



**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. 33/10**

**Date to Members: 26/08/10**

**Member's Deadline: 02/09/10 (5pm)**

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

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

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **by email 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**

**PLEASE NOTE: THE CIRCULATED SCHEDULE PROCESS IS ONLY OPEN TO THE ELECTED MEMBERS OF SOUTH GLOUCESTERSHIRE COUNCIL.**

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

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (e.g, if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

To refer an application(s) members are asked to email [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk) providing details of

- Application reference and site location
- Indicate whether you have discussed the application(s) with the case officer and/or area planning manager
- Indicate whether you have discussed the application(s) with ward member(s) if the site is outside of your ward
- The reason(s) for the referral

The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Development Control 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

## **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:

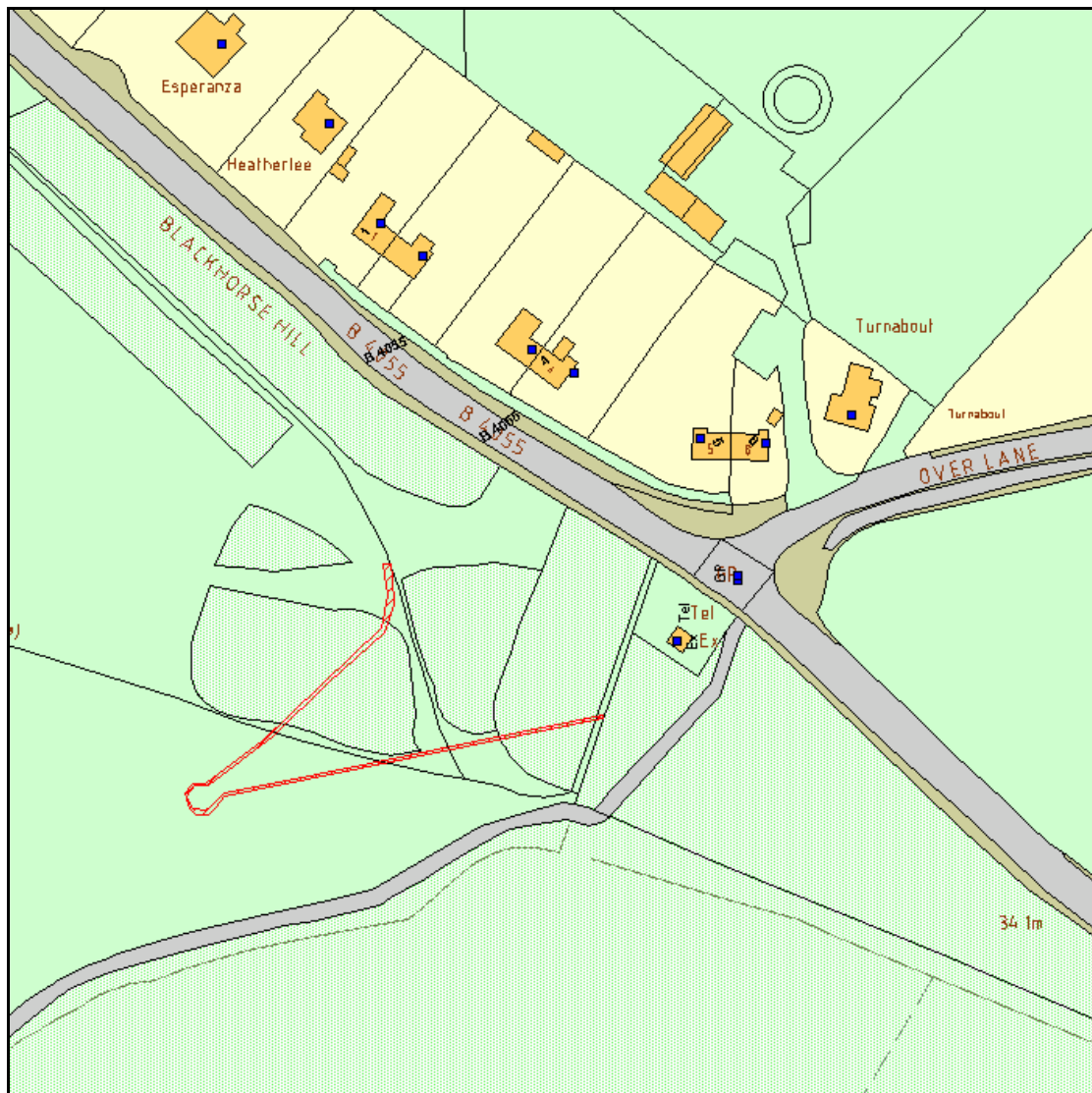
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk), where referrals can be picked up quickly by the Development Services Support Team. If in exceptional circumstances, you are unable to e-mail your request, please contact 01454 863518, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- 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.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

