



**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. 38/09

Date to Members: 25/09/09

Member's Deadline: 01/10/09 (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: 25/09/09

SCHEDULE NO. 38/09

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 – 25 SEPTEMBER 2009

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK09/1321/R3F	Deemed Consent	Library 44 West Walk Yate South Gloucestershire BS37 4AX	Yate Central	Yate
2	PK09/5099/F	Approve with Conditions	8 Sutherland Avenue Downend South Gloucestershire BS16 6QJ	Downend	Downend And Bromley Heath
3	PT09/0366/F	Refusal	Bloomfield Farm Lower Stone Road Rockhampton South Gloucestershire GL13 9DT	Severn	Rockhampton
4	PT09/1102/RVC	Approve with Conditions	Wayland Stables Beacon Lane Winterbourne South Gloucestershire BS36 1SB	Winterbourne	Winterbourne
5	PT09/1342/F	Approve with Conditions	20U Golf Course Lane Filton South Gloucestershire BS34 7QW	Filton	Filton
6	PT09/1395/CLP	Approve	11 Gipsy Patch Lane Little Stoke South Gloucestershire BS34 8LS	Stoke Gifford	Stoke Gifford
7	PT09/5066/F	Approve with Conditions	49 Fern Grove Bradley Stoke South Gloucestershire BS32 8DS	Bradley Stoke South	Bradley Stoke
8	PT09/5079/CLE	Approve with Conditions	Cosy Farm Swinhay Lane Charfield Wotton Under Edge South Gloucestershire GL12 8EZ	Charfield	Charfield
9	PT09/5105/F	Approve with Conditions	6 Cherwell Close Thornbury South Gloucestershire BS35 2DN	Thornbury South & Alveston	Thornbury
10	PT09/5136/TRE	Split decision See D/N	Orchard House Frenchay Hill Frenchay South Gloucestershire BS16 1LU	Frenchay & Stoke Park	Winterbourne
11	PT09/5164/TRE	Approve with Conditions	Beech House 11 Prowse Close Thornbury South Gloucestershire BS35 1EG	Thornbury North	Thornbury

ITEM 1

CIRCULATED SCHEDULE NO. 38/09 – 25 SEPTEMBER 2009

App No.: PK09/1321/R3F

Applicant: Ms G Stables
South Gloucestershire Council

Site: 44 West Walk Yate South Gloucestershire BS37 4AX

Date Reg: 16th July 2009

Proposal: Application of coloured render to existing brickwork.

Parish: Yate

Map Ref: 371314 182445

Ward: Yate Central

Application Category: Minor

Target Date: 4th November 2009

Date:



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100023410, 2008.

N.T.S.

PK09/1321/R3F

This application is reported on the Circulated Schedule as it was submitted by the Council itself.

1. THE PROPOSAL

1.1 This application seeks planning permission for the application of coloured render to brickwork on the recently refurbished Yate Library, an essentially single storey building fronting the widest part of West Walk. The render treatment, which requires planning permission because it would materially alter the appearance of the building, would be on the side and rear elevations, which were largely left as brickwork due to budgetary restraints in the refurbishment. The rest of the building is now predominantly rendered and painted in a range of bright colours to make the building gain in prominence.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design

3. RELEVANT PLANNING HISTORY

3.1 PK08/1410/R3F Erection of single storey front and rear extensions to form new entrance lobby and additional library accommodation.
Approved 2008

4. CONSULTATION RESPONSES

4.1 Yate Town Council
No objection

4.2 Other Consultees
Transportation
No objection

Other Representations

4.3 Local Residents/ Businesses
No replies received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
This application stands to be assessed against the policy listed above in the light of all material considerations. The one issue to be resolved is the impact of the proposed works on the visual amenity of the building in its context. As stated above, the proposal is limited to changing some of the building's walls from brickwork to coloured render.

5.2 Visual Amenity/ Design
The approved scheme was considered at the time to offer a visual lift to the building itself and to increase its prominence following the refurbishment works.

It is a public building fronting a public square which forms a wide pedestrian link between one of the car parks surrounding the centre of the town with the shopping centre, which lies mostly to the east of the site. It is considered that continuing the render theme, already in itself approved, around the side and the rear of the building would enhance the appearance of the building, give it a greater degree of unity and help advertise its presence from Kennedy Way, once the temporary health centre has been removed. It is considered that the proposal accords with policy D1 and PPS1 in this regard.

5.3 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.

5.4 Use of Energy and Sustainability

Does not apply.

5.5 Improvements Achieved to the Scheme

None sought.

5.6 Section 106 Requirements

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

6. **CONCLUSION**

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

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

6.3 The proposed works are considered to represent an improvement to the visual amenity of the building appropriate to its context and in accordance with policy D1 of the adopted South Gloucestershire Local Plan.

7. **RECOMMENDATION**

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

Contact Officer: Chris Gosling

Tel. No. 01454 863787

CONDITIONS

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

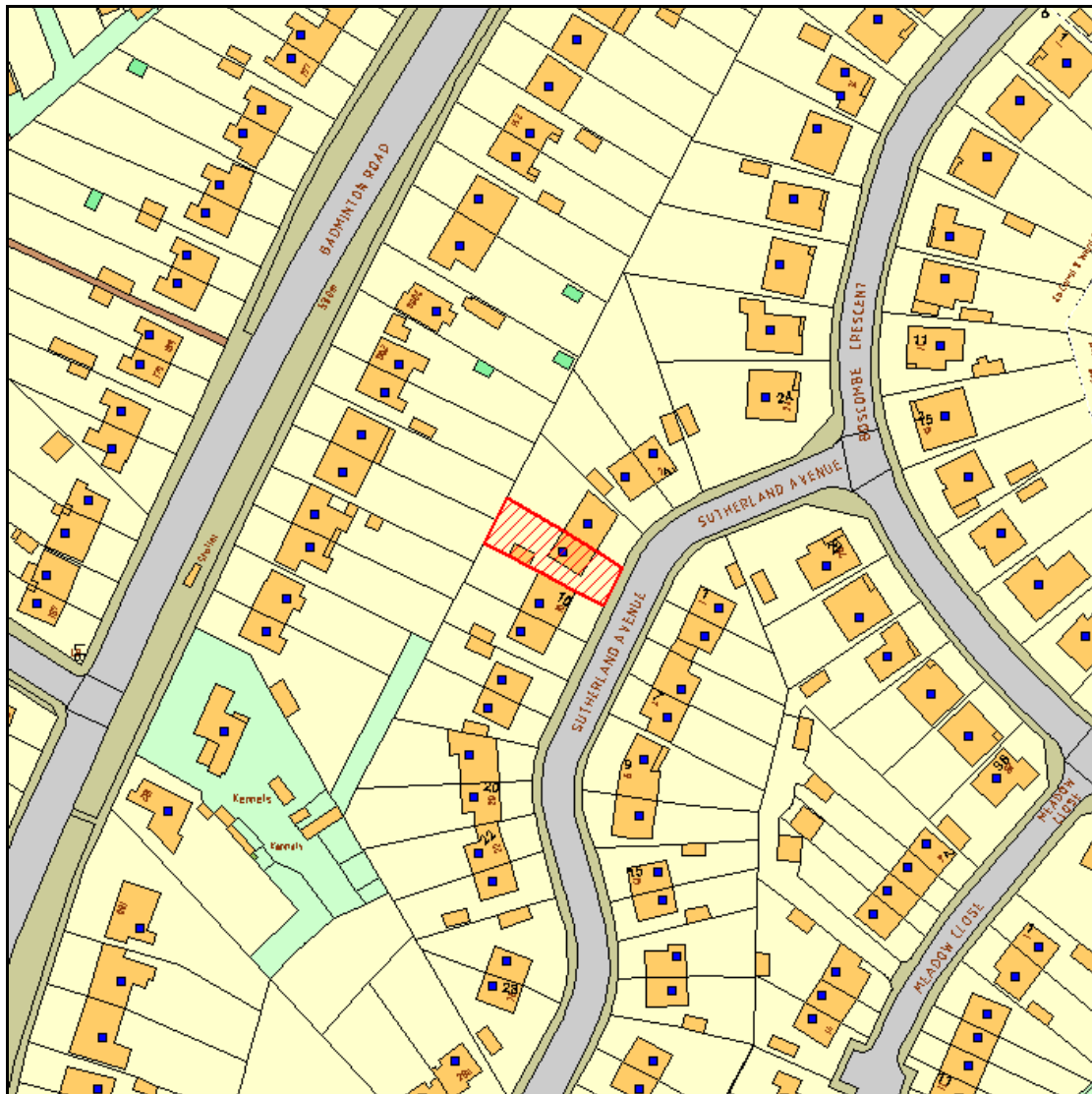
Reason

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

ITEM 2

CIRCULATED SCHEDULE NO. 38/09 – 25 SEPTEMBER 2009

App No.:	PK09/5099/F	Applicant:	Mr E Ahmad
Site:	8 Sutherland Avenue Downend South Gloucestershire BS37 9XD	Date Reg:	20th August 2009
Proposal:	Erection of two storey side extension to provide additional living accommodation. Erection of detached store.	Parish:	Downend And Bromley Heath
Map Ref:	365473 177559	Ward:	Downend
Application Category:	Minor	Target Date:	6th October 2009



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100023410, 2008. **N.T.S.** **PK09/5099/F**

INTRODUCTION

The application has been forwarded to the Circulated Schedule for Member consideration as representations have been received contrary to the Officer recommendation.

1. THE PROPOSAL

1.1 The application site is located in Downend and is situated within a predominantly residential area. The application site comprises a modern two storey semi detached dwelling with drive at the side leading to a detached single garage towards the rear.

The application site is situated within the urban area as defined in the adopted Local Plan.

1.2 The application proposes a two storey side extension to provide additional living accommodation and conversion of the existing detached garage to be used for domestic storage.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG13 Transport

2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Curtilages
T8 Parking Standards

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

3. RELEVANT PLANNING HISTORY

3.1 None

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council
No objection

4.2 Other Consultees
None

Other Representations

4.3 Local Residents

One letter of objection received from the occupier of 10 Sutherland Avenue raising the following concerns:

Loss of light to the side of no.10 to side window which has been there for 10-15 years.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The dwelling is situated within a modern suburban residential context. The dwelling the subject of this application is a semi-detached two-storey building with detached single garage to the side. The proposed extension would measure 2.75m side projection and would have the same eaves, and ridge height and width as the existing dwelling. The design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. The proposed conversion of the existing garage would require only minor alterations in keeping with the character of the existing building. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

5.3 Residential Amenity

As well as assessing the environmental effects of a development, it is appropriate to address the impact of development on residential amenity.

Although the planning system does not exist to protect the private interests of a person against the activities of another, the private interest may coincide with the public interest in some cases.

The adjacent dwelling no.10 was originally of similar design to no.8. In the mid 1970's no.10 was extended to the side to provide additional two storey accommodation abutting the boundary with no.8. Subsequently in 2003/4 a further two storey extension was built to the rear no.10 on the boundary with no.8. Two windows were inserted into the side gable of no.10 both obscurely glazed. The neighbouring occupier has indicated that these windows serve light to a ground floor cloakroom with w/c and first floor bathroom. Both windows are obscurely glazed.

The proposed two storey extension would project 2.75m from the existing side gable of no.8 towards the side gable of no.10. The extension would be situated between 0.5m and 1.1m from the side gable of no.10 and approximately 0.9m from distance at the point where the two windows are located. This would result in a loss of light to the two rooms. The consideration is therefore whether the resultant loss of light would result in a material loss of amenity currently enjoyed by the occupiers of no.10. In considering this issue an assessment must be made of the importance of the rooms affected as a contribution towards the amenity enjoyed by the occupiers as well as the degree of light lost. Normally in the case of a principal room, i.e. bedroom, kitchen, lounge, dining room, which are occupied for long periods a loss of light could be considered to be materially harmful. However, in the case of other rooms e.g. bathroom, landing, hall the use of these rooms is less frequent and/or natural light is not a fundamental requirement. Therefore the cloakroom with w/c and bathroom for no.10 are considered not to be principal rooms and a window and natural light are not a fundamental requirement for the rooms. As such although the proposed extension would result in a loss of light to these spaces, this loss of light would not detrimentally affect the amenity enjoyed by the occupiers of no.10.

