hipped extension. The new openings in the rear elevation will all be horizontally proportioned, matching the existing dwelling. The ridge of the part of the extension that projects into the rear garden will be set down by 0.9 metres and the eave height will match the existing.

5.4 Although the extension extends the full width of the dwelling, at its deepest point it will project 3.4 metres. The adjacent dwelling to the south has a single storey rear extension with a pitched roof, which, due to the staggered siting of the row of detached dwellings, has a rear wall approximately 0.3 metres beyond the existing rear wall of the application site. Due to the staggering, the proposed extension will thus only project approximately 3.0 metres beyond the rear wall of the neighbouring property to the south, and will be sited 3.5 metres away. Furthermore, the dwelling to the north has an existing two storey rear extension that has the same design as these proposals, that was approved on 18th March 2002 (Ref PK02/0335/F).

5.5 It is considered the massing and design is suitable for the site and location. Furthermore, the materials used would match those of the existing house. It is therefore considered that the scale and design are acceptable.

5.6 Residential Amenity

Overbearing Analysis

The extension will be sited 3.5 metres from the boundary to the south. The rear boundary consists of a 1.8 metre close boarded fence whilst the proposed extension will be screened from the adjacent dwelling by the neighbouring detached garage. Although extending the full width of the house, the extension would only be at its deepest point 3.4 metres deep. Due to the staggered siting of the property in relation to the adjacent property to the south and the screening of the extension by the detached garage to the north and the fences to the rear and south, it is not considered that the proposed extension will have an overbearing affect on the neighbouring properties.

5.7 Privacy Analysis

Two windows are proposed for the south elevation of the upper storey of the existing dwelling. A condition will be attached ensuring these are obscure glazed.

No windows are proposed in the side elevations of the proposed extension. Accordingly, It is therefore considered that there are no issues of intervisibility or loss of privacy.

5.8 Amenity Space

Whilst the extension does project into the rear garden, sufficient garden space will remain to serve the occupiers of the property.

5.9 Highway Safety Analysis

The property benefits from parking and a detached garage. This is situated to the rear of the property and consequently the development will not impact upon highway safety or impact upon the property's parking arrangements.

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 It has been assessed that the proposed two storey rear extension has been designed to respect and maintain the massing, scale and design of the existing dwelling. The proposal also takes fully into account the neighbouring residential amenities and will not materially harm the amenities of neighbouring properties.

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 planning permission be **GRANTED** subject to the following conditions.

Contact Officer: Elizabeth Dowse
Tel. No. 01454 862217

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

Reason

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

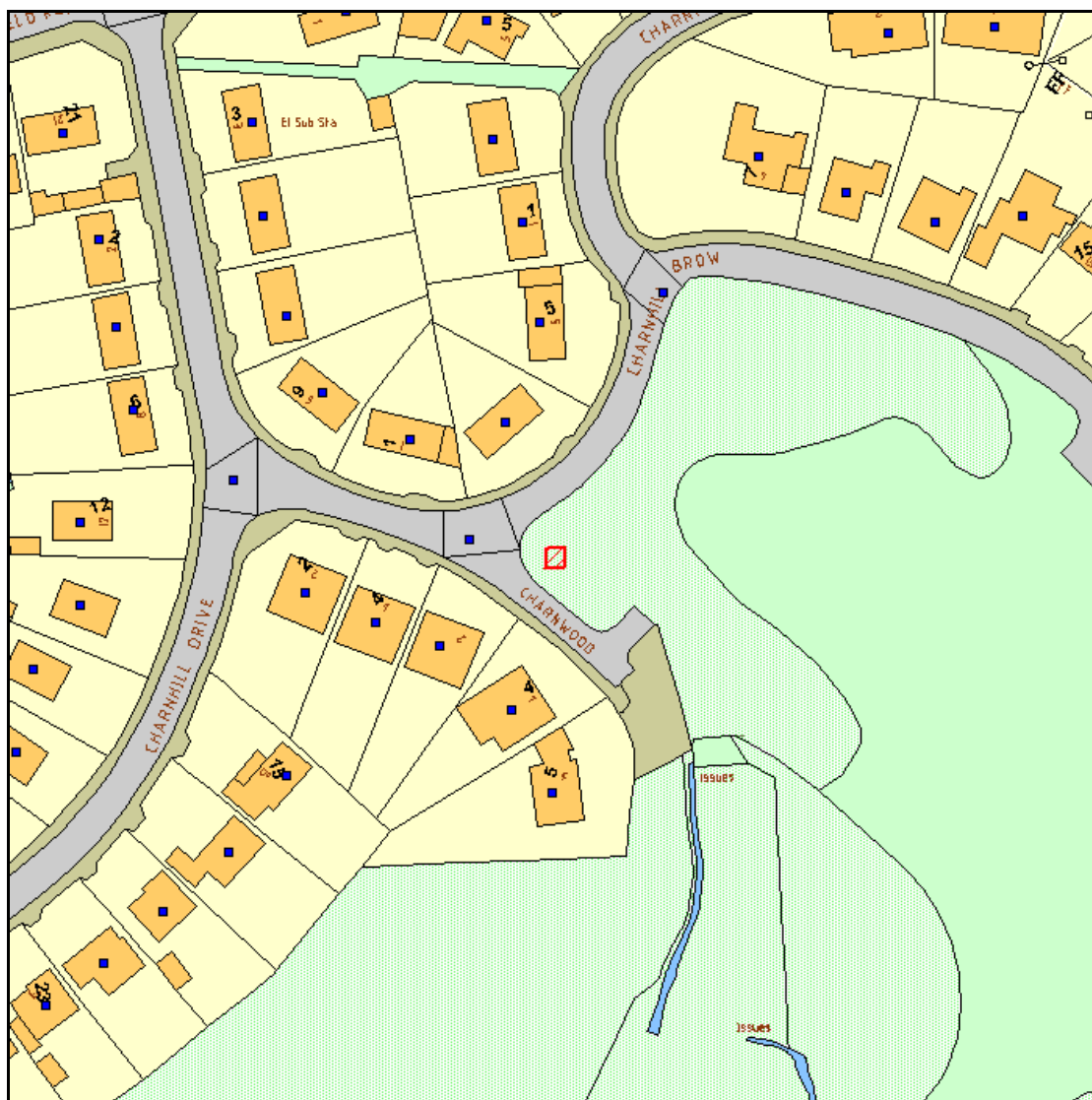
3. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor windows on the southern elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

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

CIRCULATED SCHEDULE NO. 45/09 – 13 NOVEMBER 2009

App No.:	PK09/5433/TRE	Applicant:	Ms L Thomas
Site:	Open Space At The Front Of 3 Charnhill Brow Mangotsfield Bristol South Gloucestershire BS16 9JW	Date Reg:	6th October 2009
Proposal:	Works to 1no. Poplar tree to reduce by 30% covered by Tree Preservation Order SG/TR dated 6 November 1957.	Parish:	None
Map Ref:	366139 175910	Ward:	Rodway
Application Category:	Minor	Target Date:	23rd November 2009



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 100023410, 2008. **N.T.S.** **PK09/5433/TRE**

INTRODUCTION

This application for tree works has been forwarded to the Council's Circulated Schedule for Member Consideration as the applicant is South Gloucestershire Council.

1. THE PROPOSAL

- 1.1 The tree is situated within a suburban residential area on the south side of Mangotsfield Road, Mangotsfield. Although the area is residential, the context is very green with various mature trees scattered amongst the dwellings. The tree the subject of this application is situated on Council owned land on an area of amenity space at a prominent fork between Charnwood and Charnwood Brow.
- 1.2 The application proposes works to 1 no. Poplar tree to reduce by 30% covered by Tree Preservation Order SG/TR dated 6 November 1957.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
L1 Landscape Protection and Enhancement
- 2.3 Supplementary Planning Guidance
Trees on Development Sites SPG – November 2005

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Consultees

Views incorporated into this report

Other Representations

- 4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

- 5.1 The application relates to a mature Poplar tree situated on a visually prominent fork in the road between Charnwood and Charnwood Brow. The tree is a good example of a Poplar and due to its visual prominence and uniform shape, provides a high level of visual amenity as a contribution to the character and appearance of the locality.
- 5.2 The proposed tree works would reduce the tree by 30%. The tree works are necessary to maintain the health and continued amenity value of the tree.
- 5.3 The Council's Arboricultural Officer has raised no objection to the works.
- 5.4 The proposed works are therefore considered to be acceptable.
- 5.5 Design and Access Statement
A Design and Access Statement is not required for this type of application.
- 5.6 Use of Energy and Sustainability
Not applicable.
- 5.7 Improvements Achieved to the Scheme
None

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 Consent is GRANTED subject to the following conditions and informatives:

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted (or other appropriate timescale).

Reason

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

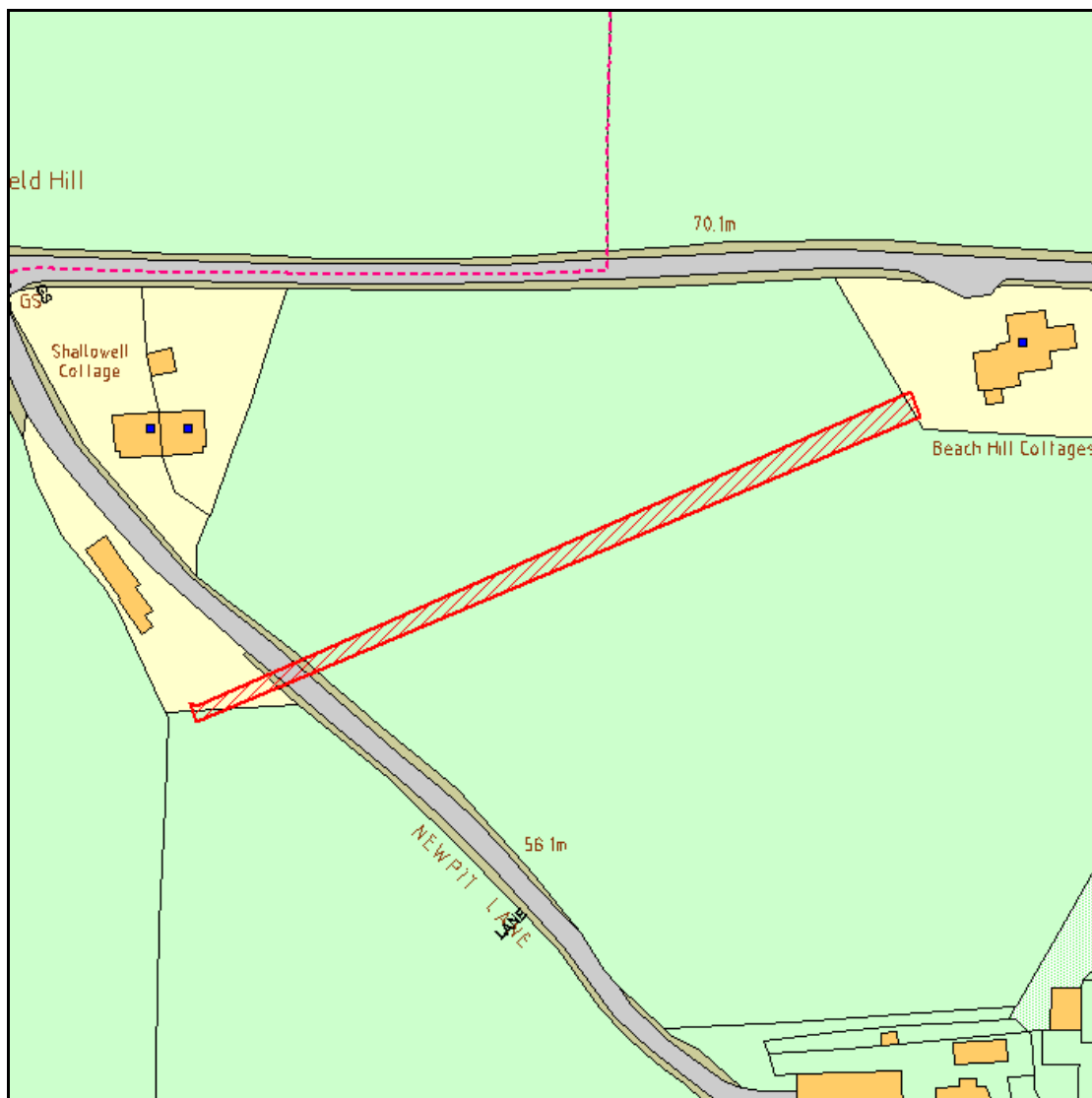
2. The works hereby authorised shall comply with British Standard 3998: 1989 – Recommendations for Tree Work.

Reason

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

CIRCULATED SCHEDULE NO. 45/09 – 13 NOVEMBER 2009

App No.:	PK09/5461/OHL	Applicant:	Central Networks West
Site:	Beach Hill Bitton Bristol South Gloucestershire BS30 6NU	Date Reg:	5th October 2009
Proposal:	Application for consent by Central Networks East under Section 37 of the Electricity Act 1989 for the upgrade of an existing 11,000 volt overhead line from single phase to three phase, route shown on the attached plan	Parish:	Bitton Parish Council
Map Ref:	368594 171316	Ward:	Bitton
Application Category:	Minor	Target Date:	27th November 2009



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 100023410, 2008. **N.T.S.** **PK09/5461/OHL**

INTRODUCTION

This application has been forward to the Circulated Schedule for Member consideration as an objection has been received from the parish Council which is contrary to the Officer recommendation.

1. THE PROPOSAL

1.1 The Overhead Power Lines (OHL) the subject of this application would be situated in a rural location close to the east side of Newpit Lane north of Bitton village.

The OHL would be situated within the Green Belt as defined in the adopted Local Plan. The OHL would be situated 700-800m from the western edge of the Cotswolds Area of Outstanding Natural Beauty (AONB).