# CIRCULATED SCHEDULE – 26 AUGUST 2010

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	PT09/5657/FDI	No Objection	Hollywood Tower Estate Blackhorse Hill Easter Compton South Gloucestershire	Almondsbury	Almondsbury Parish Council
2	PK10/1220/O	Refusal	Land At Williams Close Longwell Green South Gloucestershire BS30 9BS	Longwell Green	Hanham Abbots Parish Council
3	PK10/1303/ADV	Approve	Shireway Community Centre The Centre Shire Way Yate South Gloucestershire BS37 8YS	Dodington	Dodington Parish Council
4	PK10/1350/F	Approve with Conditions	The Centre Shire Way Yate South Gloucestershire	Dodington	Dodington Parish Council
5	PK10/1413/RVC	Approve with Conditions	Pucklechurch C Of E Primary School Castle Road Pucklechurch South Gloucestershire BS16 9RF	Boyd Valley	Pucklechurch Parish Council
6	PT10/1610/F	Approve with Conditions	Land Rear Of 44 Townsend Lane Almondsbury South Gloucestershire BS32 4EQ	Almondsbury	Almondsbury Parish Council
7	PK10/1726/F	Approve with Conditions	2 Bell Square Marshfield Chippenham South Gloucestershire SN14 8NN	Boyd Valley	Marshfield Parish Council
8	PK10/1777/F	Approve with Conditions	The Cottage Upper Street Dyrham Chippenham South Gloucestershire SN14 8HN	Boyd Valley	Dyrham And Hinton Parish Council
9	PK10/1810/ADV	Approve with Conditions	Christchurch Family Medical Centre North Street Downend Bristol South Gloucestershire	Downend	Downend And Bromley Heath Parish Council

## CIRCULATED SCHEDULE NO. 33/10 – 26 AUGUST 2010

<b>App No.:</b>	PT09/5657/FDI	<b>Applicant:</b>	Bristol, Clifton And West Of England Zoological Society
<b>Site:</b>	Hollywood Tower Estate Blackhorse Hill Easter Compton Bristol South Gloucestershire	<b>Date Reg:</b>	27th October 2009
<b>Proposal:</b>	Diversion of Footpath No. OAY79 in association with proposed development of the National Wildlife Conservation Park.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	357730 181325	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd December 2009



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100023410, 2008.

**N.T.S.**

**PT09/5657/FDI**

## **1. THE PROPOSAL**

- 1.1 The application is made under Section 257 of the Town and Country Planning Act 1990 (as amended) for the realignment of approx. 120m of public footpath OAY 79.
- 1.2 The application is submitted in accordance with Section 257 of the Town and Country Planning Act 1990 (as amended) and would divert this section of footpath so as to allow the implementation of development approved under PT08/2900/F.

## **2. POLICY CONTEXT**

2.1 National Guidance  
Circular 04/2001

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006  
LC12 Recreational Routes

South Gloucestershire Core Strategy Pre-Submission Publication Draft  
Policy CS9- Environmental Resources and Built Heritage

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT08/2900/F Erection of built facilities, fencing, enclosures and other ancillary facilities pursuant to planning permission SG8742 (Change of Use from Agricultural Estate to Zoological Gardens). Part full application and part outline application with the following matters reserved: appearance, landscaping, layout and scale. Approved with conditions following signing of a S106 agreement July 2010.