The proposed extension would be screened from the rear windows and garden of no.10 by the rear extension to no 10. The proposal would be flush with the existing front and rear elevations of the existing dwelling. As such the proposal would create no further issues in relation to loss of residential amenity to the adjacent occupiers.

5.4 Highways matters

The proposal would result in the loss of the existing garage parking and parking at the side of the existing dwelling. However parking would be retained at the front of the site. On this basis it is considered that the proposal would have no significant impact in terms of highway safety.

5.5 Design and Access Statement

A Design and Access Statement is not required for this application

5.6 Use of Energy and Sustainability

The proposal would use materials similar to those existing and the proposal would be of good quality construction. Therefore it is considered that the proposal would result in a sustainable form of development which would maintain the existing level of energy efficiency.

5.7 Improvements Achieved to the Scheme

None

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 The proposal has been designed to preserve the character and appearance of the existing dwelling and the surrounding area in terms of height, form, design, size and siting in accordance with policies D1 and H4 of the adopted South Gloucestershire Local Plan 2006. Although the proposal would result in loss of light to two side windows to the neighbouring dwelling no.10 the rooms (cloakroom with w/c and bathroom) are considered not to be principal rooms and as such the proposal would not materially harm of amenities of the neighbouring properties by reason of loss of privacy, natural light or bulk or overbearing impact. This accords with policy D1 of the adopted South Gloucestershire Local Plan 2006. The proposal provides a satisfactory level of off street parking and therefore would preserve the existing level of highway safety in accordance with policy T8 of the adopted South Gloucestershire Local Plan 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 Consent is GRANTED subject to the following conditions and informatives:

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

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

Reason

To comply with the requirements of Section 91 of the Town & 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.

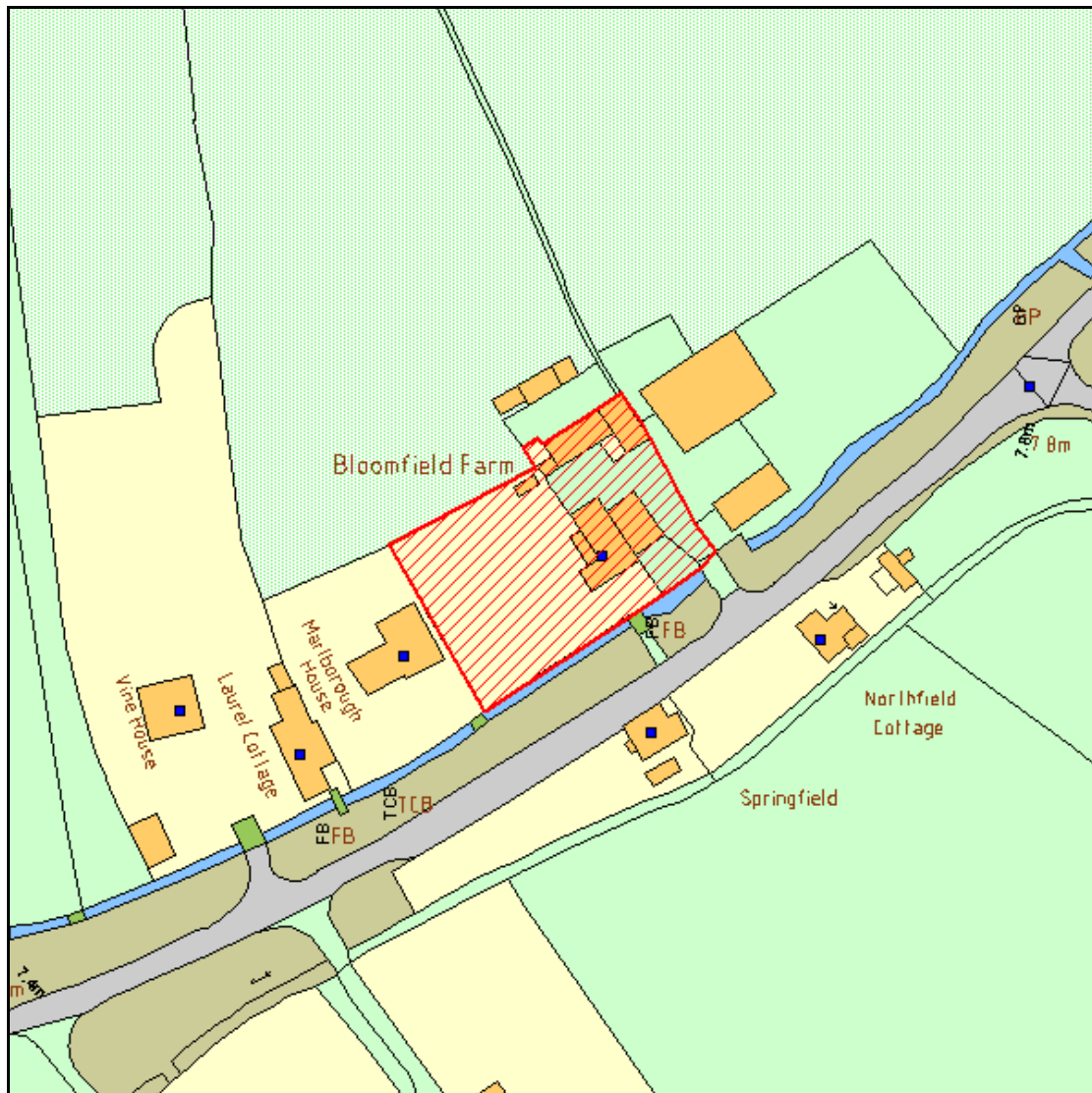
Reason

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

ITEM 3

CIRCULATED SCHEDULE NO. 38/09 – 25 SEPTEMBER 2009

App No.:	PT09/0366/F	Applicant:	Mr & Mrs S Clarke
Site:	Bloomfield farm, Lower Stone Road, Rockhampton, South Gloucestershire GL13 9DT	Date Reg:	27th February 2009
Proposal:	Conversion of existing barn to form a residential annexe.	Parish:	Rockhampton
Map Ref:	3655700 1937490	Ward:	Severn
Application Category:	Minor	Target Date:	20th April 2009



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100023410, 2008. **N.T.S.** **PT09/0366/F**

This application appears on the Circulated Schedule in view of the comments received from a local neighbour.

1. PROPOSAL

- 1.1 The application seeks full planning permission for the conversion of an existing two-storey barn to provide a residential annexe.
- 1.2 The application relates to Bloomfield Farm on the north side of Lower Stone Road, Rockhampton. The property comprises a Grade II listed building that is located beyond any settlement boundary and within the open countryside.
- 1.3 This new application follows a previous application for the conversion of this building submitted in 2006 (PT06/3461/F) that was withdrawn. This was in view of an objection from the Environment Agency.
- 1.4 More recently, a Certificate of Lawfulness application (PT08/1566/CLP) was refused with this seeking to demonstrate that the building could be converted without the benefit of planning permission. This was refused for the following reason:
- ‘By virtue of the level of accommodation proposed and the intended use of the building, the proposal would result in a material change in the character of the land and would not be subordinate to the existing dwelling house. The proposal therefore fails to constitute permitted development under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2008.’*
- 1.5 This application has been received in view of the alterations to the flood risk map with the application site now considered to be at a reduced risk.
- 1.6 There is an extant listed building consent for these works which was approved in August last year. Advice from the Councils Conservation Officer confirms that a further listed building consent will not be required should this application be approved (following the receipt of revised plans that allow an additional rear window to this current proposal so that both applications are the same).

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPS3: Housing
PPG13: Transport
PPG15: Historic Environment
PPS25: Flood Risk

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development

H4: Development within existing residential cartilages
H10: Conversion and re-use of Rural Buildings for Residential Purposes
T8: Parking Standards
T12: Transportation Development Control Policy for New Development
L9: Protected Species
L13: Listed Buildings
EP1: Environmental Pollution
EP2: Flood Risk

2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT06/3461/F: Conversion of barn to form residential annexe. Withdrawn: 9 January 2007
- 3.2 PT06/3466/LB: Conversion of existing barn to form dwelling. Withdrawn: 9 January 2007
- 3.3 PT08/1568/LB: Internal and external alterations to facilitate conversion of existing barn to form a granny annexe. Permitted: 1 August 2008
- 3.4 PT08/1566/CLP: Application for a Certificate of Lawfulness for the proposed use of the barn as a granny annexe ancillary to the main house. Refused: 5 December 2008

4. **CONSULTATION RESPONSES**

- 4.1 Rockhampton Parish Council
No comments received
- 4.2 Other Consultees
Environmental Services: Land contamination survey requested
Technical Services (drainage): no objection
Environment Agency: no comment
Conservation Officer: no objection
Ecological Officer: objection

Other Representations

- 4.3 Summary of Local Residents Comments
One letter received in support of the proposal:
- o The letter records '**strong support**' for the application;
 - o The Environment Agency has undertaken revised modelling of the area with the extent of the flood zone reduced (map provided);
 - o The site has a less than 1 in 1000 annual probability of river or sea flooding in any one year (according to Environment Agency data);
 - o The building is already in situ thus there would be no increased run-off;

- o There might be scope to add sustainable drainage techniques;
- o The extent of the floodplain is shown if there were no flood defences or main made structures present;
- o Within the last 18 years, water has never reached the top of the Rhine to the front of the site;
- o Granting of the listed building consent is recognition that urgent works are required to stop this building falling into a further state of disrepair;
- o Given the proximity of the building to the dwelling, it is only suitable for a residential reuse.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H10 allows for the conversion of redundant farm buildings subject to a number of criteria. These include:

- o All reasonable attempts should be made to secure a suitable business use;
- o The building must be of permanent construction and suitable for conversion without major or complete reconstruction;
- o The building must be in keeping with its surroundings;
- o It must be well related to an existing settlement or other group of buildings;
- o Development, including the formation of a residential curtilage, should not have a harmful effect on the character of the countryside or the amenities of the surrounding area.

5.2 Policy L13 advises that alterations affecting a listed building or its setting will not be permitted unless the building and its setting would be preserved; features of architectural or historic interest would be retained and provided that the character, historic form and structural integrity of the building would be retained.

5.3 Design / Visual Amenity

The application relates to Bloomfield Farm located on the north side of Lower Stone Road, Rockhampton. The proposal focuses on an existing two-storey barn situated immediately behind the farmhouse and forming part of the rear yard.

5.5 The proposal seeks permission for the change of use of this building to provide annexe accommodation. In so doing, it would include a lounge and separate kitchen/ diner at ground level in addition to a WC with two bedrooms, a bathroom and a study above.

5.6 The proposal already has the benefit of listed building consent with the internal and external alterations considered acceptable (a refusal reason in this respect would therefore be unreasonable). To this extent, the build would involve limited changes to the external appearance of the building with existing openings largely utilised. A section of the front wall would be rebuilt to allow for the new entrance. To the rear, the works would allow the introduction of three

conservation roof lights and three windows. A limited number of internal walls would be required (largely at first floor).

5.7 For the above reasons, there is no objection to the current proposal on design/visual amenity grounds.

5.8 Scope for Business Reuse

The building is within the residential curtilage associated with the dwelling (Bloomfield Farm). Therefore, for the purposes of this application, the building is already considered to benefit from a residential use thus there is no requirement to find an alternative business use. Accordingly, there is no objection to the current proposal on this basis.