1.2 This is an application for consent by Central Networks East under Section 37 of the Electricity Act 1989 for the upgrade of an existing 11,000 volt overhead line from two phase to three phase.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
Circular 14/90	Electricity Generating Stations and Overhead Lines
PPG2	Green Belt
PPS7	Sustainable Development in Rural Areas

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L2	Cotswolds AONB
D1	Design
GB1	Development in the Green Belt

2.3 Supplementary Planning Guidance

Development in the Green Belt SPD (June 2007)

3. RELEVANT PLANNING HISTORY

3.1 None relevant

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

Objection for the following reason:

Councillors objected to the use of overhead cables in an area of outstanding natural beauty.

Clarification has since been sought from the local Ward Member as the proposal would be situated outside the AONB. He explained that the concerns of the Parish Council related to detrimental visual impact and impact on the setting of the AONB.

4.2 Other Consultees

Views incorporated into this report.

Other Representations

4.3 Local Residents

None received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Schedule 9 of the Electricity Act 1989 and the provisions of Circular 14/90 set out the relevant matters to be considered in determining applications for consent under Section 37 of the Act. Firstly, the applicant formulating the proposals must have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and reasonably mitigate any effect which the proposal would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects. Secondly, in considering the proposals, the Secretary of State for Energy must have regard to whether the applicant has complied with the duty to mitigate the impact of the proposals.

5.2 In considering the proposal the Local Planning Authority should take into account the normal planning considerations and guidance as set out in the Act, the Circular and Regulations.

5.3 The application therefore needs to be tested against the relevant land use and policy provisions of the development plan and the environmental and other implications of the proposals.

The proposal is to extend the existing OHL running east connecting to the existing OHL running north to south just to the west of Newpit Lane. The proposal would provide one additional pole (phase) to support an extension of the existing OHL running east from the existing line for an extended distance of 168m connecting the existing infrastructure with Beech Hill Cottages to the east.

5.4 The site is located in the Green Belt, but the proposal does not fall within the limited categories of development normally permissible under PPG2 and Policy GB1 of the SGLP. It is considered however that as the proposal does not require planning permission per se and as the impact on the Green Belt could be said to be 'de-minimus' there would be no objection on Green Belt grounds.

- 5.5 The site is not a feature of special interest, nor does it affect any buildings or objects of architectural/historic or archaeological interest. It is considered that the site and proposal is not affected by or would have an adverse impact on any flora, fauna, geological or physiographical features of special interest. There will be no adverse highway impact. The main issue to consider is whether there would be any significant visual impact.
- 5.6 The site is located relatively close to (700-800m) the Cotswold AONB, and therefore officers have considered whether the proposal would detrimentally affect the setting of the AONB, as well as the character of the area generally.
- 5.7 The applicant has indicated that the proposal is required to provide an economic system of electricity supply to improve supply to the customer.

The proposal would provide an additional pole on the west boundary of Beech Hill Cottages. The boundary is currently occupied by a row of various mature trees and the proposed pole would sit amongst these trees. The pole would link an OHL with an existing pole situated in the open field to the west, which in turn connects to the existing network west of Newpit Lane. The new pole would be viewed against a backdrop of trees when viewed from the west and south and would be screened from views from the north and east by the trees. The existing poles are more visually prominent than the proposal and as such it would be difficult to justify that the proposal would result in any further adverse visual impact.

- 5.8 It is considered that the proposal will have no more visual/landscape impact than the cumulative affect of the existing poles in the fields in the area. There will be no wider landscape concerns. In consultation with the Council's Landscape Officer no objection was raised to the scheme.
- 5.9 Having regard to AONB policy, the proposal will not harm the natural beauty of the Cotswolds AONB. As such, the proposal is deemed acceptable.

5.10 Design and Access Statement

A Design and Access Statement is not required for this type of application.

5.11 Use of Energy and Sustainability

Not applicable

5.12 Improvements Achieved to the Scheme

None

5.13 Section 106 Requirements

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

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to raise no objection 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.

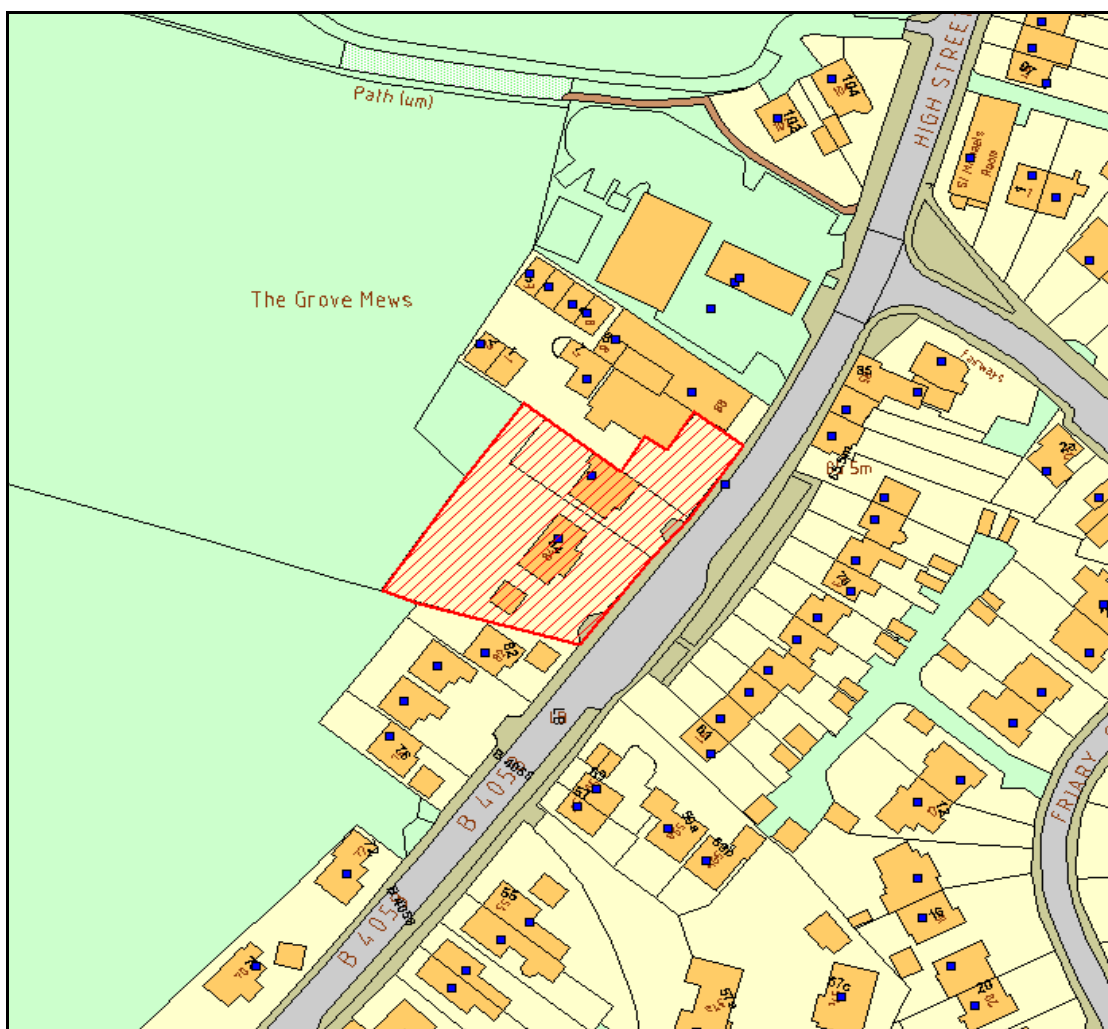
7. RECOMMENDATION

- 7.1 No objection.

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CIRCULATED SCHEDULE NO. 45/09 – 13 NOVEMBER 2009

App No.:	PT09/5211/F	Applicant:	Grove Care Ltd
Site:	84 - 86 High Street Winterbourne Bristol South Gloucestershire BS36 1RB	Date Reg:	27th August 2009
Proposal:	Demolition of existing dwellings to form three storey 40 bedroom care home for the elderly with associated works. Construction of new vehicular and pedestrian accesses. (Resubmission of PT08/2823/F)	Parish:	Winterbourne Parish Council
Map Ref:	365072 181079	Ward:	Winterbourne
Application Category:	Major	Target Date:	20th November 2009



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 100023410, 2008. N.T.S. PT09/5211/F

INTRODUCTION

This report appears upon the Circulated Schedule as there is public comment in respect of the planning application that is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The site consists of two large residential dwellings and associated curtilages. Access is off High Street, Winterbourne.
- 1.2 The proposed development consists of the demolition of the existing dwellings and the development of a 40 bedroom residential care home, and associated works. The proposed development also includes the provision of 10 car-parking spaces. Access would remain from High Street, Winterbourne. The site is located within the Winterbourne Village Settlement Boundary.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 Delivering Sustainable Development
- PPS3 Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Achieving Good Quality Design in New Development
- L1 Landscape Protection and Enhancement
- H2 Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permissions for Residential Development, within the Existing Urban Area and Defined Settlement Boundaries.
- H6 Affordable Housing
- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation Development Control Policy for New Development
- LC1 Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
- LC12 Recreational Routes.
- EP4 Noise Sensitive Development

2.3 Supplementary Planning Guidance

- Adopted South Gloucestershire Design Checklist
- Adopted South Gloucestershire Landscape Character Assessment (Earthcott Vale (Area 10))

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/2823/F Demolition of existing dwellings to form three storey 46 bedroom care home for the elderly with

associated works. Construction of new vehicular and pedestrian accesses. - Refused

4. **CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council Make the following comments

Strong objection.

Inappropriate development of the site.

Overbearing in the High Street.

Much more traffic would be generated.

Poor access onto a very busy road near to a bad bend and Tesco filling station.

Very large and dominant building which would take away the character of Winterbourne High Street.

Not enough parking for staff, visitors or delivery vehicles.

Gross over-development from two residential houses to a huge overbearing building.

The previous plan was refused and there does not appear to be many changes in the proposed development.

4.2 Sustainable Transport

No Objection subject to the provision of 6 undercover and secure cycle parking spaces; and that the new vehicular access is constructed to the Community Services (Street Care) specifications.

4.3 Local Residents

18 sets of comments have been received. In this instance there are three letters in support of the proposal and 15 against. The comments can be summarised as follows;

Support

The proposed development would provide much needed care accommodation in the locality.

The proposed nursing home is an attractive building which is in keeping with environment and would not unduly impact on the High Street.

The proposed development is welcomed during the economic down turn.

The proposed level of parking is sufficient as the majority of staff either walk or cycle to work and the existing car park is often half empty.

Against

The proposed development will introduce increased vehicular movements to the detriment impact of highway safety. There is already traffic conflict in the area around the nearby petrol filling station. The proposed development will create more conflict as the proposed access is now closer to the junction with Nichols Lane and High Street..

There is not sufficient off street parking provided as part of the development for staff and visitors.

Parking and transport problems are significantly increased during the commute to the local schools.

There is not sufficient bus services in this locality.

The development is not safe for elderly occupants

The site is in a noisy location impacting upon the future inhabitants.

The proposed development is overpowering and is out of scale with the character of the surrounding locality. The three storey building is too high for the locality.

The proposed development would have a detrimental impact upon the privacy and residential amenity of the occupants of nearby dwellings. The development will allow overlooking of existing dwellings and gardens opposite and adjacent to the site. There will be an increased level of noise as a result of the development.

The proposed development will obscure the view of open countryside resulting in the detrimental impact upon the well being of nearby residents.

The proposed development would have a detrimental impact upon the mature trees on the site

There will be unacceptable traffic delay and inconvenience during the construction of the proposed development.

There is already sufficient care home provision in the locality, and the provision of additional accommodation is not healthy for the future of Winterbourne. More homes should be provided for young people and families.

The proposed development will result in the loss of two family homes.

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development consists of the construction of a 40 bed residential care home (for the elderly). The site is located within the Winterbourne settlement boundary. As with the previous proposal, the proposed development

would provide specialist health care provision which would supplement the existing care home accommodation at The Grove Nursing Home (located on the adjacent site to the North). This application is a resubmission of the previous planning application submitted under PT08/2823/F. That application was refused for the following reasons;

i) The proposed development, by virtue of its poor design, layout, height, scale and mass would have a detrimental impact upon the character and visual amenity of the site, street scene and immediate surrounding area; and would have a detrimental impact upon the character of the long views of this part of the settlement of Winterbourne in this setting. The proposed development is therefore contrary to Policy D1, L1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document (SPD); and PPS1.

ii) The proposed development, by virtue of its layout, height, scale and position in relation to existing adjacent residential dwellings would have a detrimental impact upon the privacy and residential amenity of the occupants of those dwellings and as such the development would be contrary to Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document (SPD).

iii) The planning application does not provide sufficient information by which to adequately assess the impact of the proposed development upon trees within the site, and adjacent to it, which are protected by individual Tree Preservation Orders (TPO). As such the development is contrary to Policy L1, and H2 of the South Gloucestershire Local Plan and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document (SPD).

iv) No provision is made (in scale and kind) to secure additional Library services required to meet the projected needs for such services arising from the occupiers of the proposed development. As such the proposed development is contrary to Policy LC1 of the South Gloucestershire Local Plan (adopted) January 2006.

5.2 Principle of Development

Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this planning application. The policy indicates that the proposed development is acceptable in principle subject to the following considerations.

5.3 Density

The site currently provides a density of 10 dwellings per hectare. Policy H2 indicates that the most efficient use of land should be sought. The proposed development would result in a significantly more efficient use of the land.

5.4 Housing Mix

PPS3 sets out that supplying a mix of housing is a key objective of the planning system. This should have regard to current and future demographic trends. In particular,, the requirements of specific groups including older people are cited. So whilst 2 family houses would be lost, this proposal would benefit the range

and nature of accommodation within Winterbourne which has otherwise a greater supply and choice of family housing.