## **4. CONSULTATION RESPONSES**

4.1 Almondsbury Parish Council

No comment.

4.2 Other Consultees  
Public Rights of Way Officer: No objection

### **Other Representations**

4.3 Local Residents  
No response

## **5. ANALYSIS OF PROPOSAL**

5.1 Principle Matters

The diversion of a Public Right of Way is not development as defined in the Town and Country Planning Act. As such a diversion order can only be considered within planning legislation when the diversion of the footpath is required in order to allow the implementation of a planning permission. The nature of the assessment should consider the proposed route and its suitability in terms of the amenity of the public right of way and whether or not the diversion is reasonably necessary in respect of the planning permission it relates to.

## 5.2 The Proposal

OAY79 is located in the north eastern corners of the Hollywood Tower Estate, entirely within the site but close to Blackhorse Lane. The application seeks permission for the realignment of 120m of footpath OAY79 that takes a route in a westerly direction, curving back round to a northerly direction on land to the eastern edge of the Hollywood Towers estate. The diversion is necessary to facilitate the development of the Zoological Gardens at the Hollywood Towers Estate as approved under PT08/2900/F.

5.3 The existing route of OAY79 curves in a westerly direction, back on an easterly direction, essentially in a large loop. The proposed 120m of diversion, would also be of a similar, although 'tighter' loop approx. 10m to the north of the existing route. The diversion is required to avoid the proposed line of the zoological gardens fence, which was approved as part of planning application PT08/2900/F. The visual assessment of the proposed diverted route of OAY79 has been assessed in an addendum to the Environmental Statement submitted with PT08/2900/F. This concludes that the impacts of the proposed diversion on the quality of visual amenity for people using the PROW are of moderate adverse significance during construction reducing to neutral during the operation of the zoological gardens.

5.4 The proposed diversion of OAY79 retains long distance views over the Severn Estuary, at the request of the Council's PROW's Team. To this end the proposed footpath diversion includes new mounding to ensure that these long distance views are retained. Furthermore, a condition requiring details of the fencing adjacent to OAY79 has been attached to permission PT08/2900/F.

5.5 In view of the above, it is considered that the diversion is acceptable and reasonably necessary in light of the current planning permission.