5.9 Structural Condition of Building

The building appears structurally sound and any related issues do not appear to have arisen in respect of the previous applications. However, it is considered that the listed building consent precludes any reasonable refusal reason on this basis.

5.10 Residential Amenity

The application site occupies a relatively remote location with only a handful of neighbouring dwellings within close proximity of the application site. As such, it is the farmland associated with Bloomfield Farm which lies to the rear and east side of the site with the closest neighbouring dwellings located to the far west side of the site and on the opposite side of the road. On this basis, and in view of the nature of the proposal, it is not considered that any significant adverse impact in residential amenity would be caused.

5.11 Having regard to the impact of the proposal on the host dwelling, advice contained within policy H4 states that 'where extensions are potentially capable of separate occupation but lack an acceptable level of separate parking provision or private amenity space, the Council will impose a condition on the permission that the extension should only be used ancillary to the main dwelling'.

5.12 In this instance, the proximity of the barn to the dwelling is considered to dictate that its use for independent occupation would be unacceptable. Further, it is also understood that this would generate a highways related refusal reason given the unsustainable location of the application site. As such, subject to a condition to ensure that the proposal would remain as ancillary accommodation, it is not considered that any significant adverse impact in residential amenity would be caused.

5.13 Listed Building Considerations

The works have the benefit of listed building consent (PT08/1568/LB) with this having been granted last year. Accordingly, minor amendments have been made to this current proposal to ensure that these submitted plans reflect those of the previously approved scheme. These alterations have allowed for an additional window within the rear elevation of the proposal with three having been previously approved (two originally shown).

- 5.14 Further, there have been minor alterations to window and door details on the advice of the Councils Conservation Officer whilst the chimney would now be rebuilt in brick and not stone with this considered the more likely original material. On this basis, there is no associated objection subject to similar conditions as listed on the listed building consent (in the event that planning permission is approved).
- 5.15 Highway Safety
Provided the annexe remains ancillary to the dwelling it is not anticipated that there would be a significant increase in traffic generation. On this basis, there is no objection to the proposal subject to an appropriately worded condition (in the event that planning permission is granted) to ensure the build remains as ancillary accommodation. It is understood that any application for a separate dwelling in this location would not be considered favourably given the unsustainable location of the site.
- 5.16 Flood Risk
The previous full planning application (PT06/3461/F) for the conversion of this building was withdrawn given an objection raised by the Environment Agency with the application seeking planning permission for a residential (vulnerable) use within a high risk flooding area.
- 5.17 However, the flood risk map for the area has been updated with the site now within flood zone 1; flood zones 2 and 3 have receded with zone 2 immediately behind the host building. On this basis, the Environment Agency had confirmed that they would not object to a new application provided that the application site as a whole fell only within flood zone 1.
- 5.18 For the above reasons, the amended details in respect of this application allow for a development that would be within flood zone 1 overcoming this previous objection. Comments from the Environment Agency now offer no comment with the proposal considered to fall outside the scope of matters on which the Environment Agency is a statutory consultee.
- 5.19 Ecological Concerns
The application site is not covered by any statutory/ non-statutory nature conservation designations. However, a variety of species of native birds are associated with farm out buildings, including barn owls and swallows. The application should therefore include a survey of the buildings for nesting birds and, if present, details should be provided of the measures to be taken to accommodate them within the proposed scheme to ensure their continued breeding on site.
- 5.20 The setting of the buildings close to open countryside also dictates that its use by bats/ birds is more likely thus it is not considered appropriate to condition this type of survey. In any event, this would not be acceptable given that all bat species are protected under the Wildlife & Countryside Act 1981 (as amended) and Countryside & Rights of Way Act 2006, as well as by European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('the Habitats Directive 1992'). This is transposed into British law by the Conservation (Natural Habitats & Conservation) Regulations 1994 ('the Habitat

Regulations'). If bats are found within the building, as a European Protected Species, a mitigation strategy would need to be drawn up and agreed with the Council and Natural England, again, prior to any permission being granted.

5.21 In response, a survey of the building has been received undertaken by the applicants' agent. This is considered to be unacceptable given its lack of detail; further a suitably qualified person and/ experienced expert must undertake surveys of this type. The agent has conformed that no further details are to be submitted and thus planning refusal is recommended on this basis.

5.22 Outstanding Issues

Comments from the Councils Environmental Health Officer suggest that in view of the previous agricultural use of the building, a desk top study should be undertaken regarding the potential for land contamination. It is considered that any results of such an investigation are unlikely to prevent the implementation of the proposal and thus this could be appropriately conditioned should planning permission be granted.

5.23 Design and Access Statement

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning Permission is REFUSED for the following reason:

Contact Officer: Peter Burridge
Tel. No. 01454 865262

REASON(S)

Insufficient ecological information has been submitted in support of the application to demonstrate that the proposal would not adversely impact any native birds (including barn owls and swallows) and bats (a European Protected Species) which might be

present in this building (protected species of this type are traditionally associated with farm outbuildings). The proposal is therefore considered to be contrary to Planning Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

ITEM 4

CIRCULATED SCHEDULE NO. 38/09 – 25 SEPTEMBER 2009

App No.:	PT09/1102/RVC	Applicant:	Mr & Mrs G Barke
Site:	Wayland Stables Beacon Lane Winterbourne South Gloucestershire BS36 1SB	Date Reg:	16th June 2009
Proposal:	Retention of log cabin for temporary period of 3 years (Renewal of permission APP/P0119/C/08/2074792)	Parish:	Winterbourne
Map Ref:	3638830 1803550	Ward:	Winterbourne
Application Category:	Minor	Target Date:	11th August 2009



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100023410, 2008. **N.T.S.**
PT09/1102/RVC

This application appears on the Circulated Schedule in view of the consultation comments that have been received.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the retention of a log cabin for a further temporary period of three years. Planning permission was granted for this cabin as part of appeal (APP/P0119/C/08/2074792) with a number of conditions attached including:

'The log cabin hereby approved shall be dismantled and the plinth on which it is sited shall be demolished and the resulting parts of the log cabin and the materials resulting from the demolition of the plinth shall be removed from the land and the land restored to its former condition on or before the 30 June 2009.'

- 1.2 The application site comprises Wayland Stables that are located on the south side of Beacon Lane, Winterbourne. The application site stands beyond any settlement boundary and within the open Green belt.

- 1.3 An amended site plan has been received as part of this application with the red edge around the log cabin only; the initial site plan received also included the driveway and informal parking area.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development
PPG2: Green Belt
PPS7: Sustainable Development in Rural Areas
PPG13: Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

GB1: Development within the Green Belt

T12: Transportation Development Control Policy for New Development

L1: Landscape Protection and Enhancement

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

Development within the Green Belt

3. RELEVANT PLANNING HISTORY

- 3.1 N7216/1: Use of land for the stationing of a mobile home and installation of septic tank. Permitted: 9 September 1982

- 3.2 P84/1339: renewal of consent for mobile home. Permitted: 18 April 1984
- 3.3 P86/1646: Use of land for stationing of mobile home (renewal of temporary consent). Permitted: 11 June 1986
- 3.4 P88/1757: Use of land for stationing of mobile home (renewal of temporary consent). Permitted: 6 June 1988
- 3.5 P90/1679: Use of land for stationing of mobile home (renewal of temporary consent). Permitted: 7 June 1990
- 3.6 P92/1433: Use of land for stationing of mobile home (renewal of temporary consent). Permitted: 20 May 1992
- 3.7 P94/1730: Use of land for stationing of mobile home (renewal of temporary consent). Permitted: 18 July 1994
- 3.8 P96/1309: Use of land for stationing of mobile home (renewal of temporary consent). Permitted: 25 April 1996
- 3.9 PT01/1193/RTC: renewal of lapsed temporary consent granted under reference P96/1306 for use of land for stationing of mobile home. Permitted: 13 June 2001
- 3.10 PT06/0747/F: Stationing of mobile home. Withdrawn: 21 March 2006
- 3.11 PT06/1179/F: Stationing of mobile home. Permitted: 9 June 2006

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection
- 4.2 Other Consultees
Highways DC: no objection
Landscape Officer: no objection
Ecology Officer: no objection
Land Agent: no objection

Other Representations

- 4.3 Summary of Local Residents Comments received:
Eleven letters received expressing the following concerns:

Planning History

- o Concerns are raised with regards to the claim that the log cabin has been on site for two years with an uninterrupted history of 25 years for the stationing of the mobile home;
- o It was built prior to the granting of planning permission;

- o The previous owner should have removed the mobile home from the site when he moved but did not;
- o If the planning history followed the usual procedure applied to other applications, one writer would not have written;
- o Planning permission was granted for the mobile home which was then replaced by a larger non-mobile home;
- o Planning permission should have been refused originally;
- o The present owners purchased the site without permission for the retained mobile home;
- o At the time of the previous appeal, the appellant promised that they would not seek to extend the use of the cabin beyond 2009.

Green Belt

- o The building is much larger than the original mobile home that has affected the openness of the Green Belt;
- o It has a detrimental impact on the openness of the Green Belt;
- o The replacement residential dwelling has resulted in a disproportionate addition over and above the size of the original dwelling.

Design/ Visual Amenity

- o The new property comprises an over development of the site;
- o The development has a detrimental impact on visual amenity.

Highway Safety

- o Concerns are expressed regarding the number of vehicles on site;
- o If permission is granted, it should be limited to three years with no more than two vehicles parked on site and the same conditions regarding removal of the building;
- o Several adults live on site resulting in a large amount of vehicles.

Ecological Concerns

- o An increase in human activity will impact upon the protected species found here- a wildlife survey would have been useful;
- o The site is next to Bradley Brook which is of Nature Conservation interest and is the only site in the area where White Clawed Crayfish can still be found whilst Kingfishers also breed here- Otter spirants, grass snakes and Dauhentons Bats are also found;
- o Concerns are expressed regarding potential fuel spills and the disposal methods of animal faeces;
- o Trees and hedgerows on land adjacent to the development are an extremely important feature of the landscape and many birds thrive here including Buzzards, Herons, owls, migratory birds and bats;
- o The application should be for full permanent planning permission.

Nature of Development

- o It is noted that there is discretion for allowing development in support of agricultural and rural work;
- o This is the second application for temporary consent so by default the undertaking should be established;
- o Any grace given by the Council should be withdrawn and if 24hr hour residence is necessary, the premises should be relocated to allow this to happen- it should not take further advantage of low cost land where this should not be allowed to happen;
- o The Council has allowed time for the starting of this business and it should relocate to permanent facilities if it wishes to continue trading;
- o If the business is stable, there is no need for a large residential facility, as ordinarily horses do not require over night attendance- a temporary small caravan could provide emergency cover.

Outstanding Issues

- o There area number of anomalies contained within the application form;
- o It will set a precedent for future development in the area;
- o It cannot be considered as mobile;
- o Repeated temporary permissions might lead to a permanent approval.

4.4 The agent has advised that one of these letters is not genuine and has requested that all others be checked for their authenticity. In response, whilst their authenticity would be hard to clarify, it is considered that the Council has no good reason to believe they are not genuine. It is noted however that some of the addresses provided are not within the vicinity of the application site.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Central Government advice as contained in Planning Policy Statement 7 (Sustainable Development in Rural Areas) details that that there may be instances where special justification exists for isolated new dwellings in the countryside that are associated with rural enterprises. In this regard, one of the limited circumstances where permission might be granted is where accommodation is required to enable agricultural, forestry and other full time workers to live at, or in immediate vicinity of their place of work. Whether this is essential will be dependent upon the needs of the enterprise instead of the personal preferences/ circumstances of the individual involved.