5.5 Design and Scale of the Development.

The site is located on the Western side of Winterbourne High Street. The immediate surrounding context is predominantly residential in character with a wide variety of domestic dwellings fronting onto the main highway. Immediately opposite, the modern terraced dwellings associated with Friary Grange Park (to the East) are set back from the highway and set in leafy gardens behind a stone wall typical of Winterbourne. The site and the adjacent site to the south contain large trees off the back edge of the highway. Modern development on the adjacent site to the south is set behind these trees, and although high, the scale of the buildings is domestic in scale. The Grove Nursing Home itself is located immediately to the North of the application site. The existing nursing home is contained within a large Victorian building. This building has been substantially extended, and further development has occurred to the rear of this building as part of the continued growth of the nursing home. Nonetheless, despite the rather unsympathetic modest extensions, the building retains a modest domestic character. A strong sense of enclosure is apparent along this stretch of Winterbourne High Street which is created by the tall trees and stone walling.

5.6 The proposed development would remove the existing dwellings at 84 and 86, High Street. These dwellings are modern (probably 1960's), of domestic scale and are set back from the back edge of the highway behind existing trees. The buildings are of no particular architectural merit. The two dwellings form a very low density of residential development and as such sit within substantial grounds.

5.7 The previous planning application (PT08/2823/F) proposed a three storey building containing 46 bedrooms which, by virtue of its excessive scale would have dominated the site. It was considered at the time of the assessment of that application that the proposal was poorly designed and would have an unacceptable impact in respect of the character and visual amenity of the locality.

5.8 This submission proposes a 40 bedroom development. The revised proposals have taken account of the previous refusal reasons in respect of design. The proposal now details a building which has been reduced in scale through the reduction in the height of the eaves of the building and resulting in a second floor within the roof space (2 ½ storey building). It is also proposed to separate the bulk of the building by introducing a central atrium feature which would house the main lobby and circulation space associated with the new building. Effectively, the development would appear as two separate buildings linked via a glazed atrium. Although the proposed building continues to be 'U' shaped, the overall width of the building has been reduced.

5.9 The depth of the proposed building remains very similar to the previous submission. However, the Southern elevation has been moved away from the boundary with the residential property to the South as a result in the reduction

- in the overall width of the building. Windows (with obscure glazing) have been introduced so as to help to break up this elevation and so reduce its impact in visual terms. The proposed materials are made up of a mixture of render, brick and reconstituted stone. This is considered to be appropriate in the wider context of the site.
- 5.10 The proposed bin store accommodation, previously proposed to be positioned to the front of the site, is now proposed to be positioned to the South side of the main building. This building is modest in scale and would not have any material impact in its own right.
- 5.11 Having regards to the above, it is considered that the proposed development successfully addresses the previous design refusal reason and the development would now provide a building which is consistent with the scale and character of the surrounding locality. The proposal is now consistent with the aims of the South Gloucestershire Design Checklist and Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.12 Affordable Housing
As the site falls within use class C2 (Residential Institutions) there is no requirement for affordable housing under policy H6.
- 5.13 Landscape Impact
The site is within the village development boundary (VDB) associated with Winterbourne. Nonetheless, the western boundary of the site forms part of the village settlement boundary, beyond which is open-countryside and designated Green Belt. Although, it is considered that the development would not impinge upon the openness of the Green Belt itself, the western elevation (rear) of the development does have a significant relationship with the rural context of this site.
- 5.14 The site is located within the Earthcott Vale (Area 10) Landscape Area as defined in the South Gloucestershire Landscape Character Assessment (Adopted SPD). Passive views of this site and the backs of buildings along the western side of Winterbourne High Street are available from positions to the West of this landscape area. In particular it is possible to see this part of Winterbourne from distant view along Old Gloucester Road and nearby of public rights of way (including routes covered by Policy LC12 of the South Gloucestershire Local Plan (Adopted) January 2006).
- 5.15 As with the previous submission (PT08/2823/F), it is not considered that the proposed development would have a direct impact upon the nearby designated leisure routes. Given that the proposed development has been reduced in scale when compared to the previous refusal, officers are satisfied that the proposed development will not have any material impact in respect of the longer views of the site from the open country side to the West of the site.
- 5.16 Archaeology and Historical Context
The officer site visit revealed a substantial stone wall which forms the southern and western boundary of the site. This is 3 to 4 metres in height and constructed in rubble stone, and forms a feature typical of this area of

- Winterbourne. In this instance, it is considered that given the domestic nature of the site, there would be very minimal possibility of Archaeological remains surviving within the applications site. Nonetheless, it is considered that the wall is of considerable amenity value and should be retained. On this basis, further information should be submitted to demonstrate how this wall would be retained and protected during construction.
- 5.17 In this instance, a pre-commencement condition requiring further details in respect of the protection and repair of the wall would be appropriate. As such, the lack of submitted information would not warrant a refusal reason in this instance.
- 5.18 Residential Amenity
There are residential dwellings immediately to the south of the site and small residential units which are associated with the occupation of The Grove Nursing Home to the North.
- 5.19 The building detailed within the previous planning application (PT08/2823/F) was such that both its southern and northern elevations take up the full depth of the site. In that instance there was also bedroom accommodation contained within these wings of the proposed building, which would have resulted in a significant overlooking impact, particularly effecting the existing residential development to the South. The reduction in the scale of this proposal, when compared to the previous submission is addressed specifically earlier in this report. In respect of residential amenity, the Southern elevation of the proposed building has been moved away from the boundary of the site with the dwelling immediately to the south of the site. It is now separated from this boundary by between 7 and 14 metres. The nature of the site is such that the shortest separation occurs in line with the adjacent dwelling itself, increasing along the length of the garden associated with that dwelling. Additionally, this elevation no longer contains windows related to bedroom space. The windows which are contained within the Southern elevation relate to secondary rooms, such as a store and staff room, and as such are proposed to be obscure glazed. Along with the reduction in the overall height of this elevation (and the building generally) it is considered that these measures are sufficient to overcome the overlooking issue affecting the previous proposal. It is also considered that, given this reduction in height and the general orientation of the site and the adjacent residential property, there is sufficient reduction in scale so as to overcome the overbearing nature of the previous proposal. With regards to dwelling located across High Street (to the East) and facing the proposed development, it is considered that there is sufficient separation between the proposed building and existing dwellings such that the development would not result in direct indivisibility between windows. Essentially, the distance between apposing buildings is approximately 35 metres and this is across High Street itself with the dwellings to the east being screened from this development by virtue of well established trees. On this basis it is considered that the development would not result in any material indivisibility and is acceptable in this regard.
- 5.20 It is acknowledged that this proposal includes a new bin store adjacent to the boundary with the residential dwelling to the South. Nonetheless, it is not

considered that the scale of the building would incur an unacceptable impact in terms of over looking or would be overbearing in its own right. Given the purpose of the building and its enclosed nature, it is not considered that this would cause a substantial noise impact. In relation to concerns relating to noise created by the development generally, it is considered that the development would not have a materially greater impact than the existing residential use on the site. Nonetheless, the proximity of the site to existing residential properties is such that it is reasonable to apply time restrictions to the hours of working during construction. This can be appropriately catered for by way of planning condition, should this application be approved.

5.21 Having regards to the above considerations, it is considered that the proposed development adequately addresses the residential amenity issues affecting the previous planning application, and on this basis, the proposed development is acceptable in this respect.

5.22 Some of the objections received raise concerns that the site is too noisy and suggest it would be unsafe for future occupants. It is considered that the site would not suffer from unreasonable levels of noise in for future occupants. There is no evidence to indicate the use would be unsafe in principle at this location, rather this is an issue for the future management of the site.

5.23 Trees

There is a group of trees located along Winterbourne High Street which cover the frontage of the development site and the residential development immediately to the South. These trees are covered by individual Tree Preservation Orders and are considered to provide high levels of amenity in this environment. The development would require the loss of the northern most tree which is a Silver Birch. This tree is acknowledged to be in recession, and there may be a gain if this tree is replaced with a suitable replacement. The submitted plans show a replacement tree close to the existing Silver Birch. In addition, this application is supported by an arboricultural assessment, which includes details of necessary protection and mitigation in respect of the trees on this site and adjacent to it. The Council's Arboriculturalist is in agreement with the arboricultural assessment and as such, subject to the provision of protection and mitigation as set out in the arboricultural assessment it is considered that the proposed development would not result in unacceptable harm or loss of the trees. On this basis, it is appropriate to apply a condition to any approval such that the findings of the arboricultural assessment are enforceable.

5.24 Developer Contributions to Social Service Infrastructure.

In this instance, there is a requirement for a contribution of a total of £745.60 towards the provision of additional library services to cater for additional demand as a result of the occupation of the proposed development. This can be secured by an appropriate legal agreement, The developer has agreed in principle to pay this sum. On this basis, and subject to the signing of the legal agreement, the previous refusal reason in respect of the provision of library services can be overcome. Given the nature and scale of this obligation it is considered that this matter can be adequately dealt with by virtue of a Grampian Style Condition

5.25 Transportation

Notwithstanding the objections raised by local residents and Winterbourne Parish Council in respect of highway safety concerns as a result of the proposed development, the previous planning application (PT08/2832/F) was considered to be acceptable in respect of transportation and highway safety. This application would reduce the numbers of proposed bedroom spaces from 46 to 40 and as such is not considered to have a materially greater impact than that of the previous proposal. As with the previous planning application, the proposed development would effectively close the existing access to The Grove Nursing Home, and would create a new access (immediately to the South of the existing access to this site). It should be noted that the proposal would rationalise the existing accesses and as such would reduce the number of accesses directly onto High Street and in the vicinity of the junction with High Street and Nichols Lane. It is anticipated that there would be a slight increase in traffic generation. Nonetheless, the 24hr nature of the development would result in these vehicles movements being spread throughout the day. Furthermore, the proposed vehicle access is an improvement on existing arrangements and the level of visibility that would be attainable complies with current standards, whilst the proposed access could accommodate 2-way traffic. 11 car parking spaces are proposed as part of this development. This is considered acceptable as it complies with the maximum parking standards as set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006. On this basis, it is considered that the proposed development is acceptable in highway safety terms. However, further detail would be required in respect of the exact nature of provision of secure and under cover cycle parking for 6 cycles. It is considered that there is sufficient space to accommodate such a facility within the proposed development and as such this can be secured by way of appropriately worded condition.

5.26 Subject to the use of such a condition, there is no transportation objection to the proposal.

5.27 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.

5.28 Use of Energy and Sustainability

The proposed development would be required to meet the standards of energy preservation and reduction in use set out within the Building Control Regulations

5.29 Improvements achieved to the scheme

The proposed development is in response to the refusal reasons cited under the previously refused planning application (PT08/2823/F) and are considered to be a sufficient improvement in respect of the previous planning application.

5.30 Section 106 Requirements

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 It is concluded that the proposed development is acceptable in design terms and it is consistent with the scale and character of the surrounding locality. It is also concluded that, having regards to the position and scale of the proposed building, the development would not result in an unacceptable impact in respect of the residential amenity of the occupants of nearby residential dwellings. It is therefore concluded that the proposal is consistent with the aims of the South Gloucestershire Design Checklist and complies with Policy D1 and Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 6.3 It is concluded that the proposed development would provide a safe access and a sufficient number of off street vehicular parking spaces, and would not generate a level of additional vehicular movements such that the proposed development would result in a negative impact in respect of highway safety; and that the use of suitably worded planning conditions are sufficient to secure the provision of adequate under cover and secure cycle parking within the development. It is therefore concluded that the proposed development complies with Policy T12, T8 and T7 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 6.4 It is further concluded that the proposed development includes sufficient mitigation and protection in respect of the protected trees adjacent to and within the site; that any necessary protection and repair of the stone boundary wall (enclosing the South and West boundary of the site) can be adequately catered for by way of planning conditions; and that the proposed development includes sufficient means to cater for the requirement for additional library services arising as a result of the proposed development. It is therefore concluded that the proposed development complies with Policy L1, D1 and LC1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 6.5 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted)

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

7. RECOMMENDATION

7.1 That Planning Permission is granted subject to the following conditions.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

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

Reason

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

2. Prior to the commencement of development full details and 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 hours of working on site during the period of construction shall be restricted to 08:00 until 18:00 Monday to Friday; and 08:00 until 13:00 on 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 minimise disturbance to occupiers of nearby and adjacent dwellings to the North, South and East of the development site and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The development hereby approved shall be implemented in accordance with the Aboricultural Method Statement (as received by the Council on 29th October 2009) (Herein referred to as AMS). Each of the operations identified in the AMS shall be monitored by a qualified Aboricultural Consultant and an interim Aboricultural Inspection Report shall be submitted following the completion of each stage of the Aboricultural Works Schedule as identified within the AMS, and agreed in writing by the Local Planning Authority prior to the commencement of the next stage of the Aboricultural Works Schedule.

Reason

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

Reason

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

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

Reason

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

6. Development shall not commence until details demonstrating the method of protection and repair of the wall enclosing the Southern and Western boundary of the application site, during the implementation of the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details. For the avoidance of doubt, any part of the wall which is removed during the implementation of the development hereby approved shall be reinstated within 6 months of the completion of the development hereby approved and such work shall be carried in accordance with the details so agreed; or otherwise agreed in writing by the Local Planning Department.

Reason

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

7. All glazing on the Southwest Elevation of the buildings hereby approved shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

In order to protect the residential amenity and privacy of the neighbouring occupiers to the South of the development hereby approved and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. No development shall commence until the developer has entered into a legal agreement so as to secure the delivery of an off site contribution (in scale and kind) for the enhancement of Library Services in the vicinity of the development hereby approved.

In order to ensure that sufficient Library Services are available to cater for the future needs arising from the future occupiers of the development and to comply with Policy LC1 of the Adopted South Gloucestershire Local Plan (January 2006).