## 6. CONCLUSION

6.1 The recommendation to raise no objection has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

7.1 That no objection be raised to the proposed diversion of OAY79.

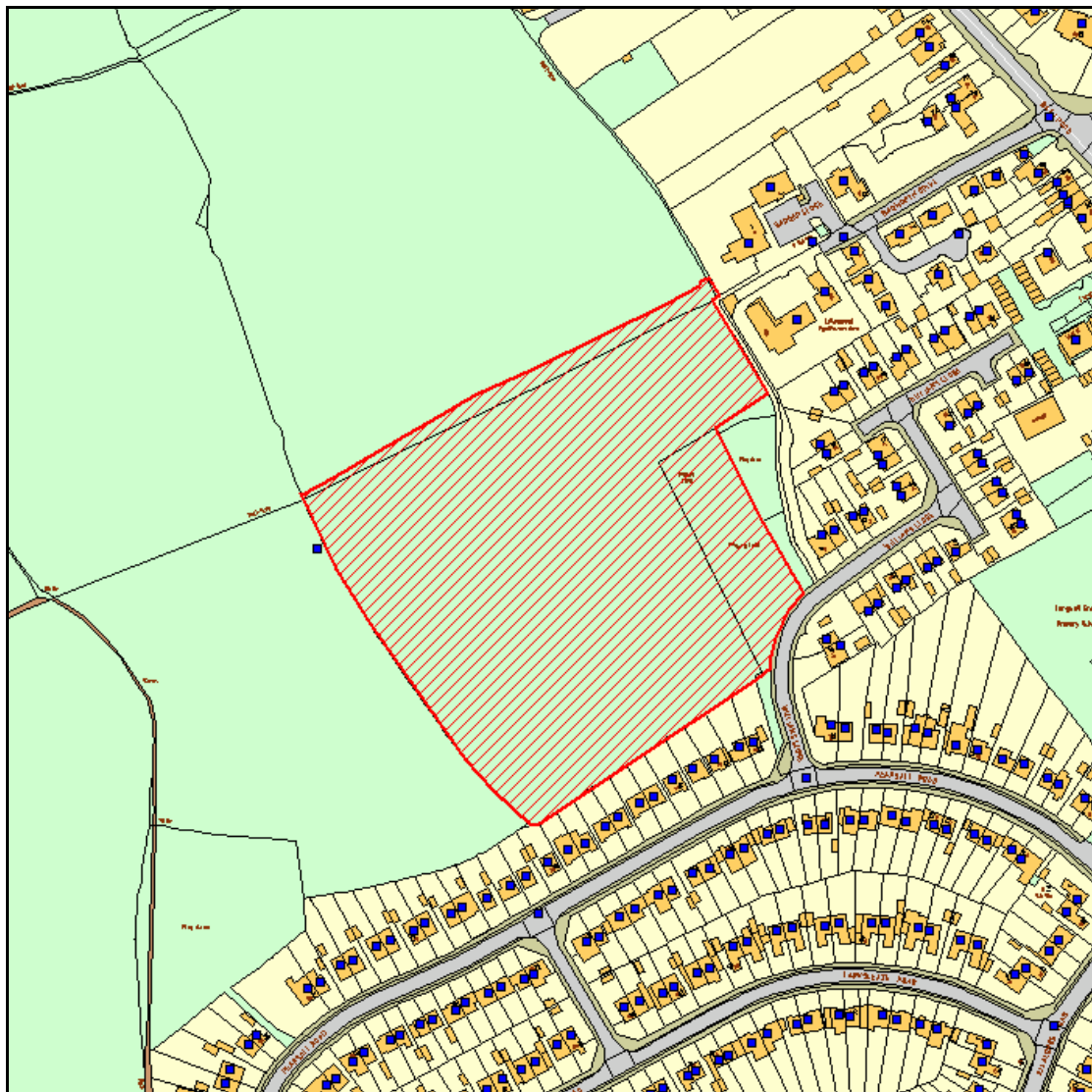
7.2 That the Head of Legal and Democratic Services be authorised to make an Order under Section 257 of the Town and Country Planning Act.

**Contact Officer: Sarah Tucker**  
**Tel. No. 01454 863780**

# ITEM 2

CIRCULATED SCHEDULE NO. 33/10 – 26 AUGUST 2010

<b>App No.:</b>	PK10/1220/O	<b>Applicant:</b>	ATA Estates (Longwell Green) LLP
<b>Site:</b>	Land At Williams Close Longwell Green South Gloucestershire BS30 9BS	<b>Date Reg:</b>	14th June 2010
<b>Proposal:</b>	Residential development for up to 83 dwellings and associated development (Outline).	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	365550 171070	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Major	<b>Target Date:</b>	10th September 2010



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## **INTRODUCTION**

This application is reported on the Circulated Schedule as it relates to major development.

### **1. THE PROPOSAL**

1.1 This application seeks outline planning permission for the erection of up to 83 dwellings. All matters are reserved for future consideration, other than the means of access. Hence the other aspects, appearance, landscaping, layout and scale, would have to be considered at Reserved Matters stage. Details have been submitted by the applicants to indicate how this site could be developed within the Design and Access Statement which indicates the parameters for future development. The Design and Access Statement therefore falls to be considered at this stage. The exact number of houses would be considered at the Reserved Matters stage, to be considered under layout and scale. The number of dwellings at the outline stage is not fixed, other than there would be a maximum number of 83 on the site. The proposed vehicular access for the site would be from Williams Close.

1.2 The site and location comprises a field of some 2.95 hectares in area, off Williams Close, where the rear gardens of properties fronting Pearsall Road back onto the site from the east. This boundary is marked along most of its length by fencing of varying heights. The site's northern boundary to Williams Close and Bagworth Drive is again characterised by housing backing onto the site. Along part of this boundary is also a Council-owned play area. The other two boundaries are marked by mature hedgerows which have grown out into the site in places.