5.2 Annex A of PPS7 provides advice in respect of the above. In this regard, if a new dwelling is essential to support an occupational need, a caravan or wooden structure should normally provide this for the first three years because this can be removed. As such, this policy statement outlines the following criterion that must be satisfied in order to allow any new residential accommodation:

- o There is clear evidence of a firm intention & ability to develop the enterprise concerned;

- o There is a clearly established functional need (a functional test is necessary which might for example require a worker to be on hand day or night in case animals/ agricultural processes require essential care at short notice or to deal with emergencies that could cause serious loss of crop or products);
 - o There is clear evidence that the proposed enterprise has been planned on a sound financial basis;
 - o The functional need could not be fulfilled by another existing dwelling on the unit or other accommodation in the area which is suitable and available;
 - o Further normal planning requirements, e.g. siting and design.
- 5.3 Further to the above, planning policy GB1 advises that within the Green Belt, planning permission will only be given for the construction of new buildings where for agriculture and forestry and for essential facilities for outdoor sport and recreation which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. This policy does allow for new dwellings in the Green Belt.
- 5.4 Policy H3 allows for new dwellings in the open countryside where it forms a replacement dwelling, provides affordable housing on a rural exception site or where it provides accommodation for agricultural/ forestry workers. In all other cases, new residential development in the countryside will be resisted.
- 5.5 Planning History
Wayland Stables benefits from a succession of temporary permissions allowing the stationing of a mobile home in connection with the previous owners use of the holding as a stable yard for the training and keeping of racehorses; the current owners of the application site purchased Wayland Stables in May 2004.
- 5.6 This application seeks the renewal of the previous temporary consent that was granted on appeal (November 2008) and which provided a personal permission (in respect of the current owners) subject to a further condition stipulating that the building be removed by 30 June 2009. This appeal was lodged in response to an Enforcement Notice that was issued by the Council given the replacement of the permitted mobile home with a log cabin. In the appeal decision, the Inspector noted that the log cabin was larger than the mobile home and did not accept that it was a moveable structure.
- 5.7 The 2006 planning permission was granted on the basis that there was a functional need for a dwelling on the land to help establish the rural enterprise which in part, was based upon the care of injured or out of season race horses on a full livery basis. Having regards to the advice contained within PPS7, the Inspector limited the permission to that given in respect of the mobile home and was satisfied that this log could be easily dismantled.
- 5.8 Requirement for Residential Accommodation
The applicants specialise in taking in injured or out of season racehorses on a full livery basis; racehorse owners can leave their animals here at a reduced rate until training resumes. The applicant (Mrs Barke) is also a riding instructor utilising the ménage whilst the applicants have some breeding stock which includes two pedigree Welsh Section B Stallions.

- 5.9 The holding is also registered with DEFRA as a licensed establishment for the keeping of birds of prey. The applicants are frequently required to look after injured birds prior to their release. The applicants also presently own a breeding pair of Finnish Goshawks (£2,000 for a female and £1,000 for a male) and a pair of European Eagle Owls. The applicants have already successfully reared one clutch and their aim is to continue to expand and sell young birds of prey to the Falconry industry. The birds are also used as a form of pest control and the applicant (Mr Barke) also gives demonstrations.
- 5.10 Mrs Barke is now employed on a full time basis on the holding whilst there is the intention to erect further stabling to allow them to expand the full livery element of the business. They also have a small pedigree flock of Ryeland sheep, which it is intended to build up in the near future.
- 5.11 In view of the above, having regard to the criteria outlined by PPS7 for temporary residential accommodation, the Council has sought the advice of the Gloucestershire County Council Area Land agent and considers that significant weight should be attached to these comments.

Firm Intention and Ability

The applicants benefit from a long history of working with racehorses and thus have a high level of experience in equine care and management. In addition to this, Mr Barke has 10 years experience with birds of prey and thus it is considered that the applicants have the ability to make the business succeed. There is also a genuine intention to rear Kune Kune pigs and Ryeland sheep for sale to smallholders.

Functional Need

The horses that stay at Ryeland Stables are frequently of high value and can be worth between £60,000 and £1m. On this basis, it is considered their owners would certainly not entertain the idea of leaving them without a qualified person living on site. Conditions such as Colic might require quick action whilst with many of the horses injured these require extra care. If anything happened to these horses, it could ruin their reputation and business.

With regards to the birds of prey, these are highly strung (especially when breeding) and any disturbance could upset the breeding cycle; hence the use of CCTV cameras when breeding. One or two breeches of security at the site are also considered to add to the functional need to be living on site whilst quick action might also be required if for example, the male is attacking the young.

Sound Financial Basis

Since 2006, the business now shows a profit approaching the minimum agricultural wage although the previous appeal is noted to have hindered progress. However, it is considered that the business has been planned on a sound financial basis with the future income projections appearing realistic and attainable. This should help form the basis of a sustainable rural business in three years time.

Other Dwellings

There do not appear to any other buildings within site and sound of the holding that would be available to the applicants.

- 5.12 In view of the above, there is considered to be a functional need for the existing log cabin with there a need for somebody to be living in site and sound of the buildings. As such, planning permission is recommended for approval on this basis although for a period of three years in accordance with the provisions of PPS7 (the application as originally submitted sought planning permission for a further five years).
- 5.13 In response to some of the concerns that have been raised, a further three-year period is considered to be appropriate with the uncertainty of the previous appeal understood to have hindered the development of the business over the previous three-year period. It would be reasonably anticipated that any future application in respect of a residential facility on this site would seek planning permission on a permanent basis.
- 5.14 Design/ Visual Amenity
The existing log cabin comprises a single-storey structure that provides an open plan living/ dining room with a kitchen to one side in addition to three separate bedrooms (one ensuite), a bathroom and a study. The log cabin is positioned at the end of an access way that leads into the site from the south side of Beacon Lane adjacent to an existing stable building and with those buildings containing the birds of prey behind.
- 5.15 It is noted that the application site is not widely apparent within the wider landscape largely due to existing vegetation whilst the motorway runs behind at a slightly elevated level. Further, it is considered that the style and colour of the building blends with the landscape and the adjoining agricultural buildings although it is acknowledged that it is not typical of residential buildings normally found within the South Gloucestershire rural landscape.
- 5.16 In view of the above, the current proposal is considered to be acceptable in design/ visual amenity terms on a temporary basis. However, in the event of a favourable decision, it is considered that an informative should be added reminding that the applicants that the proposal does not benefit from any form of residential curtilage (and therefore does not benefit from the associated permitted development rights).
- 5.17 Green Belt
Wayland Stables is located within the Green Belt beyond any settlement boundary. In this regard, green belt policy allows for the introduction of new buildings where for the purposes of agriculture and forestry and for essential facilities that preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 5.18 In this instance, there is a functional need for the proposal and thus it is considered that it would comprise an essential facility for a use that is appropriate within the Green Belt. For this reason, there is no objection to the current proposal on this basis.

5.19 Residential Amenity

The log cabin sits in relative isolation with the closest properties on the opposite side of the busy Beacon Lane. On this basis, it is not considered that any significant adverse impact in residential amenity would be caused through the retention of this log cabin.

5.20 Highway Safety

Provided that the log cabin remains ancillary to the use of the land it is not anticipated that there would be any material change from a highway viewpoint. On this basis, there is no highway objection to this current proposal.

5.21 Outstanding Issues

Concerns have been raised regarding the wildlife found in and around the site. In response, comments received from the Council Ecologist detail that the application site is not covered by any statutory or non-statutory nature conservation designations and there are no ecological constraints to the granting of planning permission. In this regard, the existing building is on an intensively managed (mown) site with no associated vegetation. It is therefore considered that it would have a negligible impact on wildlife.

5.22 Concerns have been expressed with regards to the number of vehicles parked on site and it has been requested that a condition be attached to limit the number of vehicles on site. In response, it is noted that there is no highway objection to this current application whilst any condition to control the number of vehicles would be difficult to enforce; it is also considered that such would be both unnecessary and unreasonable.

5.23 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.

5.24 Section 106 Requirements

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

6. CONCLUSION

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

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

7. **RECOMMENDATION**

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

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

1. The log cabin hereby permitted shall be removed from site and the land restored to its former condition on or before three years from the date of this decision.

Reason

The permission has been granted solely having regard to the special circumstances of the case and use not in accordance with the requirements of the condition would require the further consideration of the Local Planning Authority in the light of the Development Plan, and any other material considerations.

2. The occupation of the log cabin shall be limited to a person solely or mainly working, or last working, in the locality in agriculture, forestry or for equestrian purposes, or a widow or widower of such a person, and to any resident dependants.

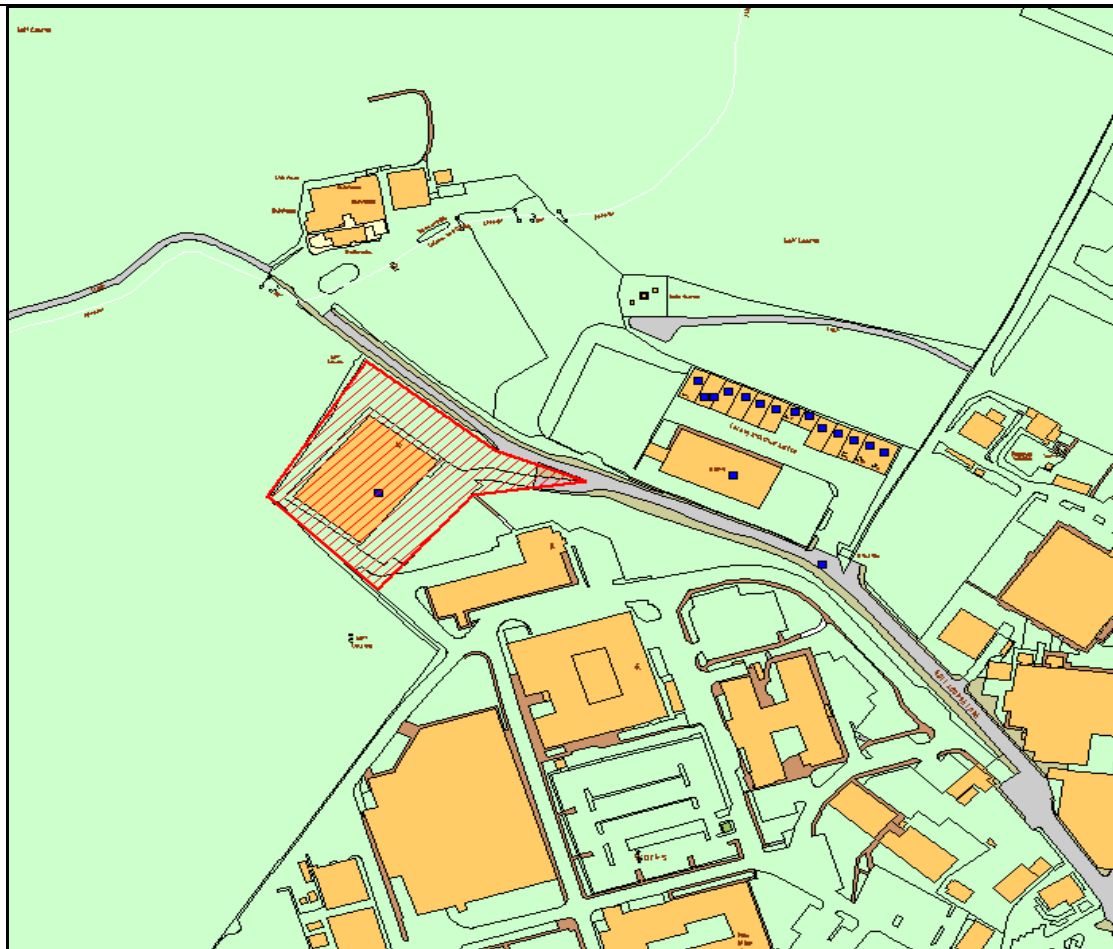
Reason

The site is not in an area intended for development and the development has been permitted solely because it is required to accommodate a person working on the holding, to accord with the provisions of Planning Policy Statement 7 (Sustainable Development in Rural Areas) (2004).