CIRCULATED SCHEDULE NO. 45/09 – 13 NOVEMBER 2009

App No.:	PT09/5233/LB	Applicant:	Dr B McConnell
Site:	Over Court Farm House Outbuildings Over Lane Almondsbury Bristol South Gloucestershire	Date Reg:	17th September 2009
Proposal:	Partial demoiltion, internal and external alterations to existing storage buildings.	Parish:	Almondsbury Parish Council
Map Ref:	358650 182409	Ward:	Almondsbury
Application Category:	Minor	Target Date:	11th November 2009



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 100023410, 2008. N.T.S. PT09/5233/LB

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of an objection from the Almondsbury Parish Council which was contrary to the case officers recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks listed building consent for works to curtilage listed buildings to facilitate the change of use of land and conversion of building from agricultural to office (Class B1a). The change of use is being considered under a concurrent planning application PT09/5279/F.
- 1.2 The application site is approximately 0.2ha in area and is situated adjacent to Over Lane. The site includes a Grade II listed farmhouse and a group of redundant agricultural buildings – which are subject to the proposed conversion works. The site is adjacent to an existing employment development which involves the conversion of several agricultural barns. The site is situated outside of any defined settlement boundary and in the Green Belt.
- 1.3 The proposed development seeks to change the use of redundant agricultural buildings. This would involve the following:
 - Demolition of building no. 4 and parts of building no. 5
 - Re-roofing building no. 5
 - Installation of conservation roof lights
 - Internal alterations to floor plan
 - New windows and glazing panels.
 - Repair of existing stonework.
 - Creation of car parking spaces and landscaping.

2. POLICY CONTEXT

2.1 National Guidance
PPG15: Planning and Historic Environment

2.2 Development Plans

Joint Replacement Structure Plan (Adopted) September 2002
Policy 19: The Built and Historic Environment

South Gloucestershire Local Plan (Adopted) January 2006
L13: Listed Buildings

3. RELEVANT PLANNING HISTORY

- 3.1 P95/2618 Conversion of barns to form three dwellings. Demolition of part of single storey. Erection of garage for four cars. Erection of single storey extension to existing barn. Construction of vehicular and pedestrian access.

Approved on 15th November 1995

- 3.2 P95/2652/L Demolition of part of single storey barn. Conversion of barns to three dwellings. Erection of garage for four cars. Erection of single storey extension to barn; Construction of vehicular and
Approved on 15th November 1995
- 3.3 P97/1978 Conversion of barns to dwelling and class B1 offices
Approved on 11th December 1997
- 3.4 P97/1979/L Conversion of barns to dwelling and class B1 offices
Approved on 11th December 1997
- 3.5 PT99/0063/F Conversion of double garage to offices
Approved on 18th January 2000
- 3.6 PT99/0255/LB Conversion of double garage to offices
Approved on 18th January 2000
- 3.7 PT03/0840/F Conversion of dwelling to offices
Approved on 19th May 2003
- 3.8 PT07/1605/F Change of use of agricultural barn to offices (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Refused on 14th September 2007
- 3.9 PT07/1607/LB Change of use of agricultural barn to offices (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include alterations.
Refused on 14th September 2007
- 3.10 PT08/2141/F Internal and external alterations to facilitate change of use from farmhouse to offices (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Approved on 17th October 2008
- 3.11 PT08/2140/LB Internal and external alterations to facilitate change of use from farmhouse to offices (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987
Approved on 17th October 2008
- 3.12 PT09/0161/LB Internal and external alterations to facilitate change of use from farmhouse to offices (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987 (Amendment to previously approved scheme - PT08/2140/LB)
Approved on 5th March 2009

- 3.13 PT09/0163/F External alterations to facilitate change of use from farmhouse to offices (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987. (Amendment to previously approved scheme - PT08/2141/F)
Approved on 5th March 2009

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
The Parish Council wish to object to this planning application due to its location within the Green Belt.
- 4.2 Sustainable Transportation
No objection.
- 4.3 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The principle of the proposed development and associate planning merits of the case are considered under the concurrent planning application PT09/5279/F. However as the proposed works require Listed Building consent it is necessary to consider the merits of the proposal in relation to its impacts upon the special historical and architectural nature of the curtilage listed barns and the setting of the listed building.
- 5.2 The Council's Conservation Officer has assessed the application. It was concluded that the revised plans submitted have addressed the majority of concerns initially raised. The number and size of roof lights have been reduced and their locations altered to reduce their visual prominence in the grouping of buildings. The alterations to building 5 have limited the extent of conversion to the original building envelope and the reinstatement of the roof covering. The removal of the canopy to building 3 is welcome and the screen to building 1 has been simplified. It was therefore concluded that the revised plans are an improvement on the original scheme. It is therefore considered that the scheme would not harm the setting of the listed building or significantly alter the historic character of this former agricultural building. On this basis it is considered that the proposed development would accord to PPG15 and Policy L13 of the adopted local plan.
- 5.3 The Conservation Officer has recommended a number of conditions to ensure that the delivery of a high quality scheme.

6. CONCLUSION

- 6.1 The recommendation to grant listed building consent has been taken with regard to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

7. RECOMMENDATION

7.1 Listed building consent to be **GRANTED** subject to the following condition(s): -

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. Prior to the commencement of development, the detailed design including materials and finishes of the following items shall be submitted to and approved in writing by the Local Planning Authority:
 - a) All new external joinery (windows, doors and screen) including cill, lintel and reveal details and ironmongery.
 - b) Proposed internal floor finishes.
 - c) Rooflights
 - d) Rainwater goods
 - e) External lighting
 - f) Railings

For the avoidance of doubt, the design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the design of the details listed are appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPG15.

3. Prior to the commencement of development, a detailed specification for the proposed repairs and structural works of the existing barns shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the specification shall include details of the extent of proposed replacement of historic fabric, and how the structural integrity of the buildings shall be maintained throughout construction. Development shall be carried out in accordance with the agreed details.

Reason

To ensure that the design of the details listed are appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving

the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPG15.

4. Prior to the commencement of development, samples of the new clay tiles and ridges shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the tiles shall be reclaimed natural clay tiles to match the existing. Development shall be carried out in accordance with the agreed details.

Reason

To ensure that the design of the details listed are appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPG15.

5. Notwithstanding the previously submitted details, prior to the commencement of development a detailed specification of the haired lime plaster, its application and finish shall be submitted and approved in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To ensure that the design of the details listed are appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPG15.

6. Prior to the commencement of development, a sample panel of pointing, of at least one metre square, showing the colour, texture, and finish shall be erected on site and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved panel. For the purposes of consistency, the sample panel shall be retained on site until completion of the development.

Reason

To ensure that the design of the details listed are appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPG15.

7. The new stonework shall match the existing original stonework in respect of colour, texture, coursing, jointing and pointing.

Reason

To ensure that the design of the details listed are appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPG15.

CIRCULATED SCHEDULE NO.45/09 – 13 NOVEMBER 2009

App No.:	PT09/5279/F	Applicant:	Dr B McConnell/o Hydrock Ltd
Site:	Over Court Farm House Over Lane Almondsbury Bristol South Gloucestershire	Date Reg:	16th September 2009
Proposal:	Change of Use of land and conversion of buildings from agricultural (Class Use Sui Generis to B1(a) Business Class Use) (as defined in the Town and Country Planning (Use Classes) Order 1987) (as amended)	Parish:	Almondsbury Parish Council
Map Ref:	358650 182409	Ward:	Almondsbury
Application Category:	Minor	Target Date:	11th November 2009



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 100023410, 2008. **N.T.S.** **PT09/5279/F**

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of an objection from the Almondsbury Parish Council which was contrary to the case officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the change of use of land and conversion of buildings from agricultural to office (Class B1a).
- 1.2 The application site is approximately 0.2ha in area and is situated adjacent to Over Lane. The site includes a Grade II listed farmhouse and a group of redundant agricultural buildings – which are subject to the proposed conversion works. The site is adjacent to an existing employment development which involves the conversion of several agricultural barns. The site is situated outside of any defined settlement boundary and is within the Green Belt.
- 1.3 The proposed development seeks to change the use of redundant agricultural buildings (Nos. 1, 2, 3 & 5 as shown on Drg. 117/01 Rev B). The works would involve the conversion of four agricultural buildings to an office use, the demolition of one open sided shed/garage, and the formation of a new parking area.
- 1.4 This application is accompanied by a listed building application PT09/5233/LB.

2. POLICY CONTEXT

2.1 National Guidance

PPS1:	Delivering Sustainable Development
PPG2:	Green Belts
PPG4:	Industrial and Commercial Development and Small Firms
PPS7:	Sustainable Development in Rural Areas
PPS9:	Biodiversity and Geological Conservation
PPG13:	Transport
PPG15:	Planning and the Historic Environment

2.2 Development Plan

Joint Replacement Structure Plan (Adopted) September 2002

Policy 1:	Sustainable Development
Policy 2:	Locational Strategy
Policy 16:	Green Belt
Policy 32:	The Rural Economy

South Gloucestershire Local Plan (Adopted) January 2006

D1:	Achieving Good Quality Design in New Development
GB1:	Development within the Green Belt

- L1: Landscape Protection and Enhancement
 - L13: Listed Buildings
 - L9: Species Protection
 - E6: Employment Development in the Countryside
 - E7: Conversion and re-use of rural buildings
 - EP1: Environmental Protection
 - T8: Car Parking Standards
 - T12: Transportation Development Control Policy in New Development
 - L17/L18 Water Environment
- 2.3 Supplementary Planning Guidance
 South Gloucestershire Design Checklist SPD (Adopted) 2007
 South Gloucestershire Development within the Green Belt SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P95/2618 Conversion of barns to form three dwellings. Demolition of part of single storey. Erection of garage for four cars. Erection of single storey extension to existing barn. Construction of vehicular and pedestrian access.
Approved on 15th November 1995
- 3.2 P95/2652/L Demolition of part of single storey barn. Conversion of barns to three dwellings. Erection of garage for four cars. Erection of single storey extension to barn; Construction of vehicular and
Approved on 15th November 1995
- 3.3 P97/1978 Conversion of barns to dwelling and class B1 offices
Approved on 11th December 1997
- 3.4 P97/1979/L Conversion of barns to dwelling and class B1 offices
Approved on 11th December 1997
- 3.5 PT99/0063/F Conversion of double garage to offices
Approved on 18th January 2000
- 3.6 PT99/0255/LB Conversion of double garage to offices
Approved on 18th January 2000
- 3.7 PT03/0840/F Conversion of dwelling to offices
Approved on 19th May 2003
- 3.8 PT07/1605/F Change of use of agricultural barn to offices (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Refused on 14th September 2007
- 3.9 PT07/1607/LB Change of use of agricultural barn to offices (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include alterations.
Refused on 14th September 2007

- 3.10 PT08/2141/F Internal and external alterations to facilitate change of use from farmhouse to offices (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Approved on 17th October 2008
- 3.11 PT08/2140/LB Internal and external alterations to facilitate change of use from farmhouse to offices (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987
Approved on 17th October 2008
- 3.12 PT09/0161/LB Internal and external alterations to facilitate change of use from farmhouse to offices (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987 (Amendment to previously approved scheme - PT08/2140/LB)
Approved on 5th March 2009
- 3.13 PT09/0163/F External alterations to facilitate change of use from farmhouse to offices (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987. (Amendment to previously approved scheme - PT08/2141/F)
Approved on 5th March 2009

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

The Parish Council wish to object to this planning application due to its location within the Green Belt.

4.2 Sustainable Transportation
No objection.

4.3 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

5.1 This report will assess the planning application for the change of use of four agricultural buildings into a Class B1 (a) Office. The first section of the report will establish the principle of the proposed development with regard to the green belt and employment policy for the conversion of rural buildings. The further material considerations would be the effects on residential amenity, the environment, ecology, drainage and transportation. These issues will be assessed in the latter sections of this report.

5.2 Green Belt

The application site is situated within the Green Belt and outside of any settlement boundary. The most relevant policies are therefore PPG2, Policy GB1 of the adopted local plan, and the Development in the Green Belt SPD. This indicates that, with suitable safeguards, the re-use of rural building should not prejudice the openness of the Green Belt, since the buildings are already there. Furthermore, suitable re-use of such buildings can prevent them from being left vacant and becoming prone to vandalism and dereliction. As such PPG2 and Policy GB1 of the adopted local plan state that the re-use of building inside the Green Belt would not be inappropriate development, providing that: -

- 1. It would not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;**
- 2. Strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (e.g. because they involve extensive external storage, or extensive hard standing, car parking, boundary walling or fencing);**
- 3. The building are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and**
- 4. The form, bulk and general design of the buildings are in keeping with their surroundings.**

5.3 The existing buildings, which are subject to the proposed conversion works, have an extant agricultural use that relates to the sites former use as a farm. The planning history shows that over the past 12 years the use of several of the adjacent buildings within the site have been successfully converted from agriculture to business. It is therefore considered that the primary use of the planning unit is now one of employment, and the agriculture use of the remaining unconverted buildings is redundant.

5.4 The physical condition of these buildings has deteriorated, and it is considered that this would continue to worsen if the buildings were to remain to be vacant and underused. As such the re-use of these buildings would protect these buildings and prevent them from becoming vandalised or derelict. Moreover, whilst an agricultural use does remain on adjacent fields, the existing buildings are of a size that is not compatible with modern farming techniques, thus it is unlikely that these building would return to an active agriculture use. It is therefore considered that the proposed re-use would bring these buildings back into use and would be consistent and complementary to the primary business use of the planning unit. On this basis, it is concluded that the proposed development would not have a material greater impact than the present use on

- the openness of the Green Belt and the purposes of including land in it such that it would still fall within the definition of appropriate development.
- 5.5 The conversion of buildings nos. 1, 2 & 3 would be converted within the confines of the fabric of the existing building. However, building no. 5 would be returned to a more original form by removing the modern *ad hoc* lean-to addition, and reconstructing a dual-pitch roof over the barn. It is appreciated that this would result in a negligible extension to the building, however the total volume of built form would actually be reduced due to loss of the lean-to additions. Policy GB1 specifically states that strict control is exercised over the extension of re-used buildings. It is considered that the proposed extension to building no. 5 would be minor and would not harm the openness of the Green Belt. It is therefore considered that strict control has been exercised over the extension of this building such that it would still fall within the definition of appropriate development.
- 5.6 With regard to the structural integrity of the buildings the applicant has submitted a structural engineers report. The Council's Building Control surveyor has scrutinised the proposal and concluded that the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction. Nevertheless it is acknowledged that some of the works of repair would require delicate techniques to ensure the structural integrity of the buildings is maintained throughout construction. This is of utmost importance because if the buildings were to be demolished and re-built, the development would constitute complete reconstruction and would therefore fail policy GB1 and E7 of the adopted local plan. It is therefore recommended that a condition be attached to require the applicant to submit a pre-commencement method statement detailing the methods of construction and detailing how the structural integrity of the buildings would be maintained throughout the construction period.
- 5.7 PPG2 states that it is important to discourage abuse of permitted development rights. For instance, when granting permission for the use of agricultural buildings for non-agricultural purposes, local planning authorities should consider whether proliferation of farm building constructed under permitted development rights could have a seriously detrimental effect on the openness of the Green Belt. If so, local planning authorities should consider whether it would be reasonable to attach a condition withdrawing these rights for new building in respect of that particular agricultural unit or holding.
- 5.8 In this instance the applicant has control over the adjacent agricultural land and this is used for grazing of cattle and for crops. It is conceivable that this agricultural use may require new buildings to be erected in the future for machinery or stock. It could be argued that existing buildings should be re-used for such purposes to avoid proliferation of farm buildings and harm to the openness of the Green Belt. Notwithstanding this, it is considered that the existing agricultural buildings on the application site are redundant and furthermore it is unlikely – due to their size and location – that these building would return to active agricultural use in the future. For this reason, it is considered unreasonable to removal permitted development rights because it would unduly restrict the applicant from erecting modern farming buildings

which may be required even if the existing building were not converted, and these rights should only be removed as an exception.