1.3 The site lies within the Green Belt. It is also outside the urban area as defined in the South Gloucestershire Local Plan (adopted January 2006). Access points into the site at present consist of pedestrian access only. There is a public right of way crossing the site from the Bagworth Drive corner. In addition, there is permissive access across the site. None of the paths across the site are lit. It is also proposed to formalise and share the use of the proposed roads through the site for car, cycle and pedestrian use. The site is in private ownership. It contains a 'kickabout' play area which is leased to South Gloucestershire Council. This area is separated from the rest of the site by a wire boundary fence, apart from along the Williams Close frontage.

#### 1.4 Applicant's supporting information

Recognising that the site lies within the Green belt, the applicants have advanced very special circumstances intended to overcome the presumption against inappropriate development. At 5.2 of the Planning Statement, submitted with the application, it is acknowledged that the proposal would be inappropriate development in the Green Belt. The very special circumstances which have been advanced by the applicant are set out at paragraph 5.4 below and thereafter analysed. Other documents submitted in support of this proposal include the following:

- Illustrative master plan
- Illustrative site sections

- Landscape and visual assessment
- Ecological report
- Flood Risk Assessment
- Heritage Assessment
- Transportation Assessment
- External noise report
- Planning statement
- Statement of Community Engagement

## 2. **POLICY CONTEXT**

### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS3	Housing
PPS7	Countryside
PPG13	Transport
PPG24	Planning and Noise
PPS25	Flood Risk and Development

### 2.2 Development Plans

#### Regional Guidance

A letter dated 27<sup>th</sup> May 2010 from the Secretary of State for Communities and Local Government was sent to local planning authorities and the Inspectorate highlighting the coalition Government's plans to rapidly abolish regional spatial strategies and return decision-making powers on housing and planning to local councils. "Consequently, decisions on housing supply (including the provision of travellers sites) will rest with local planning authorities without the framework of regional numbers and plans." The Secretary of State said councils and the Inspectorate should "have regard to this letter as a material consideration in any decisions they are currently taking".

Therefore, no reliance should be placed on the draft RSS nor on RPG10 in the context of assessing this current application.

#### Joint Replacement Structure Plan (2002) – saved policies

Policy 1	Sustainable Development
Policy 2	The Locational Strategy
Policy 4	Transport Corridors
Policy 16	Green Belt
Policy 23	Water Resources
Policy 33	Housing Provision

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

D1	Design
GB1	Development in the Green Belt
L1	Landscape and Trees
L9	Species Protection
L11	Archaeology
L17	The Water Environment
L18	The Water Environment

- EP1 Environmental Pollution
- EP2 Flood Risk and Development
- H3 Residential Development in the Countryside
- H6 Affordable Housing
- T6 Cycle and/or pedestrian routes
- T7 Cycle parking
- T8 Parking standards
- T12 Highway safety
- LC1 Developer Contributions for Community Facilities
- LC2 Developer Contributions for Education Facilities
- LC8 Open Space in conjunction with new Residential Development
- LC12 Recreational Routes
- S1 Service Infrastructure in New Development

Core Strategy (pre-submission publication draft 2010)

- CS1 High quality design
- CS2 Green Infrastructure
- CS5 Location of development
- CS6 Infrastructure and developer contributions
- CS8 Improving accessibility
- CS9 Environmental Resources
- CS16 Housing density
- CS17 Housing diversity
- CS18 Affordable Housing
- CS24 Open space standards
- CS34 Rural areas

South Gloucestershire Statement of Community Involvement

Adopted May 2008

- 2.3 Supplementary Planning Documents
- Design Checklist (adopted August 2007)
  - Affordable Housing SPD (Sept. 2008)
  - Development in the Green Belt (June 2007)
  - Annual Monitoring Report of 5 year housing land supply (published 27<sup>th</sup> November 2009)
  - Landscape Character Assessment (adopted August 2005)
  - Strategic Housing Market Assessment (adopted June 2009)
  - Strategic Green Belt Assessment (carried out September 2006)