ITEM 5

CIRCULATED SCHEDULE NO. 37/09 – 25 SEPTEMBER 2009

App No.:	PT09/1342/F	Applicant:	Mr K Smithson
Site:	20 U Golf Course Lane Filton South Gloucestershire	Date Reg:	21st July 2009
Proposal:	Erection of three storey extension to include lower ground floor to create additional office and research space. Installation of mezzanine floor to existing office area with external alterations. (Amendment to previously approved scheme PT09/0821/F)	Parish:	Filton
Map Ref:	359526 179351	Ward:	Filton
Application Category:	Major	Target Date:	16th October 2009



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INTRODUCTION

This application appears on the Circulated Schedule in view of the concerns that have been raised by the Town Council (and with the previous application referred for the same reason).

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a three-storey extension to an existing industrial building and would also allow the introduction of a mezzanine floor to part of these existing premises.
- 1.2 The application relates to Building 20U accessed via Golf Course Lane and located towards the end of this road close to the Filton Golf Club. The site is located within the built up area and is also within a Safeguarded Employment Area.
- 1.3 This application forms the second recent application at this address following approval of PT09/0821/F. This allowed the erection of a two-storey extension to the existing building in the same position as that now proposed.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development
PPG4: Industrial and Commercial Development
PPG13: Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development
E3: Criteria for Assessing Proposals for Employment Development
E4: Safeguarded Employment Areas
T7: Cycle Parking
T8: Parking Standards
T12: Transportation Development Control Policy for New Development
L1: Landscape Protection and Enhancement
L18: The Water Environment

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RECENT PLANNING HISTORY

- 3.1 PT04/2564/O: Demolition of two existing buildings to facilitate erection of new light industrial unit (Class B1) on 0.90Ha. Permitted: 11 January 2005
- 3.2 PT04/4061/F: Siting of six portacabins to provide temporary office accommodation. Permitted: 11 January 2005

- 3.3 PT05/0970/RM: Demolition of two existing buildings to facilitate erection of new light industrial unit (Class B1). Permitted: 20 January 2005
- 3.4 PT06/1277/F: Erection of 5.6m and 2.4m high security fences. Permitted: 2 June 2006
- 3.5 PT09/0821/F: Erection of two-storey extension to create additional office space & installation of mezzanine floor to existing office area with external alterations. Permitted: 13 July 2009

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No objection in principle but concerns that it could lead to an increase in traffic
- 4.2 Other Consultees
Highways Agency: no objection
PROW Officer: appears unlikely to affect the nearest PROW
Technical Services (Drainage): no objection in principle
Wessex Water: statutory comments
Landscape Officer: no comment
Ecological Officer: no objection
Highways DC: no objection
- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Planning policy E4 advises that within the Safeguarded Employment Areas, planning permission will be granted for employment generating uses subject to the satisfaction of the assessment criteria as detailed for policy E3. This policy allows for employment uses subject to the satisfaction of the following:
- o Development would not have an unacceptable environmental effect;
 - o It would not give rise to unacceptable levels of vehicular traffic;
 - o Development would not prejudice residential amenity;
 - o The character of the area is not adversely affected;
 - o The maximum density compatible with the sites location is achieved;
 - o The location is well served by public transport.
- 5.2 Policy T12 allows for the principle of new development (in highway safety terms) provided that (here considered relevant) it provides adequate, safe, convenient, attractive and secure access and is capable of accommodating traffic that would be generated by the proposal. Further, it should not create or unacceptably exacerbate traffic congestion or have an unacceptable impact on road, pedestrian or cyclist safety. The proposal should also not generate traffic that would be detrimental to residential amenity or other environmentally sensitive areas in terms noise, vibration or air quality.

5.3 Design/ Visual Amenity

- The application relates to building 20U that is accessed via Golf Course Lane, Filton. The existing building comprises a modern two-storey industrial unit that nestles to the rear of an adjacent three-storey office building and forms part of the wider MBDA complex albeit with separate vehicular access.
- 5.4 This current application seeks planning permission for a three-storey extension to the front of the building and would also allow the introduction of a mezzanine floor to part of the existing building.
- 5.5 The three-storey front extension would project 19.5m forward of host building and measure 23.6m in depth. It would occupy the southwest corner of the car park and would be encompassed by a pitched roof that would reflect the roof shape of the host building. The proposal would provide three meeting rooms, a reception/ foyer, kitchen and toilet facilities at the lower ground level with additional laboratory space and further toilet facilities above. At first floor level, a mezzanine floor would be introduced which would encompass some 40% of the original building and extend through into the extension. The majority of this floor would provide for office accommodation.
- 5.6 This revised proposal is larger than the previously approved with this providing two levels of floor space. The approved scheme is slightly smaller projecting 17.5m forward of the host building whilst it was lower encompassed by a mono-pitched roof that would continue the downwards slope of the existing roof. The new foyer would have opened out onto the retained car parking area facing towards Golf Course Lane.
- 5.7 In this instance, this revised proposal seeks to utilise the sloping topography of the application site and thus the tree-storey extension proposed would remain slightly lower than the existing building. Furthermore, roller-shutter doors would provide vehicle access into the building through its north-east elevation (facing Golf Course Lane) with the new reception facing south towards building 20z.
- 5.8 In response, the approved scheme is considered to allow a more sympathetic extension to the building and thus is considered to be preferable. However, as per those comments at the time of the previous application, it is noted that the extension would occupy a relatively discreet position behind building 20z and with tree screening along the west site boundary (bordering the Golf Club). This is having regard also to the site topography with the site at a lower level to the passing Golf Course Lane. As such, it is considered that any associated refusal reason would be unlikely to prove sustainable. Nonetheless, as per the current permission, it is suggested that a landscaping condition be added to any permission to enhance the level of landscaping currently provided.
- 5.9 Finally, as per the existing permission, it is noted that the mezzanine floor would necessitate the introduction of first floor windows to the existing building and a new external fire escape to the rear. In response, these alterations are also considered to be acceptable with these changes not focused on the more visible elevations of the building (when approaching from Golf Course Lane). On this basis, there is also no objection to this element of the proposal.

5.10 Residential Amenity

The application site forms part of the wider MBDA/ British Aerospace site and is located within a safeguarded employment area. Accordingly, there are no residential properties within close proximity of the application site and thus it is not considered that any significant adverse impact in residential amenity would be caused.

- 5.11 The proposal would however be sited within relative proximity of building 20z; a three-storey office building that is understood to be occupied by the applicant. The north elevation of this building provides a large number of facing windows that look towards the application site; however, given its 'L' shaped footprint, of this building this wall is set back with an area of landscaping proving a degree of spacing to the proposal. On this basis, and given the nature of this adjoining building, this proposed relationship is considered acceptable with no objection raised on this basis.

5.12 Highway Safety

The proposal would not be anticipated to generate any significant increase in traffic levels along Golf Course Lane and thus it is considered that any impact on the surrounding highway network would be minimal. Further, despite the reduction in size of the car park, this would still be consistent with the Council's car parking standards (which are based upon maximum levels). Further, the reduction in spaces might encourage staff to utilise more sustainable modes of transport.

In view of the above, there is no objection to the current proposal on highway safety grounds.

5.13 Other Matters

It was considered whether a condition was required to ensure that this scheme is an alternative and not cumulative to PT09/0821/F. However this was not considered necessary as practically given the similar footprint it would not be feasible to implement both schemes.

5.14 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.

5.15 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.

SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION IN ACCORDANCE WITH ARTICLE 22 OF THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995 (AS AMENDED).

1. The design of the extension proposed is considered to be appropriate in terms of its siting, scale, height, massing, detailing, colour and materials and thus would accord with planning policy D1;
2. The proposal would not have any significant adverse environmental impact whilst there are no residential properties within the immediate vicinity of the application site. Adequate provision would also be made for service and delivery requirements, all in accordance with Planning Policy E3;
3. The application site is located within a Safeguarded Employment Area (Planning Policy E4) and thus would be compatible with this land use designation;
4. The proposal is considered to be acceptable in highway safety terms with the reduction in the size of the car park compliant with the Councils parking standards (Planning Policy T8) and likely to encourage more sustainable modes of transport (Planning Policies T7 and T12).

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

7. RECOMMENDATION

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

Background Papers **PT09/0821/F**
Contact Officer: **Peter Burridge**
Tel. No. **01454 865262**

CONDITIONS

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

Reason

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

Reason

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

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

Reason

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

5. Prior to the commencement of development 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.

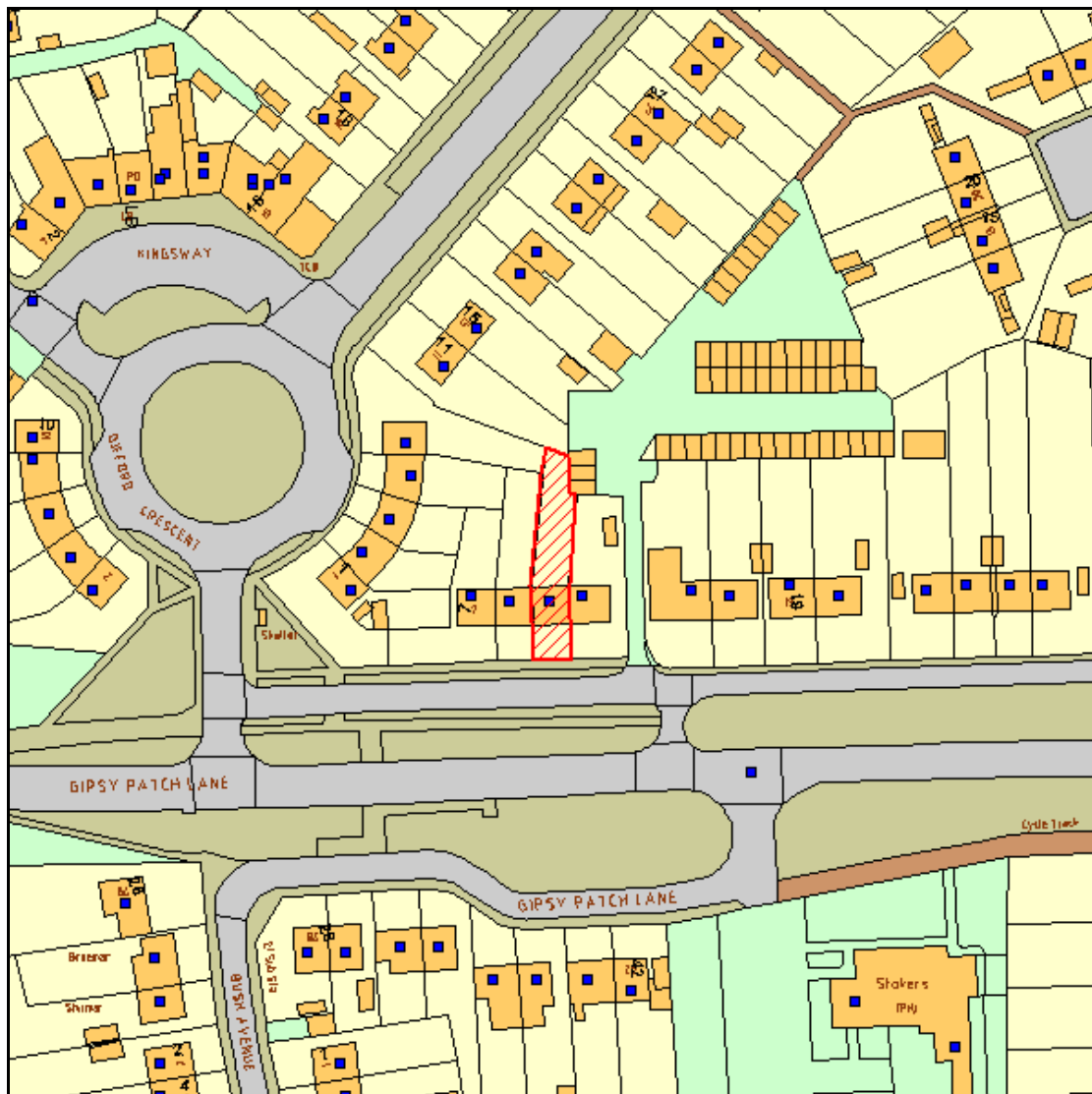
Reason

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

ITEM 6

CIRCULATED SCHEDULE NO. 38/09 – 25 SEPTEMBER 2009

App No.:	PT09/1395/CLP	Applicant:	Mr P Justice
Site:	11 Gipsy Patch Lane, Little stoke, South Gloucestershire BS34 8LS	Date Reg:	29th July 2009
Proposal:	Application for Certificate of Lawfulness for the proposed erection of single storey rear extension to form additional living accommodation	Parish:	Stoke Gifford
Map Ref:	361317 180594	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	18th September 2009



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100023410, 2008. **N.T.S.** **PT09/1395/CLP**

INTRODUCTION

This application appears on the Circulated Schedule given that it comprises a Certificate of Lawfulness in respect of a proposed development.