In view of the above it is considered that the development would be appropriate development within the Green Belt and would satisfy policy GB1 of the adopted local plan.

5.9 Conversion and Re-Use of Rural Buildings

Policy E7 allows for the conversion and re-use of existing rural building for employment uses subject to criteria. The proposed development has therefore been applied to this policy below: -

- A. The building are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction; and**
- B. The building are in keeping with their surroundings in terms of character form, bulk and overall design; and**
- C. Development, including any alterations, intensification or extension, would not have a harmful effect on the character of the countryside or the amenities of the surrounding area.**

5.10 The proposed development relates to the conversion of four barns, and the demolition of one open-sided garage and several *ad hoc* additions to building no. 5. These are the last barns and outbuildings at the Over Court farm complex that have yet to be converted to offices or associated uses. They are far more modest in scale compared to the other structures on the site. The buildings are listed buildings; they are situated within the curtilage of the Grade II listed farmhouse.

5.11 It has been established that the existing buildings on the site are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction. The proposed conversion works are relatively simple. The built form of building nos. 1, 2, and 3 would be entirely retained with some basic repairs to the fabric of the building. Following discussions with the applicant, the number of roof lights has been reduced and the glazed screen to building no. 1 has been simplified. The proposals to building no. 5 have been significantly reduced from the original proposals. The extension to the building's northern elevation has been omitted and the raising of the roof height has been reduced. It is considered that these amendments would limit the scheme to the extent of original building envelope and would reinstate the original roof covering. In view of the above, it is concluded that the proposed development would constitute a sympathetic conversion scheme which would preserve the setting of the Grade II listed farmhouse and the farm/rural character of the existing site and surrounding area.

5.12 The proposed development would also include the reconfiguration of parking spaces and the formation of some landscaping around the converted buildings. The initial drawings submitted by the applicant detailed a particularly formal arrangement. It was considered that this approach would clash with the rural

- character of the buildings and it was suggested that the landscaping should be simplified. The amended plans have gone some way to overcoming this, however it is recommended that a condition is attached to require a full landscaping scheme to ensure that materials and planting are agreed in detailed prior to the commencement of any development.
- 5.13 In view of the above it is concluded that the proposed development would have an acceptable design approach and would preserve the character and appearance of the listed buildings and the surrounding countryside. The development therefore accords with policies D1, L1, L13 and E7 of the adopted local plan.
- 5.14 Residential Amenity
The application site is situated within an established employment site and is isolated from nearby dwellings along Over Lane. It is therefore considered that there would be no harm to residential amenity.
- 5.15 Transportation
To address the access and parking arrangements the Council's Transportation Engineer has been consulted as part of this application. It was concluded that the conversions of the barns would be unlikely to result in a significant increase in traffic generation from the site, and therefore the existing access arrangements are acceptable. Furthermore, the reconfigured parking arrangement and cycle storage facilities would accord to the Council's parking standards. On this basis, it is considered that the proposed development would accord to policy T12 of the adopted local plan.
- 5.16 Ecology
The Council's Ecologist identified that there was potential for bats and breeding birds within the existing barns on the site, and it was therefore recommended that a pre-determination survey of the buildings be undertaken. The applicant has now submitted a detailed report that concluded that there were no signs of bats within the building, however there were several nests, which indicate that House Sparrows, Pigeons, Swallows and House Martins use the buildings during the summer months.
- 5.17 Whilst bats are unlikely to be present, as a precautionary measure the survey recommended 'soft demolition' (by hand) of the buildings and as soon as possible, with all work overseen by a suitably licensed ecologist. Demolition in the milder autumn months is preferable, because should bats be discovered, they will not use up critical fat reserves in activating themselves as they would if disturbed during colder weather. The report recommends a series of mitigation measures for both bats and birds which are welcomed and supported. The report also recommends a pre-clearance check of the rough grassland/rubble in the overgrown garden for reptiles which is welcomed and supported.
- 5.18 On the basis of this report the Council's Ecologist has concluded that the development would accord to Policy L9 of the adopted local plan, providing that a condition is attached to ensure that the development is implemented in accordance with the submitted survey.

5.19 Drainage

The disposal of surface water run-off from the development requires consideration in order to minimise its environmental impacts. The traditional practice for the disposal of water is to pipe water away to the nearest watercourse in order to ensure rapid disposal. This can lead to increased risk of flooding. On this basis, the Council Drainage Engineer has confirmed that the drainage arrangements are acceptable subject to conditions ensure Sustainable Drainage Systems. It is noted that if SUDs are not practicable then it must be demonstrated that an acceptable alternative means of surface water disposal is incorporated.

5.20 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.

5.21 Use of Energy and Sustainability

To be built to current Building Regulation standards.

5.22 Improvements Achieved to the Scheme

Amended plans to address issues relating to detailing and landscaping.

5.23 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

a) The Parish Council concerns regarding the Green Belt have been considered. The proposed change of use of building would not have a materially greater impact than the present authorised use on the openness

of the Green Belt. Moreover the buildings are of permanent and substantial construction and capable of conversion without major or complete reconstruction, and this shall be safeguarded through the use of a suitable planning condition. Finally it is considered that the development would not be in keeping with their surroundings and would not harm the character of the countryside. The proposed development is therefore appropriate development within the Green Belt, and would accord to Policy GB1, E6, and E7 of the South Gloucestershire Local Plan (Adopted) January 2006.

- b) The proposed development has been designed preserve the setting of the Grade II listed farmhouse and the listed outbuildings. The proposed development therefore would accord to Policy D1 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - c) The proposed development would provide adequate access and parking arrangement in accordance with the Local Planning Authority's standards. The proposed development therefore would accord to Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - d) The effect of the proposed development on the protected species has been considered and necessary surveys undertaken. It has been shown the through suitable mitigation any harm to these species can be prevented, and this shall be secured via a suitable planning condition. The proposed development therefore would accord to Policy L9 of the South Gloucestershire Local Plan (Adopted) January 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 Planning permission to be **GRANTED** subject to the following condition(s): -

Contact Officer: Peter Rowe
Tel. No. 01454 863131

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 first occupation of the development hereby permitted the entirety of Buildings 4 and the blockwork parts of Building 5 as identified on drawing no. 117/11A

shall be removed in their entirety and the land restored in the manner indicated on the approved plan.

Reason

To protect the character and appearance of curtilage listed buildings, the setting of the Grade II listed farmhouse, and the surrounding countryside, in accordance with policies D1, L1, L13 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development, the detailed design including materials and finishes of the following items shall be submitted to and approved in writing by the Local Planning Authority:
 - a) All new external joinery (windows, doors and screen) including cill, lintel and reveal details and ironmongery.
 - b) Rooflights
 - c) Rainwater goods
 - d) External lighting
 - e) Railings

For the avoidance of doubt, the design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections. Development shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of curtilage listed buildings, the setting of the Grade II listed farmhouse, and the surrounding countryside, in accordance with policies D1, L1, L13 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of development, a detailed specification for the proposed repairs and structural works of the existing barns shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the specification shall include details of the extent of proposed replacement of historic fabric, and how the structural integrity of the buildings shall be maintained throughout construction. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of curtilage listed buildings, the setting of the Grade II listed farmhouse, and the surrounding countryside, in accordance with policies D1, L1, L13 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of development, samples of the new clay tiles and ridges shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the tiles shall be reclaimed natural clay tiles to match the existing. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of curtilage listed buildings, the setting of the Grade II listed farmhouse, and the surrounding countryside, in accordance with policies D1, L1, L13 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Notwithstanding the previously submitted details, prior to the commencement of development a detailed specification of the haired lime plaster, its application and finish shall be submitted and approved in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of curtilage listed buildings, the setting of the Grade II listed farmhouse, and the surrounding countryside, in accordance with policies D1, L1, L13 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the commencement of development, a sample panel of pointing, of at least one metre square, showing the colour, texture, and finish shall be erected on site and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved panel. For the purposes of consistency, the sample panel shall be retained on site until completion of the development.

Reason

To protect the character and appearance of curtilage listed buildings, the setting of the Grade II listed farmhouse, and the surrounding countryside, in accordance with policies D1, L1, L13 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The new stonework shall match the existing original stonework in respect of colour, texture, coursing, jointing and pointing.

Reason

To protect the character and appearance of curtilage listed buildings, the setting of the Grade II listed farmhouse, and the surrounding countryside, in accordance with policies D1, L1, L13 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. 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 and implemented by first planting season following the first occupation of the dwelling hereby permitted.

Reason

To protect the character and appearance of curtilage listed buildings, the setting of the Grade II listed farmhouse, and the surrounding countryside, in accordance with policies D1, L1, L13 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Prior to the commencement of development, samples of all external hard landscaping materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved samples. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of curtilage listed buildings, the setting of the Grade II listed farmhouse, and the surrounding countryside, in accordance with policies D1, L1, L13 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. 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 and shall be implemented prior to the first use of the building hereby approved. If SUDS is not practicable it must be demonstrated that an acceptable alternative means of surface water disposal can be incorporated.

Reason

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

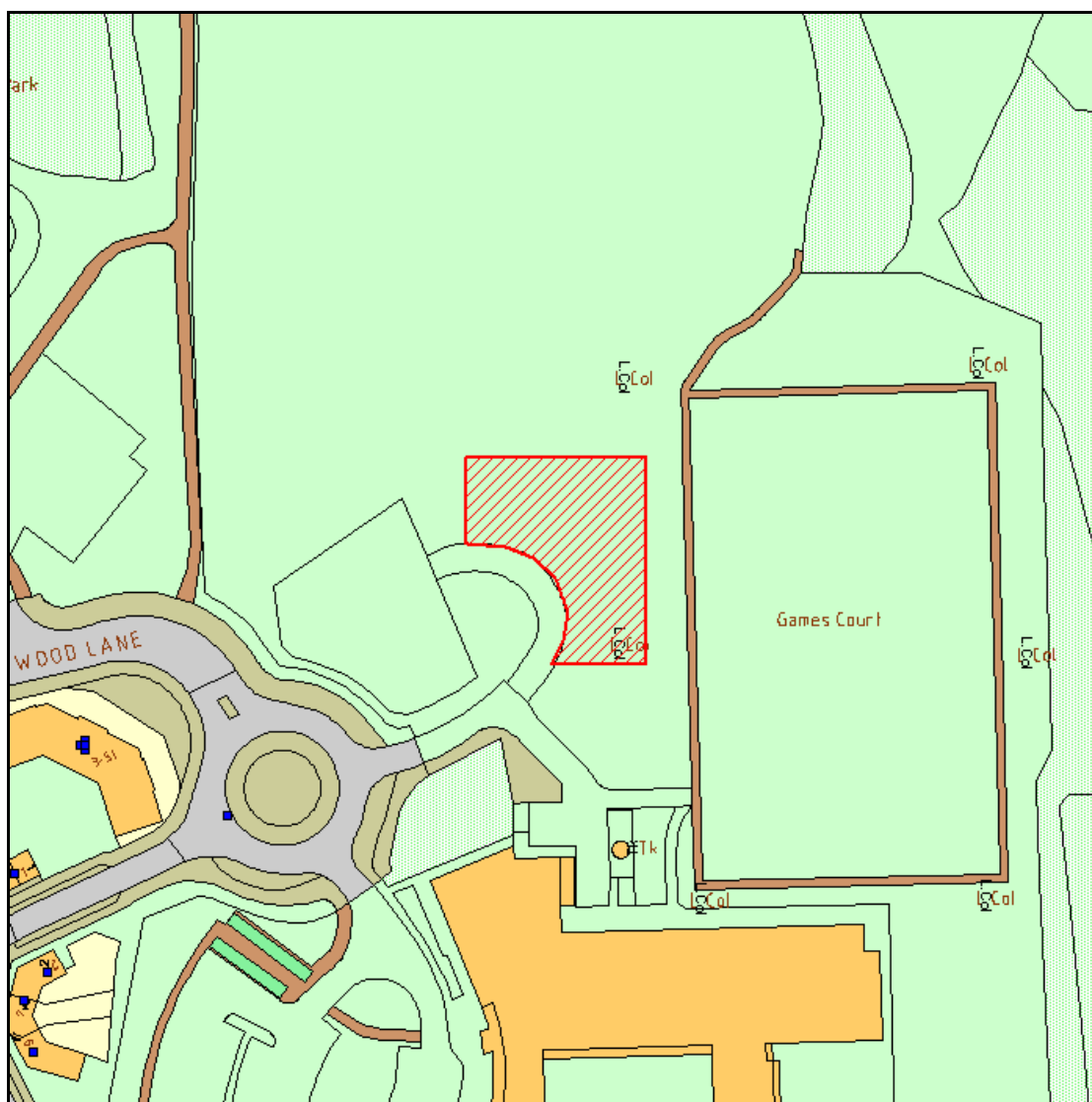
12. All works shall be carried out in accordance with the mitigation measures and recommendations made for bats, birds and reptiles as agreed with the Council and contained within the Protected Species Survey (dated October 2009) unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure that the development would not have an adverse effect on national protected species and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006

CIRCULATED SCHEDULE NO. 45/09 – 13 NOVEMBER 2009

App No.:	PT09/5299/R3F	Applicant:	South Glos Council
Site:	Bradley Stoke Community School Fiddlers Wood Lane Bradley Stoke Bristol South Gloucestershire	Date Reg:	25th September 2009
Proposal:	Relocation of existing bike sheds within the school site.	Parish:	Bradley Stoke Town Council
Map Ref:	362454 181843	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Minor	Target Date:	23rd November 2009



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 100023410, 2008. N.T.S. PT09/5299/R3F

INTRODUCTION

This application appears on the Circulated Schedule List because it forms an internal submission by the Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the relocation of existing bike sheds within the school site.
- 1.2 The application site comprises Bradley Stoke Community School located off Fiddlers Wood Lane within the established residential area of Bradley Stoke

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
LC4 Proposals for the Development, Expansion or Improvement of Education and Community Facilities within the Existing Urban Area
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/1914/R3F, Erection of secondary school, sport pitches and associated landscaping, parking and access, 23/12/03, Approval.
- 3.2 PT08/2006/R3F, Erection of two-storey sixth form centre, dance studio/gym and single-storey changing rooms; additional and repositioning of cycle shelter facilities, extension to car park and associated works, 19/09/08,

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection
- 4.2 Landscape
No objection
- 4.3 Transportation
No objection
- 4.4 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning Policy D1 applies to all types of development and ensures that a good standard of design is achieved.

5.2 Planning policy LC4 details that proposals for the development, expansion or improvement of educational or community facilities within the existing urban areas and settlement boundaries will be permitted provided that:

- Proposals are located on sites which are, or will be, highly accessible on foot and by bicycle; and
- Development would not unacceptably prejudice residential amenity; and
- It would not have an unacceptable transportation or environmental impact; and
- Development would not give rise to unacceptable levels of on street parking to the detriment of the amenities of the surrounding area & highway safety.

5.3 Planning policy T12 cites that new development will only be permitted where it:

- Provides adequate safe, convenient, attractive and secure access and facilities for pedestrians, cyclists, and people with disabilities; and
- Provides safe access capable of accommodating the motorised traffic that is generated by the proposal; and
- Would not create or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety; and
- Would not generate traffic that would unacceptably affect residential amenity or other environmentally sensitive areas in terms of noise, vibration or air quality.

5.4 Design/Visual Amenity

This application seeks planning permission for the relocation of existing bike sheds within the school site. The application site comprises Bradley Stoke Community School located off Fiddlers Wood Lane and within the established residential area of Bradley Stoke.

5.5 The existing cycle shelters are sited in various locations around the main school entrance. The shelters comprise an open sided steel frame form in dark blue with uPVC clear inserts. The majority of the shelters are currently situated on a gravelled area to the north east of the entrance. The proposal is to relocate the existing cycle shelters collectively further back on an area of grass adjacent to a games court. Whilst the topography of the site is such that the shelters would be set on slightly higher ground than existing, the shelters would be less visible from the public realm. The site is also relatively well screened by vegetation along the boundary of the site and notwithstanding glimpses from Fiddlers Wood Lane, the shelters would primarily be viewed within the context of the school and would not be detrimental to the character of the surrounding area.

5.6 Residential Amenity

The shelters would be relocated further away from the housing adjacent to the school site and therefore, it is considered that the proposal would not have an adverse impact in terms of residential amenity.

5.7 Transportation

The existing vehicular parking and access arrangements for the school would not be altered as a result of the development and the proposal would not increase levels of vehicular traffic significantly. Access to the shelters from a secondary entrance off the Fiddlers Wood Roundabout would be safe, convenient and secure for cyclists and pedestrians. Consequently, there is no transportation objection.

5.8 Design and Access Statement

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

5.9 Use of Energy and Sustainability

The improvements for the facilities of cyclists will in itself assist in more sustainable forms of travel to the site.

5.10 Improvements Achieved to the Scheme

N/A

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 for the following reasons:

- The proposal has been carefully sited to minimise the visual impact of the development on the surrounding area – Policy D1 of the South Gloucestershire Local Plan (adopted) January 2006.
- The proposed development would be sited away from residents and would not be detrimental to residential amenity – Policy LC4 of the South Gloucestershire Local Plan (adopted) January 2006.
- The proposed development would not interfere with existing parking and access arrangements - – Policies T12 of the South Gloucestershire Local Plan (adopted) January 2006

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

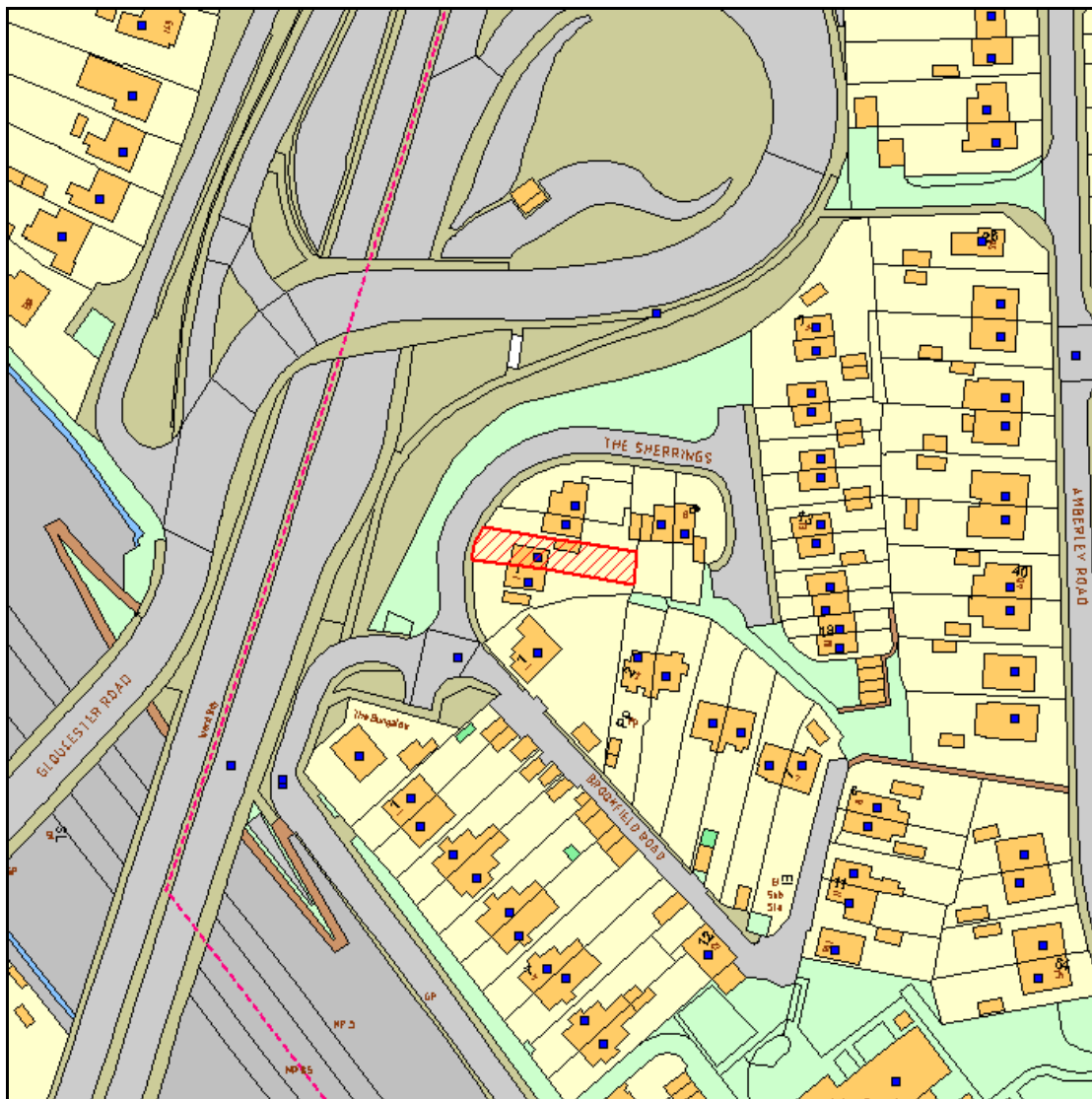
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 45/09 – 13 NOVEMBER 2009

App No.:	PT09/5409/F	Applicant:	Mr D Bow
Site:	2 The Sherrings Patchway Bristol South Gloucestershire BS34 6NQ	Date Reg:	8th October 2009
Proposal:	Erection of two storey side extension with integral garage and single storey rear extension	Parish:	Patchway Town Council
Map Ref:	360730 181763	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Householder	Target Date:	1st December 2009



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 100023410, 2008. N.T.S. PT09/5409/F

INTRODUCTION

This application is being circulated among members because the officers recommendation is contrary to consultation responses received.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey side extension with integral garage, a two storey side extension and a single storey rear extension.
The single storey side extension with integral garage would measure approximately 3 metres in width, 5.3 metres in depth and approximately 4 metres at ridge height falling to 2 metres at the eaves. Immediately behind this, adjoined to the proposed single story side extension would be a two-storey side extension. This would measure approximately 6 metres to ridge height and approximately 3 metres in width at the front and 4.5 metres in width at the rear with a depth of approximately 6.5 metres. The proposed single storey rear extension would be approximately 4 metres to ridge height, 3.5 metres in depth and approximately 2.5 metres in width.
- 1.2 The application site relates to a semidetached modern dwelling in buff coloured brickwork with concrete tile cladding on the front elevation and concrete tiled roof finished with brown upvc windows and doors. It is situated in the well-established residential area of Patchway.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
Objection received on the grounds that it would be over development of the site.
- 4.2 Local Residents

1 letter of objection received from the neighbouring house raising the following concerns:

- a) the proposed garage is set too far forward and would protrude in front of the window on the front elevation. This would diminish the feeling of openness;
- b) the proposed development would result in a dark tunnel effect to the main access to the front door;
- c) the proposed development would create difficulties in access as the neighbouring occupier requires the use of a walking frame;
- d) the development is within 3 metres of the property and a Party Wall Act Agreement would be necessary.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to residential dwellings. This is subject to the proposed development:

- respecting the character and appearance of the existing dwelling and the surrounding area;
- not prejudicing the amenities of nearby occupiers
- maintaining highway safety; and
- providing adequate amenity space.

5.2 Policy D1 of the Local Plan applies to all types of development. It considers general design principles to ensure new development respects, conserves and enhances the character and quality of the surrounding local environment.

5.3 Residential Amenity

The application site is adjoined by two dwellings (nos. 1 and 3 The Sherrings). The application site is a semi-detached dwelling and as such, No.1 The Sherrings is the other half of the existing dwelling on the opposite side (southern side) from the location of the proposed development. The boundary treatment on the boundary shared with No.1 The Sherrings at the rear, comprises an approximately 2 metre tall timber fence, screening the application site from the rear garden of this adjoining property, which has an approximately 3 metre deep rear conservatory in situ.

The rear garden situated on the eastern side of the existing dwelling comprises a small lawned area and patio. There are mature trees and an approximately 2 metre tall brick wall acting as a rear boundary treatment. To the front (the western side) is an open plan lawn which abuts the footpath of the The Sherrings. Adjacent to this is a driveway (part of the application site) which is capable of accommodating two cars. This driveway has a detached garage set back which in itself creates part of the boundary treatment on the rear northern side which is shared with No.3 The Sherrings. The rest of this rear northern boundary comprises a timber fence of approximately 2 metres high. There is no boundary treatment on the northern boundary at the front. The front door of No.3 faces the driveway and sidewall of the existing dwelling house on the application site and is the main access for No.3 The Sherrings.

The proposed development would extend to the northern boundary with the garage set inline with the front elevation of the existing property and be of single storey in scale. Immediately behind this following the northern boundary is a proposed two storey extension.

The proposed two storey extension would be situated approximately 1 metre from the front door of No.3 the Sherrings. A letter of objection raised concerns that the proposal would create a dark tunnel effect and to the access of No.3 The Sherrings and would result in difficulties of access given that one of the occupiers requires the use of a walking frame. It is considered that the proposal would not materially affect the quality of life of the occupiers when inside the property and that there would not be a material change to the enjoyment of the property. There would be no impact on the width of the adjacent property's walkway. Whilst there may be some impact in terms of the approach to their front door (located on the side) this would not be materially different to the existing situation.

The letter of objection also raised concern that a sense of enclosure would result from the proposed garage being too far forwards. The proposed garage would be single storey and would not result in a loss of light to the habitable rooms to the front of the neighbouring property. It could well be visible which may decrease the open plan feel of the area yet it is not considered to be significantly detrimental to the residential amenity of the neighbouring occupiers to warrant refusal of the application.

It is noted that the Patchway Town Council has objected on the grounds of over development of the site, however given the original style of the housing with the mansard roofing and gable ends, together with the set locations of main access, it is considered that the proposal follows logical design principles to minimise the impact.

In relation to the proposal potentially being overbearing, it is important to bear in mind that it would be possible under permitted development rights to put a 2 metre tall fence on the boundary line which would result in a similar effect. Coupled with this is that the principle criteria in relation residential amenity in policy H4 is met.

The recommendation in terms of design has been an on balance one. However it is considered that the proposal would not result in material detrimental impact on the neighbouring occupiers so as to justify a recommendation of refusal. As such it is considered that this proposal is not contrary to Policy H4 of the adopted South Gloucestershire Local Plan.

5.4 Design and Visual Amenity

This application seeks planning permission for the erection of a single storey side extension with integral garage, a two storey side extension and a single storey rear extension.