1. THE PROPOSAL

- 1.1 The application forms a Certificate of Lawfulness in respect of the proposed erection of a single-storey rear extension to the existing dwelling. The extension would be 2.9m in depth, 6.3m in width, and 3.3m in height.
- 1.2 The application site relates to a mid-terrace dwelling which is situated within a well-established residential area of Little Stoke. The site is in the Bristol North Fringe urban area.

2. POLICY CONTEXT

- 2.1 Town and Country Planning (General Permitted Development) Order 2008

3. RELEVANT PLANNING HISTORY

- 3.1 PT09/1392/F Erection of single storey front extension to provide additional living accommodation.
Approved on 21st September 2009

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No comment.
- 4.2 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 This application is seeking a Certificate to state that the proposed development is lawful. It is not a planning application where the relative merits of the scheme are assessed against policy, rather it is an evidential test of whether it would be lawful to proceed with the proposal. Accordingly, the key evidential test in this case is whether proposals fall within the permitted development rights afforded to householders.
- 5.2 It stands to be ascertained whether the proposed development falls within the limits set in The Town and Country Planning (General Permitted Development) Order 2008, Schedule 2, Part 1, Classes A, B, C and D by means of size and positioning.
- 5.3 ***(a) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original***

dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

With regard to the above criteria, the submitted plans show that the rear extension would not exceed 50% of the total area of the curtilage.

- 5.4 ***(b) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;***

(c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

With regard to the above criteria, the proposed extension would be single storey, and is therefore clearly below the height of the highest part of the roof and the eaves of the existing dwellinghouse.

- 5.5 ***(e) the enlarged part of the dwellinghouse would extend beyond a wall which—***
(i) fronts a highway, and
(ii) forms either the principal elevation or a side elevation of the original dwellinghouse;

With regard to the above criteria, the proposed extension would not extend beyond a wall which fronts a highway, or a principal or side elevation of the original dwellinghouse.

- 5.6 ***(e) the enlarged part of the dwellinghouse would have a single storey and—***
(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;

With regard to the above criteria, the proposed extension would have a maximum depth of 2.9m and would be 3.3m in height. Thus the development would fall within the limits of the above criteria.

- 5.7 ***(f) the enlarged part of the dwellinghouse would have more than one storey and—***
(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

The proposed extension is single storey and therefore the above criteria does not apply.

- 5.8 ***(g) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;***

With regard to the above criteria, the proposed extension would be within 2 metres of the boundary, however the height of the eaves would be 2.2m and therefore below the 3m height limit set by the above criteria.

- 5.9 ***(h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—***
- (i) exceed 4 metres in height,***
 - (ii) have more than one storey, or***
 - (iii) have a width greater than half the width of the original dwellinghouse; or***
 - (i) it would consist of or include—***
 - (i) the construction or provision of a veranda, balcony or raised platform,***
 - (ii) the installation, alteration or replacement of a microwave antenna,***
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or***
 - (iv) an alteration to any part of the roof of the dwellinghouse.***

The proposed extension would not be on a side elevation and therefore the above criteria does not apply.

- 5.10 ***i) it would consist of or include—***
- (i) the construction or provision of a veranda, balcony or raised platform,***
 - (ii) the installation, alteration or replacement of a microwave antenna,***
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or***
 - (iv) an alteration to any part of the roof of the dwellinghouse.***

With regard to the above criteria the proposed development would not include any of the features refer to in (i) to (iv). It is noted that the proposed drawing shows a rear flue, however this is an existing part of the dwellinghouse.

- 5.11 In view of the above it is considered that the proposed development would fall within the limit of the above criteria. The development is therefore permitted under Class A subject to the following conditions: -
- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
 - (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

5.12 The information submitted with this application shows that the applicant would satisfy these conditions.

6. RECOMMENDATION

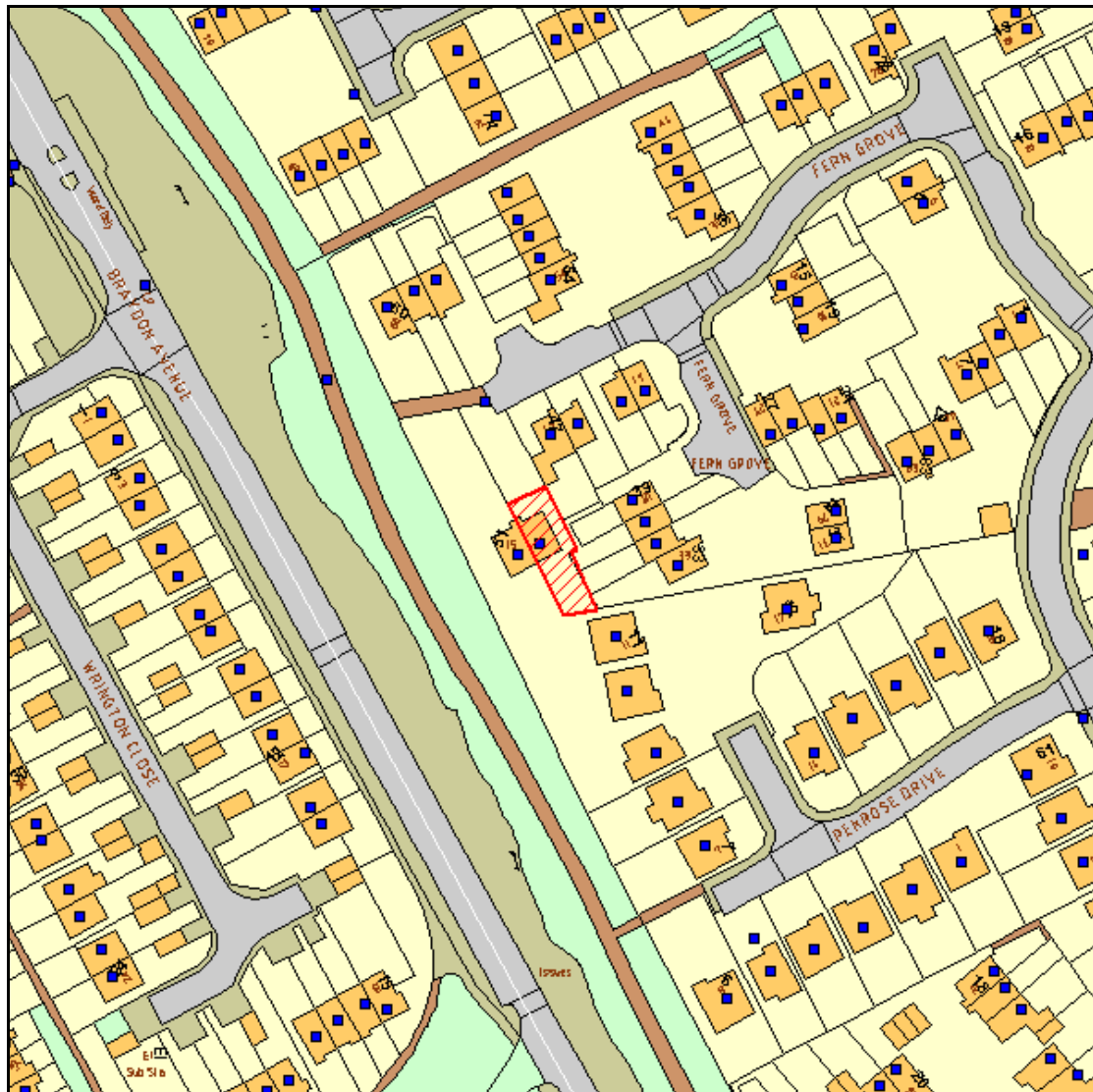
6.1 A Certificate of Lawfulness for Proposed Development be **GRANTED**.

Contact Officer: Peter Rowe
Tel. No. 01454 863131

ITEM 7

CIRCULATED SCHEDULE NO. 38/09 – 25 SEPTEMBER 2009

App No.:	PT09/5066/F	Applicant:	Mr N Noels
Site:	49 Fern Grove, Bradley Stoke, South Gloucestershire BS32 8DS	Date Reg:	18th August 2009
Proposal:	Erection of single storey side extension to provide additional living accommodation	Parish:	Bradley Stoke
Map Ref:	361601 181482	Ward:	Bradley Stoke South
Application Category:	Householder	Target Date:	5th October 2009



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100023410, 2008. **N.T.S.** **PT09/5066/F**

INTRODUCTION

This application appears on the Circulated Schedule in view of the concerns that have been raised by the Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for a single-storey side extension that would provide a family room and extended kitchen.
- 1.2 The application relates to a two-storey semi-detached dwelling located at the far end of Fern Grove cul-de-sac, Bradley Stoke.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
H4: Development within Residential Curtilages
T8: Parking Standards
T12: Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
'No Objection in principle but recommend a hipped roof on the extension to avoid the 'lean-to' appearance.
- 4.2 Other Consultees
Highways DC: No objection

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy H4 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.

5.2 Design/ Visual Amenity

The application relates to a two-storey semi-detached dwelling within Fern Grove cul-de-sac, Bradley Stoke. The property is located at the far end of this cul-de-sac set well back from the building line of the neighbouring properties on this side of the highway; accordingly, it is not readily visible within the street scene.

5.3 The application seeks planning approval for a single-storey side extension that would provide a family room at the front (alongside the existing living room) with an extended kitchen/ dining room behind. The proposal would build flush with the rear wall of the dwelling and be marginally inset from the front wall; it would measure a little over 2m in width and be covered by a lean-to roof. It would occupy part of the drive that runs alongside the property that is enclosed by a raised 1.8m high (approx.) close-boarded fence.

5.3 In response, given the position of the both the proposal and host dwelling, it is considered that the extension would occupy a relatively 'tucked away' position aided also by the site topography with the host dwelling at a lower level to those east of the application site fronting Fern Grove. Further, given the single-storey nature of the proposal, it would not imbalance this pair of semi-detached dwellings that nonetheless, appear to have been designed to appear as two detached dwellings. For these reasons, there is no objection to this current proposal on design/ visual amenity grounds.

5.4 With regard to the comments received from the Parish Council, the lean-to roof is considered to be acceptable and reflects the lean-to roof design of the existing porch. A pitched roof might also be acceptable although this would be likely to increase the height of the proposal and might also obscure the existing first floor side-facing window.