The single storey side extension with integral garage would measure approximately 3 metres in width, 5.3 metres in depth and approximately 4 metres at ridge height falling to 2 metres at the eaves. Immediately behind this, adjoined to the proposed single story side extension would be a two-storey side extension. This would measure approximately 6 metres to ridge height and approximately 3 metres in width at the front and 4.5 metres in width at the rear with a depth of approximately 6.5 metres. This would result in the total depth of the proposal on the northern side measuring almost 12 metres.

The proposed single storey rear extension would be approximately 4 metres to ridge height, 3.5 metres in depth and approximately 2.5 metres in width. This would amount to an extension in total of approximately 7 metres in width at the rear. The application site relates to a semidetached modern dwelling in buff coloured brickwork with concrete tile cladding on the front elevation and concrete tiled roof finished with brown upvc windows and doors. It is situated in the well-established residential area of Patchway.

The character of the street scene and design style of the surrounding locality consists of modern two-storey semi-detached dwellinghouses with detached garages set back some two car lengths from the front of the houses, inline with the rear elevations.

Every even number in the The Sherrings has the front door and main access situated on the front elevation, where as every odd numbered house in the street has the front door and main access on the southern side elevation. All the dwellinghouses in The Sherrings are of this scale and style albeit with slightly different materials. There are no other examples of such extension on the street.

The original design of the property having mansard style roofing with gable ends is itself a distinctive, and somewhat awkward design. This together with the main points of access in such locations decreases the options when it comes to extending/enlarging the properties. Notwithstanding this the applicant has logical design decisions and adhered to the main principles of the existing style. The scale and massing of the rear side two storey extension would be in line with the neighbouring properties and the proposal respects the height and ridge line of the existing dwelling. There is adequate private amenity space retained at the rear of the house and the majority of the proposal would appear subservient to the host property. The materials would match those of the existing dwelling and the proposed development would remain in keeping with and respect the host dwelling and surrounding locality.

Therefore it is considered that this proposal is not contrary to Policy D1 and H4 of the adopted South Gloucestershire Local Plan and the South Gloucestershire Design Checklist Supplementary planning Document (Adopted) 2007.

Party Wall Act

The letter of objection received raised the issue of a Party Wall Act Agreement. This is a civil matter and not a planning matter. As such this is not a material consideration of the application.

5.5 Design and Access Statement

A Design and Access Statement was not necessary.

5.6 Use of Energy and Sustainability

Will be in accordance with Building Regulation standards.

5.7 Improvements Achieved to the Scheme

Following pre-application advice, a single storey side extension with integral garage was proposed rather than a two storey extension at the front.

5.8 Section 106 Requirements

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 Given that the proposed development does not result in a loss of light to habitable rooms or overbearing on the neighbouring occupier it is considered that the proposed development is not contrary to Policy H4 of the South Gloucestershire adopted Local Plan.
- 6.3 Given that the original design does not offer much room for improvement and that the proposed development is in line with the ridge height of the properties whilst respecting the proportions of both host dwelling and adjacent properties as well as being constructed of matching materials, it is considered that it is not contrary to Policy D1 of the South Gloucestershire adopted Local Plan and the South Gloucestershire Council Design Checklist SPD (Adopted) 2007.
- 6.4 The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 Planning permission be **GRANTED**.

Contact Officer: Genevieve Tuffnell

Tel. No.

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).

CIRCULATED SCHEDULE NO. 45/09 – 13 NOVEMBER 2009

App No.:	PT09/5425/F	Applicant:	Mr James Shapland
Site:	11 High Street Thornbury Bristol South Gloucestershire BS35 2AE	Date Reg:	29th September 2009
Proposal:	Change of use of retail shop (Class A1) to mixed use (Classes A1 and A3) as defined in the Town and Country Planning (Use Classes) Order 1987.	Parish:	Thornbury Town Council
Map Ref:	363699 190114	Ward:	Thornbury North
Application Category:	Minor	Target Date:	12th November 2009



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INTRODUCTION

Members will recall that this application was circulated last week as a result of the objections to the application which conflict with the officers recommendation. The application is now re-circulated as a result of three more objections, two of which raised new issues and these are now added at the end of paragraph 4.3.

1. THE PROPOSAL

1.1 This application seeks a change of use of this A1 shop (previously used as a video rental shop) to a mixed A1 (retail) and A3 (Restaurants and cafes) use. The application shows indicative illustrations about potential physical alterations but these do not form part of the application and as such are not considered in this report. The use proposed would sell coffee beans, magazines and accessories and certain food items such as luxury chocolates. This is clearly A1. In addition the unit would provide for a café – the opening hours and food described indicate this will be a coffee lounge style café operating during the day.

1.2 On 3rd November 2009 an agent was appointed to the application by the applicants and a significant amount of supporting information was submitted.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS6 Planning for Town Centres

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

RT9 Changes of use of Retail premises with in Primary and Secondary Shopping Frontages in Town Centres.

T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (SPD) (Adopted 2007).

3. RELEVANT PLANNING HISTORY

3.1 None relating to change of use.

3.2 PT09/5381 Display of one non illuminated Facia sign and two non-illuminated hanging signs. Under determination.

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council
No objection

4.2 Other Consultees

Transportation

No objection

Conservation officer

Objection (but the physical changes are not being considered in this application)

Avon and Somerset Constabulary

No comment received

4.3 Local Residents

27 Objection comments were received in respect of the following comments. These appear to relate to residents around Thornbury and outlying villages in addition to people from as far away as Gloucester and Somerset.

- a) losing shops and going elsewhere to do their shopping
- b) no need, too many pub/café/restaurants already in addition to too many banks etc
- c) need more retail
- d) retail should be actively sought by Town Council and Chamber of Commerce
- e) Yate is taking Thornbury trade
- f) Consider reducing rates to attract retail
- g) Prefer to see Co-op expand as directly on a bus route and could then be a reasonable alternative to Tesco
- h) There is not enough parking
- i) A wider range of retail is needed in Thornbury rather than more shops selling products already available in other shops.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Uses such as A3 and A1 are supported in town centres by PPS6 (and are identified as town centre uses) and two relevant tests are whether the scale of the of the proposal is appropriate and whether the site is accessible by a choice of means of transport. Given that the proposed site is of a size similar to other retail and non-retail units in the primary frontage and the site is immediately next to the bus stop on the High Street it is considered accessible in transport terms.

The site is located in Thornbury Town centre in a Primary shopping frontage as set out in Policy RT9. The A1/A3 use proposed is a town centre use appropriate to a Primary Shopping frontage. Policy RT9 states that changes of use of A1 units will not be permitted unless A) it can be demonstrated that the premises could not be retained in a viable retail use or B) the property would make a positive and complementary contribution to the vitality and viability for the centre, and would not undermine the retail function of the frontage, or part of it. In addition to these criterion the proposed use would not result in unacceptable environmental or transportation effects, and would not prejudice residential amenity.

- 5.2 Is it demonstrated that the premises could not be retained in a viable retail use?
This premises has been vacant for over a year despite being marketed.

The short term lease initially proposed and the short length of time the unit has been marketed with a longer lease could have had an effect on the attractiveness of the unit to potential occupiers but the information submitted does demonstrate a lack of interest. Notwithstanding this several other shops have closed in the last year and remain vacant (clothes, jewellers, shoe shop, pound shop). This demonstrates that retailers are struggling to retain their businesses in Thornbury at present and indeed many of the objections relate to this point. Given that the use proposed is a mixed A1 and A3 use it is considered that overall this unit is contributing to retail activity.

- 5.3 Is it demonstrated that the property would make a positive and complementary contribution to the vitality and viability for the centre, and would not undermine the retail function of the frontage, or part of it

The use is an appropriate town centre use which will open between 8am and 9am each day and close between 5pm and 6pm would contribute to the vitality and viability of the Town Centre.

- 5.4 The proportion of true retail (A1) to Non A1 uses, along High Street between 1 The Plain (T & G Owen) and 31/31 High Street (Britannia) decreases from 70% to 65% with this application but the other non retail, authorised, uses remain town centre uses. As such the majority of the primary frontage in Thornbury remains in A1 Retail use and the proposed change is not anticipated to undermine the retail function of the frontage. Indeed this use would make a positive and complimentary contribution to the primary shopping frontage by providing an A1 function and a place of refreshment for shoppers. This would assist in improving the shopping experience and perhaps retain shoppers in the High Street for longer.

- 5.5 Some of the objections refer to there being too many places to get drinks and eat but it is noted that there is a difference between the proposed coffee shop which will also retail related merchandise and the pubs (A4 use) and proposed new delicatessen (A1 use). Since Policy RT9 was adopted changes to the Use Class Order mean that planning permission is required to change from an A3 (café) to A4 (pub) or A5 (hot food takeaway). Other objections request that positive proactive action is undertaken to encourage retailers to set up in Thornbury, perhaps including the reduction of taxes. These points are not material to this planning application, but they are acknowledged as important components of any town centre management strategy.

- 5.6 Transportation and amenity

The site is located in the Town centre closely related to the bus stop and able to make use of the other transport and shopping facilities in the Town. It is not anticipated that the use would cause disturbance to any neighbours due to smell or noise and disturbance. Given the proposed hours of operation and the limited type of food proposed to be sold. Conditions can control this adequately and are attached to the recommendation.

- 5.7 Design and Access Statement
A Design and Access Statement is not required for a change of use.
- 5.8 Use of Energy and Sustainability
No information submitted.
- 5.9 Improvements Achieved to the Scheme
None sought in relation to the change of use but physical alterations are to be discussed.
- 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

In conclusion the application is considered to comply with policy RT9. Modern retail centres need to provide a range of functions to enhance the shopping experience. The scale of this proposal would not undermine the retail function of the primary shopping area and indeed the A1 element would contribute to it with the A3 element supporting this.

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

The use will make a positive and complementary contribution to Thornbury Town Centre and will not undermine the retail function of the Primary Shopping Frontage. – Policy RT9 of South Gloucestershire Local Plan Adopted January 2009.

- 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 is granted subject to the following conditions.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

2. The use hereby permitted shall not be open to customers outside the following times Monday to Friday 08.00 to 18.00, Saturday 09.00 to 18.00 and Sundays and Bank holidays 09.00 to 17.00.

Reason

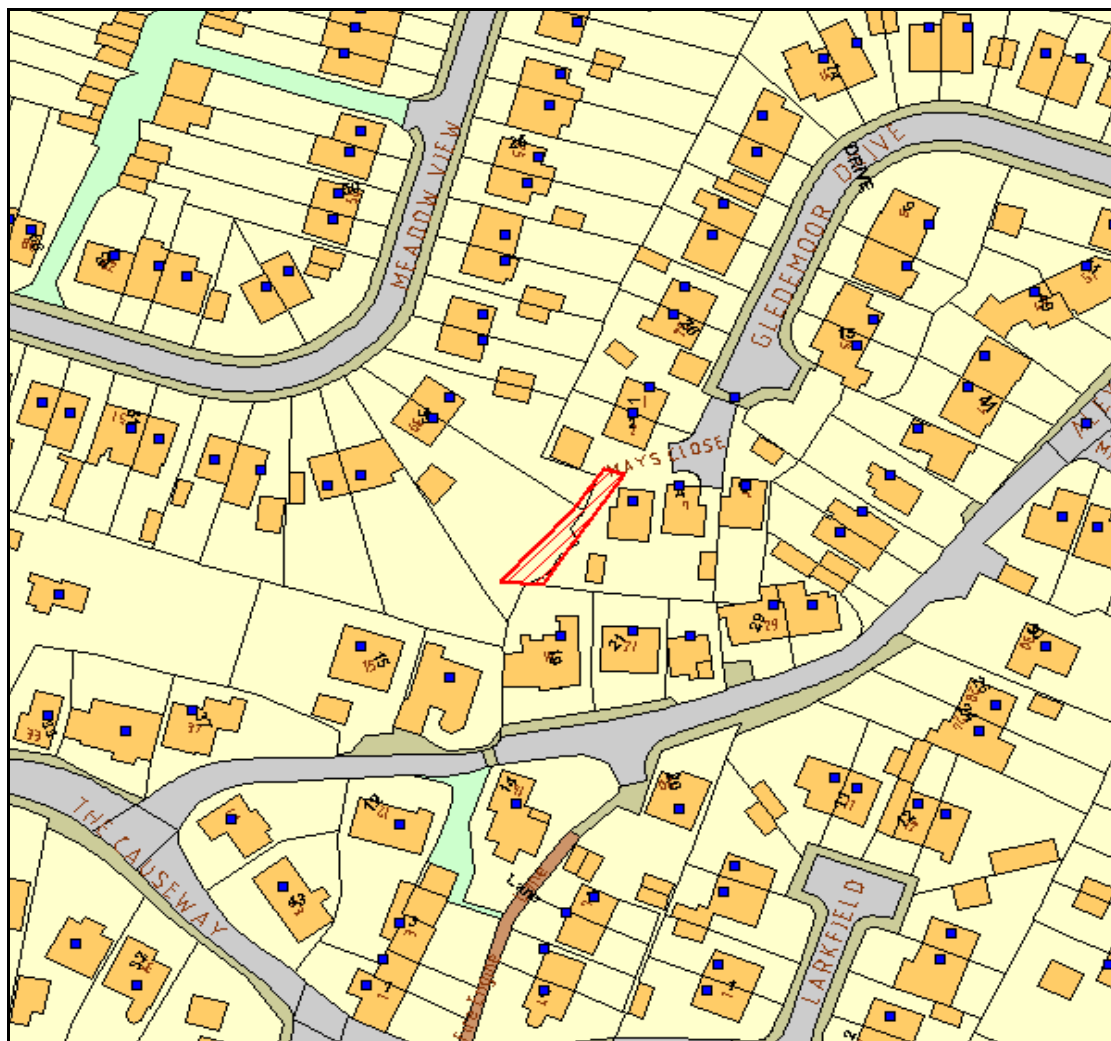
To protect the amenities of the occupiers of adjoined dwellings and to accord with Policy RP9 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Details of any flues or extraction equipment must be submitted to and agreed by the Local Planning Authority prior to the first use of the unit.