5.5 Residential Amenity

The neighbouring dwelling to the east side of the site sits forward of the host property with its attached single-storey garage on the boundary. Its rear garden extends only half way along the flank boundary of the site with boundary screening provided by means of the aforementioned close-boarded fencing. On this basis, and in view of the single-storey nature of the build and with no side facing windows proposed, it is not considered that any significant adverse impact in residential amenity would be caused.

5.6 Further neighbouring dwellings to this side of the host property adjoin the application site along their rear boundaries with these dwellings within a further offshoot of Fern Grove facing eastwards. As such, the associated rear gardens serving these units allows an element of spacing to the proposal; on this basis and having regard to the nature of the works, it is not considered that any significant adverse impact in residential amenity would be caused.

- 5.7 The dwelling behind stands within Penrose Drive with its flank elevation adjoining the rear site boundary. There appears only one ground floor facing window within this unit which is likely to be a secondary window but which is nonetheless, is already largely obscured from view by boundary fencing. Nevertheless, in view of the nature and positioning of the build, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.8 The attached property stands to the opposite side of the host property and thus the proposal would not be readily visible from this dwelling. As such, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.9 Highway Safety
The proposal would occupy part of the driveway that runs alongside the dwelling. Nonetheless, there would still appear sufficient space to park two vehicles whilst in view of the Councils parking standards (which detail maximum standards); it is not considered that planning permission could be reasonably withheld on this basis.
- 5.10 Design and Access Statement
A Design and Access Statement is not required as part of this application.
- 5.11 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

Contact Officer: Peter Burridge

Tel. No. 01454 865262

CONDITIONS

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

Reason

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. No windows shall be inserted at any time in the east facing (side) elevation of the property as extended.

Reason

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

ITEM 8

CIRCULATED SCHEDULE NO. 38/09 – 25 SEPTEMBER 2009

App No.: PT09/5079/CLE
Site: Cosy Farm, Swinhay Lane, Charfield,
South Gloucestershire GL12 8EZ
Proposal: Operational building work to the
external envelope of the part of the
western section of the long range of
buildings
Map Ref: 371384 194040
Application Category: Minor

Applicant: Mr & Mrs J Randall
Date Reg: 18th August 2009
Parish: Charfield
Ward: Charfield
Target Date: 5th October 2009



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100023410, 2008.

N.T.S.

PT09/5079/CLE

INTRODUCTION

This application appears on the Circulated Schedule List because it comprises a Certificate of Lawfulness submission. An objection has also been received from the Parish Council.

1. THE PROPOSAL

- 1.1 This application forms a Certificate of Lawfulness application in respect of building work (operational development) to a range of rural buildings.
- 1.2 The application site comprises a range of rural buildings situated outside the defined settlement boundary within the Open Green Belt. The buildings stand adjacent to Swinhay Lane

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT00/1980/F, Change of use of agricultural buildings and land for livery, Approved.
- 3.2 PT01/2825/F, Restoration of previous milking parlour to form equestrian and agricultural storage and hatchery, Approved.
- 3.3 PT02/1827/PNA, Erection of a hay barn/implement shed, No Objection.
- 3.4 PT02/2755/PNA, Erection of hay barn and implement store, No Objection.
- 3.5 PT03/2724/F, Erection of 2 no. greenhouses and potting shed, Approved.
- 3.6 PT03/2725/RVC, Retention of use of agricultural buildings and land for livery without complying with conditions 1, 2 or 3 attached to planning permission PT00/1980/F dated 01 November 2000. (Restoring land to former condition, keeping more than 6 horses and prohibiting site for DIY livery, riding school or other business purposes), Approved.
- 3.7 PT07/3417/CLE, Application for Certificate of Lawfulness for continued occupation of dwelling house, Not Certified.
- 3.8 PT08/0850/CLE, Application for Certificate of Lawfulness for continued occupation of dwelling house, Certified.
- 3.9 PT08/3107/F, Change of use of land and buildings to provide additional residential accommodation and garage, Refused.

4. CONSULTATION RESPONSES

4.1 Charfield Parish Council

Application for Certificate of Lawfulness for the existing use of the buildings as residential attached to the main dwelling house. After due consideration it was resolved to object to this application on the grounds of the development being outside the village boundary. Furthermore, the use of this farm is slowly moving away from its original intention of rural/agricultural dwelling and many applications have been made over the past 10 years often to rectify illegal use here as extra dwellings. This farm/area should not grow into a hamlet of dwellings by default; planning policies should be able to prevent applicants adding extra dwelling space every year. The Parish Council is concerned at the continuous requests for dwelling lawfulness and questions where it will end?

4.2 Other Consultees

No comments received

Other Representations

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The applicant seeks a Certificate of Lawfulness for existing development relating to building work to various rural buildings. The main consideration in this instance is whether, on the balance of probability, the work has been completed for a period of 4 years immediately prior to the date of this application. The application is purely an evidential test irrespective of planning merit.

5.2 Introduction

The application site comprises a range of rural buildings situated outside the defined settlement boundary and within the Green Belt. The buildings are attached to a former milking parlour, which was previously restored for equestrian and agricultural secure storage and hatchery under application no. PT01/2825/F. The building was then granted a Certificate of Lawfulness by the Local Planning Authority as a dwellinghouse under application no. PT08/0850/CLE.

5.3 The application buildings were originally granted planning permission under application no. PT03/2724/F for the erection of 2no. greenhouses and potting shed. The applicant has stated that following the grant of permission, building operations commenced on March 2004 to the greenhouse at the eastern end of the range and work to repair and alter the section of the range described as an existing cow shed. The applicant has explained that the two glazed screens on the south facing wall of the former cowshed, a small top hung casement window and a 2-light window surrounded by stonework were not shown on the approved plans in application no. PT03/2724/F. The plans approved in

application PT03/2724/F are of poor quality and there appears to be a number of other irregularities such as the green house roof and glazing. In addition to this, no plans showing the rear elevation appear to have been approved in application no. PT03/2724/F. The applicant seeks to regularise these inconsistencies by means of this Certificate of Lawfulness application.

5.4 This Certificate of Lawfulness Application does not encompass further inconsistencies such as the potting shed and the second greenhouse because, according to the applicant, they have been completed for less than 4 years. The Council Enforcement section will be notified of this breach.

5.5 Summary of Evidence Submitted in Support of the Application

The applicants have submitted individual sworn declarations from John Randall (applicant) and a self-employed tiler and roofing contractor Kelvin Bond. Mr Randall's evidence is supported by a number of invoices covering the despatch and delivery of materials dated between April and August 2004, which, according to the applicant, were purchased for the building work. In addition, photographs of the structure, which the applicant has stated were taken on 15th May 2005 have been submitted. The photographs are of poor quality but show the roof, walls and fenestration in place as per the submitted plan. The statutory declaration provided by John Randall identifies that the building work of the external envelope of the section of the range coloured in red on the plan in Appendix A was substantially completed by November 2004 with the exception of the existing rooflights, which were inserted into the range at a later date. Given that roof lights do not normally require planning permission and in this instance, they do not alter the roof shape and are inconspicuous, it is considered that they are immaterial.

5.6 In the additional declaration, Kelvin Bond has stated that he tiled a portion of the range of buildings in August 2004 with Russell double Roman cottage red concrete tiles. His recollection is that work to the roof covering was fully completed by the end of August 2004. The area of work has been highlighted on a plan and encompasses the eastern greenhouse, the previous cowshed and also the section identified as the gateway closed (second greenhouse) in the previous application. This part of the range does not however, form part of the extent of the Certificate of Lawfulness application.

5.7 Summary of Conflicting Evidence

The comments received from the Parish Council relate to planning merits. No factual information contrary to the evidence submitted by the applicant has been submitted to indicate that the works in question were not in situ as claimed by the applicant.

5.8 Evaluation

The Case Officer has visited the application site and the plans submitted are consistent with the existing buildings. Furthermore, the Council's 2005 aerial photos indicate a structure in-situ with a roof covering matching the extent of the Certificate of Lawfulness submission.

In addition, it is considered that the statutory declarations submitted with the application, which are legally binding documents effectively made under oath,

which include the invoices and photographs, are sufficient to demonstrate that on the balance of probability, the building works have been completed for a period of 4 or more years.

6. RECOMMENDATION

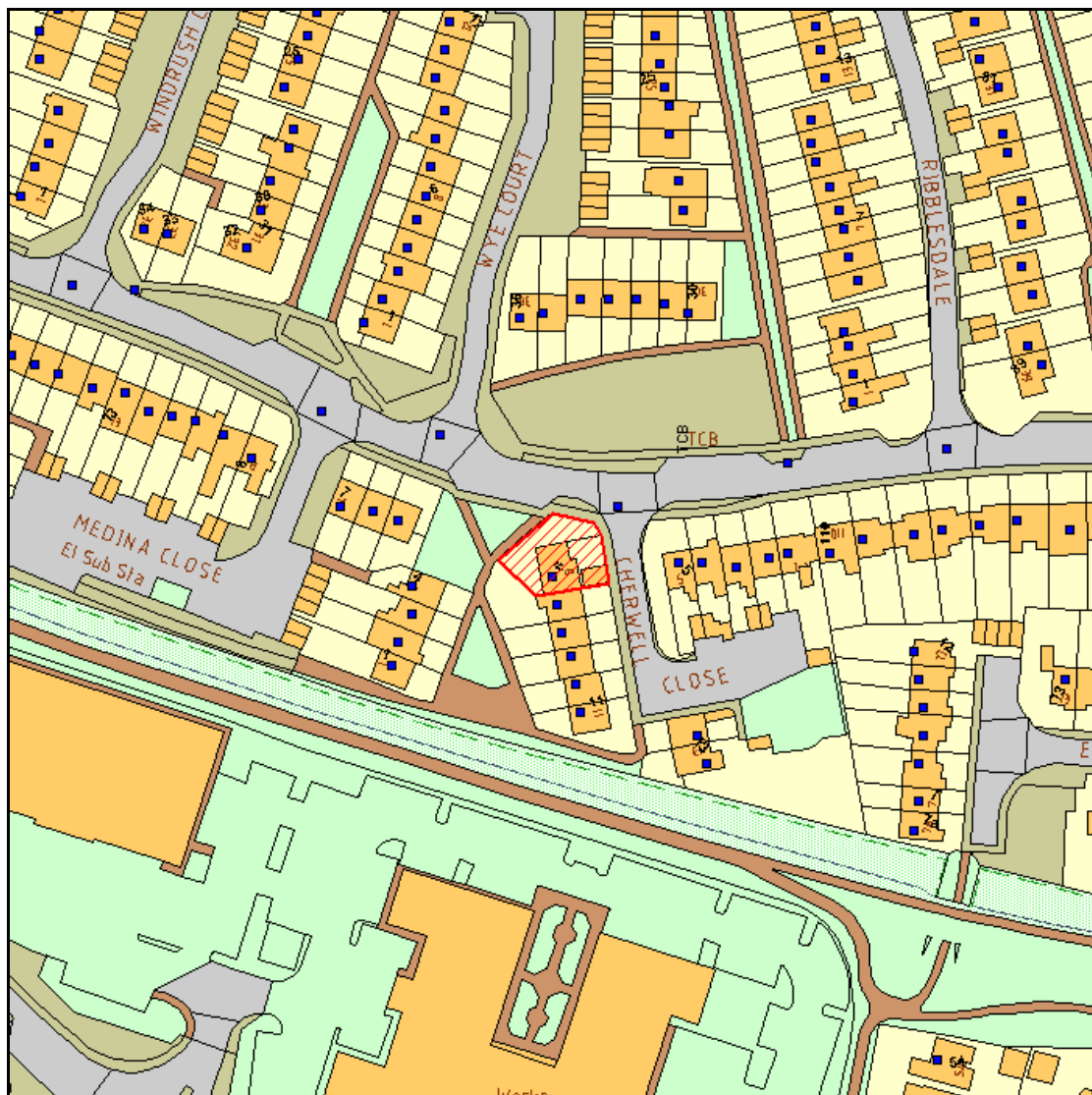
6.1 A Certificate of Existing Lawful Use is GRANTED.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

ITEM 9

CIRCULATED SCHEDULE NO. 38/09 – 25 SEPTEMBER 2009

App No.:	PT09/5105/F	Applicant:	Mrs D Ship
Site:	6 Cherwell Close Thornbury South Gloucestershire BS35 2DN	Date Reg:	17th August 2009
Proposal:	Erection of 1.8 metre high boundary fence.	Parish:	Thornbury
Map Ref:	364425 189456	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	7th October 2009



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100023410, 2008.

N.T.S.

PT09/5105/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a 1.8 metre high boundary fence and brick piers.
- 1.2 The application site comprises a two-storey end of terrace property located within the established residential area of Thornbury. The property is situated on the western side of Cherwell Close and the southern side of Avon Way.
- 1.3 The proposal was originally for the erection of a 2 metre high fence. Following Officer concerns regarding the impact of the fence on the character of the area, amended plans have been received, which have reduced the overall height and changed the design of the fence, incorporating brick piers.

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
H4 Residential Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P94/1709, Erection of two storey side extension, 04/07/94, Approval.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
Objection – the fence is not in keeping with the open aspect of the area and detracts from the visual amenity of the locality.
- 4.2 Transportation
No objection
- 4.3 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. Planning Policy H4 allows for the principle of residential development within residential curtilages subject to design, residential amenity and transportation considerations.

5.2 Design/Visual Amenity

This application seeks planning permission for the erection of a 1.8-metre high boundary fence and brick piers. The application site comprises a two-storey end of terrace dwellinghouse located within the established residential area of Thornbury. The property is located on the western side of Cherwell Close and on the southern side of Avon Way. The proposal would be located on an existing dwarf brick wall to the north of the site and would screen an existing parking area to the side of the property. Vehicular access would be through a 1.8-metre high featheredge gate to the east of the site and the fence would adjoin the corner of the property to the west of the site. The area is characterised by terrace properties on the north and south sides of Avon Way and is predominantly open. Properties generally have open front gardens and there are several open grassed areas within close proximity to the application site. Boundary walls fronting Avon Way are typically set back from the street and cushioned by soft landscaping. Hedging forms additional boundary screening to the east of the application site.

The property is read in conjunction with the properties on the southern side of Avon Way, which have open front gardens. The dwarf wall and hard standing to the side of the host property therefore, already appears somewhat out of keeping. It is considered that the introduction of a higher fence would not be significantly more harmful to visual amenity than the existing development. Whilst a solid brick wall would be preferable and was requested by the Officer, the brick piers flanking the fence panels would improve the visual appearance of the proposal. The height of the fence has also been reduced following Officer concerns. Whilst the piers and fence would be level, the topography of the site would result in the northern section of the fence being slightly higher than 1.8 metres. Nevertheless, it is considered that the proposal would not be adversely harmful to the visual amenities of the area and a refusal on this basis would be unlikely to prove sustainable at appeal. A condition will be applied to the consent to ensure that samples of the brick and fence are submitted and approved by the Council before commencement of the development.

5.3 Residential Amenity

The application site benefits from its end of terrace location by only having one neighbouring property adjoined on the southern elevation. Given that the fence would be located to the north of the host dwelling, it is considered that it would not have a significant adverse impact on the residential amenities of the neighbouring occupier.

5.4 Transportation

The proposed fence is set back from Cherwell Close/Avon Way junction and so adequate visibility will be maintained. There are no transportation objections to this proposal.

5.5 Improvements Achieved to the Scheme

Improved design and reduction in the overall height.

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 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).

2. No development shall take place until details/samples of the brick and fence materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

CIRCULATED SCHEDULE NO. 38/09 – 25 SEPTEMBER 2009

App No.:	PT09/5136/TRE	Applicant:	Mr C A Halton
Site:	Orchard House Frenchay Hill Frenchay South Gloucestershire BS16 1LU	Date Reg:	24th August 2009
Proposal:	Works to fell 1 no. Robina tree, 1 no. Cedar Tree and 1 no. Holly tree and reduce 1 no. Pear tree, 1 no. Hornbeam tree and 1 no. Apple tree and 1 no. smoke bush covered by Tree Preservation Order No. 13 - Frenchay Common	Parish:	Winterbourne
Map Ref:	364152 177464	Ward:	Frenchay And Stoke Park
Application Category:		Target Date:	9th October 2009



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 100023410, 2008. N.T.S. PT09/5136/TRE

This application is being circulated to members because a written representation was received from a resident which is contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks consent to works to fell 1 no. Robina tree, 1 no. Cedar Tree and 1 no. Holly tree and reduce 1 no. Pear tree, 1 no. Hornbeam tree and 1 no. Apple tree and 1 no. smoke bush covered by Tree Preservation Order No. 13 - Frenchay Common. No specific reasons have been given for the works other than the Robina tree is dead.
- 1.2 The trees are situated in the front and rear garden of Orchard House within the domestic curtilage. The application site relates to a large detached dwelling sited within a well-established rural-residential area of Frenchay.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
L1: Landscape Protection and Enhancement

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Letter of objection received in relation to the removal of the Blue Cedar Tree as it is a beautiful tree and should not be thinned or felled.
No objection to the proposed works to the other trees.

Other Representations

- 4.2 Tree Officer
Objection to the removal of the Blue Cedar.
No objection to the proposed works to the other trees.
- 4.3 Local Residents
1 letter supporting the application particularly with reference to the Blue Cedar containing the following points:
 - a) The species is inaccurate, it is stated that the tree is a Larch not a Cedar.
 - b) The proximity of the tree in question to the quarry wall means that the roots will undermine and damage the wall. Although the owners of the application

- site are undertaking work to make the wall safe, the roots will create an obvious physical hazard.
- c) If the tree becomes unstable and if it should fall, there is a possibility it would come into direct contact with 4 and 5 Frome Villas.
 - d) Due to the size of the tree it has an impact on the skyline.

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 South Gloucestershire Council arboriculturalist has been to inspect the trees and advises that the Robina tree is dead and the Holly tree is a poor specimen offering no visual amenity. He advises that the remaining works, with the exception of the proposed works to the Blue Cedar, are in accordance with good arboricultural management.

The resident in support of felling the Cedar has stated that the tree in question is a Larch. However the South Gloucestershire Council arboriculturalist has confirmed that the tree is in his professional opinion undoubtedly a Blue Cedar. Furthermore, he is of the opinion that the Cedar is a significant tree to the area offering high visual amenity and is well worthy of its Tree Preservation Order status and its removal would be contrary to policy L1 of the adopted Local Plan.

With regards to the tree damaging the wall it is understood that the owners of the tree are currently undertaking works to make the wall safe. With regards to the stability of the tree, it has been inspected by the South Gloucestershire Council arboriculturalist and it gives no cause for concern in terms of structural integrity at this time. Additionally there has been no evidence of any instability of the tree put forward in the application.

In relation to the size of the tree having an impact on the skyline, this is one of the reasons that the tree should remain for it offers high visual amenity. The applicant has been informed of these views and is content for the Cedar to be retained.

As such it is considered that works to fell 1 no. Robina tree, 1 no. Holly tree and reduce 1 no. Pear tree, 1 no. Hornbeam tree and 1 no. Apple tree and 1 no. Smoke Bush covered by Tree Preservation Order No. 13 - Frenchay Common would be in accordance with the South Gloucestershire Local Plan. Notwithstanding this, it is also considered that works to fell the 1 no. Cedar be refused on the basis that the proposed works would be contrary to policy L1 of the adopted South Gloucestershire Local Plan and as such would be unacceptable.

6. **CONCLUSION**

- 6.1 The recommendation to grant permission for works to fell 1 no. Robina tree, 1 no. Holly tree and reduce 1 no. Pear tree, 1 no. Hornbeam tree and 1 no. Apple tree and 1 no. Smoke Bush covered by Tree Preservation Order No. 13 - Frenchay Common and the recommendation to refuse permission for works to fell 1 no. Cedar covered by Tree Preservation Order No. 13 - Frenchay Common 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 A split decision be issued consisting of granting permission for works to fell 1 no. Robina tree, 1 no. Holly tree and reduce 1 no. Pear tree, 1 no. Hornbeam tree and 1 no. Apple tree and 1 no. Smoke Bush covered by Tree Preservation Order No. 13 - Frenchay Common and refusing permission for works to fell 1 no. Cedar covered by Tree Preservation Order No. 13 - Frenchay Common.

Contact Officer: Genevieve Tuffnell
Tel. No.

PART APPROVAL In relation to the proposal to fell the Robina and Holly tree; and reduce the Pear, Hornbeam and Apple trees; and the smoke bush.

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

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.

PART REFUSAL In relation to the proposal to fell the Cedar tree.

REASON(S)

1. The proposed works would be detrimental to the visual amenity and character of the locality and is therefore contrary to policy L1 of the adopted South Gloucestershire Local Plan.

CIRCULATED SCHEDULE NO. 38/09 – 25 SEPTEMBER 2009

App No.:	PT09/5164/TRE	Applicant:	Mrs L Daniels
Site:	Beech House 11 Prowse Close Thornbury South Gloucestershire BS35 1EG	Date Reg:	25th August 2009
Proposal:	Works to dismantle 1no. Ash tree leaving a 2m high monolith covered by Tree Preservation Order SGTPO 3/99 dated 3 June 1999.	Parish:	Thornbury
Map Ref:	364156 190353	Ward:	Thornbury North
Application Category:		Target Date:	13th October 2009



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 100023410, 2008. **N.T.S.** **PT09/5164/TRE**

This application appears on the Circulated Schedule due to comments received from a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks consent to dismantle an Ash tree protected by a Tree Preservation Order (TPO) leaving a 2m high monolith, and replace with a Sweet Chestnut. The works are required on the grounds that the tree is dying and no longer offering visual amenity.
- 1.2 The tree is a mature Ash growing in the hedge line at the rear of the property. The application site relates to a large detached dwelling sited within a well-established residential area of Thornbury close to Thornbury Hospital.

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/2066/TRE Works to Ash Tree covered by TPO:3/099.
Approved 14 Aug 2003
- 3.2 PT06/1793/TRE Works to Ash Tree covered by TPO:3/099.
Approved 24 July 2006.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Parish Council
No objection.
- 4.2 Tree Officer
No objection.

Other Representations

- 4.3 Local Residents
One letter was received which raised the following points:
a) have the monolith cut to the same height of the hedge;
b) there are good saplings at the base of the tree which if left would increase visual amenity and increase privacy. Please avoid damaging these during felling.

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 mature Ash is growing in the hedge line at the rear of the property. There is a major die back in the canopy of the tree which appears to be in major decline. Tree Officer has been to inspect the tree and advises that the removal of the deadwood within the canopy would leave the tree with an asymmetric crown, thus removing the visual amenity it offers to the area. There are no other remedial tree works available that would allow the retention of the tree. It is therefore felt that the tree has reached the end of its useful life and should be removed. The applicant proposes to replant a Sweet Chestnut and this is acceptable to South Gloucestershire Council. It is noted that due to the Ash Tree being covered by a Tree Preservation Order, there is a legal requirement to replant another tree in its place. Therefore there is no need to condition the replanting of the replacement Sweet Chestnut Tree which will be covered by the existing Tree Preservation Order. With regards avoiding damaging saplings at the base of the tree, this would be difficult to monitor and enforce and hence a condition of this nature would be unsuitable.

With regards to the matter of the height of the monolith, the proposed 2 metres is considered acceptable.

6. CONCLUSION

6.1 The decision 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 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

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.