The Local PLanning Authority would need to futher consider different operations and potential additional development (flues etc) in the intersts of the residential amenity of the adjoining dwellings and the visual amenity of the Thornbury Conservation Area and to accord with Policy RP9 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 45/09 – 13 NOVEMBER 2009

App No.:	PT09/5427/TRE	Applicant:	Mr P Crowley
Site:	37-39 Meadow View Frampton Cotterell Bristol South Gloucestershire BS36 2NF	Date Reg:	9th October 2009
Proposal:	Works to various Oak Trees removal of self stem set, 4 metre crown lift and removal of 2 metre of lowest branches of over hanging Oak Trees covered by South Gloucestershire Council (Tree Preservation Order 05/02 37 and 39 Meadow View, Coalpit Heath) dated 3rd January 2003.	Parish:	Frampton Cotterell Parish Council
Map Ref:	367572 181360	Ward:	Frampton Cotterell
Application Category:		Target Date:	23rd November 2009



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 100023410, 2008. **N.T.S.** **PT09/5427/TRE**

INTRODUCTION

This application appears on the Circulated Schedule because an objection has been received from the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks consent for works including the removal of a self stem set, 4 metre crown lift and the removal of the last 2 metres of 3 lowest branches of overhanging Oak trees. The trees are covered by South Gloucestershire Council (Tree Preservation Order 05/02 37 and 39 Meadow View, Coalpit Heath) dated 3rd January 2003.
- 1.2 According to the applicant the works are required in order to prevent damage to the property of no.3 Mays Close, Coalpit Heath.
- 1.3 The trees are located in the rear gardens of nos. 37 and 49 Meadow View and within close proximity to Mays Close.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
L1: Landscape Protection and Enhancement
L4: Forest of Avon

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/2291/TRE, Removal of branches of 2no. TPO Oak trees, refusal.

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
Objection – Unless it can be shown that the balance of these important trees is not affected.
- 4.2 Tree Officer
No objection

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006

seeks to conserve and enhance the character, quality and amenity of the landscape and to retain and protect trees which contribute to the overall character or distinctiveness of the area.

5.2 Consideration of Proposal

The Oak trees are growing at the end of the rear garden of no.37 Meadow View, which is adjacent to the side elevation of 3 Mays Close.

5.3 The lowest major limb on one of the Oaks covered by a Tree Preservation Order extends over the roof of 3 Mays Close and could possibly make contact with the roofing tiles. To abate the nuisance, the proposed works are to reduce the length of this branch by 2 metres. This will give clearance between the branch and the property.

5.4 The crown lifting of the trees to 4 metres will allow access under the canopies of the trees. This will entail the removal of epicormic growth from the stems, and cutting back any twigs or branches that hang down lower than 4 metres.

5.5 The self-set stem is not covered by the Tree Preservation Order. It has a heavy lean and could be considered unsafe. The proposed works are all in accordance with good arboricultural practice and tree management.

5.6 Further Matters

In response to the Parish Council's concerns, the proposed works are a result of pre-application discussion between the applicant and the Council Tree Officer. The proposed works would not have a negative impact on the balance of the trees.

6. CONCLUSION

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

7. RECOMMENDATION

7.1 Consent is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

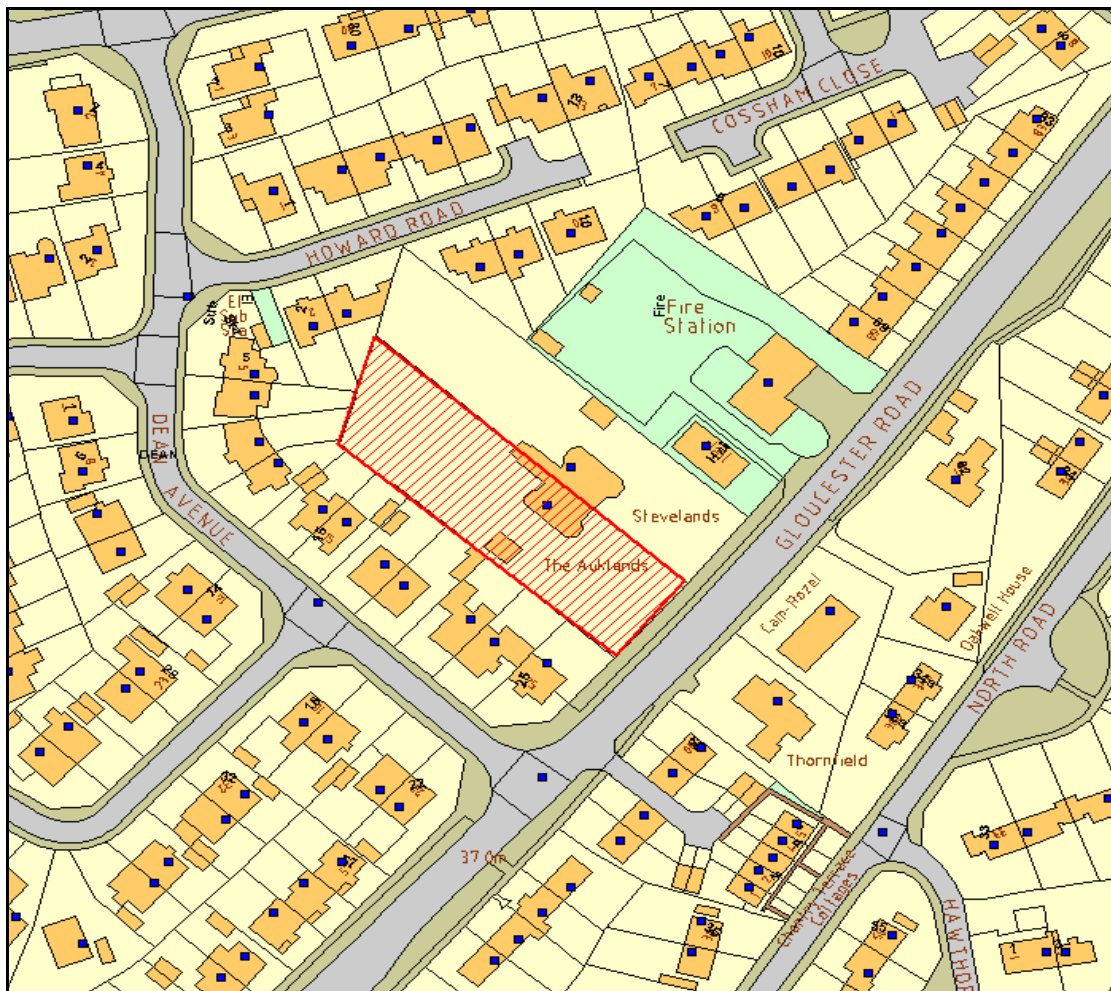
2. The works hereby authorised shall comply with British Standard 3998: 1989 – Recommendations for Tree Work.

Reason

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

CIRCULATED SCHEDULE NO.45/09 – 13 NOVEMBER 2009

App No.:	PT09/5440/TRE	Applicant:	Mrs G Rickards
Site:	The Auklands Gloucester Road Thornbury Bristol South Gloucestershire	Date Reg:	9th October 2009
Proposal:	Works to fell 3 no Apple Trees, 1 no Plum and 1 no. Cherry Plum Tree (T24, T16, T17 T18 and T14) covered by South Gloucestershire Council Tree Preservation Order 32/06 (Land at The Auklands and Steveland, Glos Road, Thornbury) dated 13th March 2007.	Parish:	Thornbury Town Council
Map Ref:	364156 190765	Ward:	Thornbury North
Application Category:		Target Date:	24th November 2009



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 100023410, 2008. N.T.S. PT09/5440/TRE

INTRODUCTION

This application is being circulated to Members because the recommendation of the Officer is contrary to several consultation responses.

1. THE PROPOSAL

- 1.1 This application seeks consent to fell 3 no. Apple trees, 1no Plum tree and 1no. Cherry Plum tree covered by South Gloucestershire Council tree Preservation Order 32/06 dated 13th March 2007.
- 1.2 The application site relates to a large semi detached dwelling house off the Gloucester Road. The trees are located in the garden of the residential curtilage of the dwelling.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
L1 Landscape Protection and Enhancement
L4 Forrest of Avon

3. RELEVANT PLANNING HISTORY

- 3.1 PT09/0265/F Erection of one dwelling with new access and associated works. **Refused.** 25 March 2009.
- 3.2 PT08/1080/F Erection of one dwelling on 0.04ha of land. **Approved.** 6th June 2008.
- 3.3 PT08/0335/TRE Works to remove 1 no. laburnum tree covered by TPO dated 21st September 2006. **Approved.** 18 March 2008.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
Objection received on the basis that the removal of the trees would be detrimental to the environmental character of the area.
- 4.2 Tree Officer
No objection.
- 4.3 Local Residents
8 letters of objections received on the following grounds:
 - a) Detrimental impact on wildlife (including specifically birds, bats, slow worms and other general garden wildlife) and the environment;

- b) Invalid reasons for application. Real reason is to remove trees on land which the applicant wishes to develop.
- c) Loss of privacy;
- d) Detrimental to the visual amenity of the area;

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to conserve and enhance the character, quality and amenity of the landscape and to retain and protect trees which contribute to the overall character or distinctiveness of the area.

5.2 Consideration of Proposal

The trees proposed for removal are garden fruit trees situated at the rear of the property. The South Gloucestershire Council Arboriculturalist has been consulted and both the Arboriculturalist and Planning Officer have undertaken site visits to inspect the trees in their location.

The Aucklands and the Stevelands are covered by an area Tree Preservation Order (TPO). The South Gloucestershire Council Arboriculturalist has advised that this TPO was served in response to a previous planning application and was intended to protect the large visually significant trees on and around the site. It is the intention of South Gloucestershire Council to amend the order to cover only the trees worthy of protection, this will be undertaken as part of the Council's ongoing Tree Preservation Order review.

The trees are situated at the rear of the property, are not visible from the front of the property and would only be visible from the upper windows of the properties directly at the side and rear of the site. As such they offer little visual amenity to the area as a whole. On this basis the tree officer further advises that the fruit trees covered by the application do not fulfil the criteria for individual Tree Preservation Orders and would therefore not have been included on the amended order. Thus South Gloucestershire Council are not in a position to object to or refuse this application.

5.3 Other matters

There were several objections to the application received from local residents and these will be looked at in the order above.

5.3.1 Detrimental impact on wildlife (including specifically birds, bats, slow worms and other general garden wildlife) and the environment;

There was some considerable concern from all those objecting that the removal of the fruit trees would result in a detrimental impact on specific species of wildlife and the environment. The South Gloucestershire Council Ecologist has been consulted and has advised that there would be no significant ecological material impact by the removal of these five trees.

In relation to various birdlife, he advises that the trees are not mature enough or big enough to attract nesting birds. Notwithstanding this, there will be information included on the decision notice to bring the applicant's attention to the importance of not disturbing nesting birds and the consequences of such disturbance.

In relation to bats, the Ecologist has advised that it would be highly unlikely for bats to roost in the fruit trees, as the trees are not mature enough or big enough. Bats prefer relatively large crevices within which to roost and these fruit trees do not have the capacity to provide this.

In relation to disturbing the slow worms at the end of the garden, the Ecologist has advised that slow worms are protected from intentional killing and reckless injury not disturbance as such. It is unlikely that any would be in the grass close to the fruit trees for the grass is not tall and currently they would have found some sleeping quarters for the winter. The slow worms are more likely to be found in timber piles and in unkempt hedging rather than in fruit trees. Notwithstanding this, information will be included on the decision notice to bring the applicant's attention to the legislation protecting these slow worms.

With regards to frogs, squirrels, foxes, hedgehogs and other general garden wildlife that might be found, it is considered by the Ecologist that there would be no material ecological impact by the removal of these five trees. On this basis therefore there is no objection.

In relation to the environmental amenity of the fruit trees, this is not part of the Tree Preservation Order criteria and has little bearing on visual amenity. Furthermore, given the location of the fruit trees and the scale and number of other trees in the locality, it is considered that the removal of the trees will not have a material impact on the environment. On this basis therefore there is no objection.

5.3.2 Invalid reasons for application. Real reason is to remove trees on land which the applicant wishes to develop.

There have been some complaints that the reasons for the application felling the trees are because their removal is necessary in order to carry out development of planning permission PT08/1080/F which permitted the erection of 1no. a dwelling on the site. The applicant has stated that the reason for the application is because the trees are old and do not fruit well which has been disputed by some local residents. Nevertheless, the application to remove these trees has been submitted and it is whether it is permissible for the applicant to remove these trees which is at issue when assessed against the reasons for protecting them.

5.3.3 Loss of privacy

There have been concerns that loss of privacy would result to the local residents from the removal of the trees especially since the cutting back of the large Ash tree. It is noted that the South Gloucestershire Council Arboriculturalist advised that the Ash in question due to its height and weight, was becoming dangerous. He took the view that rather than fully removing the tree it was preferable for it to be cut back so that the

danger posed by it may be averted and allow it remain in situ for another few years.

It is considered that the fruit trees subject to this application are not of such size, scale and location so as to offer any significant privacy. Therefore the removal of the trees is not considered to have a detrimental impact on privacy to neighbouring occupiers, but in any event this is not the purpose of protecting trees (although it is an acknowledged secondary benefit).

5.3.4 Detrimental to the visual amenity of the area

The South Gloucestershire Council Arboriculturalist has advised that the trees are in a fair condition but offer little visual amenity to the area. They are not visible from the front of the property and would only be visible from the upper windows of the properties to the side and rear. As such it is considered that the removal of the trees would not result in a detrimental impact on the visual amenity of the area.

6. CONCLUSION

- 6.1 The decision to approve consent for the works to fell 3 no. Apple trees, 1 no Plum tree and 1 no. Cherry Plum tree covered by South Gloucestershire Council tree Preservation Order 32/06 dated 13th March 2007. has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 Consent to be **GRANTED** subject to the following conditions:

Contact Officer: Genevieve Tuffnell
Tel. No.

CONDITIONS

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

Reason

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

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

Reason

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