Other Guidance of material consideration

- Biodiversity Action Plan
- Manual for Streets

**3. RELEVANT PLANNING HISTORY**

- 3.1 K569 Residential development on 2.8 hectares of land. Construction of new vehicular and pedestrian access. Refused 1975
- 3.2 K569/1 Residential development on 2.9 hectares of land - Refused 1981

- 3.3 K569/2 Residential development on 2.9 hectares of land. Construction of new vehicular and pedestrian access. Refused 1985 - Appeal dismissed

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

##### 4.1 Hanham Abbots Parish Council

Object to the proposal:

- 1) First and foremost, this land is designated as Green Belt and is supposedly protected as such. We cannot see that the plans contain any exceptional values that would over-ride these controls. We understand that a significant amount of the surrounding land is owned by housing developers and should this application be approved, it would set a precedent for the desecration of the Hanham Hills which are prized and valued by local residents.
- 2) There are approximately one thousand empty dwellings in South Gloucestershire and we feel that these should be developed first, followed by Brown Field Sites, before development on green fields is even considered.
- 3) The application is outside the scope of the current South Gloucestershire Local Plan and Core Strategy, which seeks to develop 21,000 dwellings elsewhere, including 7,000 units of 'Social Housing', but without building on Green Belt Land.
- 4) The application is premature in that although the site is designated 'Search Area' for an 'Urban Extension' under the South West Regional Spatial Strategy, these RSS proposals have yet to emerge from the democratic processes and may well not be approved. The site is not included in South Gloucestershire's Core Strategy Document.
- 5) Local roads cannot cope with the additional commuter journeys per day in and out of the housing development.
- 6) We are concerned that existing local domestic and social infrastructure do not have the capacity to cope with the increase in housing, which will become a particularly acute problem once Frenchay hospital closes. We understand that the local primary school is already oversubscribed which would mean additional car journeys to schools further afield.
- 7) The site is part of the Kingswood Forest (a medieval hunting chase), it is consequently of unique wildlife and ecological interest and there are unexcavated Roman archaeological remains within the development site.

##### 4.2 Environment Agency

The Environment Agency can confirm that providing this latest information is submitted to the Local Planning Authority (LPA) we will be in a position to withdraw our earlier objection. However we will request the inclusion of conditions which meet the following requirements:

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the LPA. The scheme shall be implemented in accordance with the approved programme and details.

REASON: To prevent the increased risk of flooding.

CONDITION: No development approved by this permission shall be commenced until a full operation and maintenance strategy for surface water drainage has been submitted to and formally approved in writing by the LPA. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme.

REASON: To ensure that the works provide the necessary mitigation against flooding for the lifetime of the existing and proposed development.

In the event of planning permission being given we request that the Decision Notice contains the following information:

We would recommend you investigate the use of Sustainable Drainage Systems (SuDs) for surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water, and include:

- a) Interception and reuse
- b) Porous paving/surfaces
- c) Infiltration techniques
- d) Detention/attenuation
- e) Wetlands.

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

Any culverting of a watercourse requires the prior written approval of the Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The Agency resists culverting on conservation and other grounds, and consent for such works will not normally be granted except for access crossings.

#### 4.3 Technical Services

No objection in principle, but recommend that the Environment Agency is consulted on the Flood Risk Assessment. (see above) The developer should enter into an agreement with Wessex Water to ensure that estate sewers are adopted as public. It is noted that a Section 106 Heads of Terms document exists within this application. The Flood Risk Assessment report indicates 2 options for surface water attenuation to control run-off from the developed site to the greenfield rate. These options are either to store flow within an underground tank to be situated within parking courts or the provision of an attenuation basin within public open space. If either of these facilities are to be put forward for adoption by the authority there will be the need for an appropriate commuted sum to cover future maintenance. Attenuation Basin Design: This is indicated with the Flood Risk Assessment as a 1:4 side slope basin although if considered for adoption as forming part of the public open space it should have 1:5 bank slopes. Drainage Strategy: Once the FRA has

been approved there will be the need for the formulation of a Drainage Strategy for approval.

#### 4.4 Environmental Protection

No adverse comments, but A development of this site would be advised to be part of the Considerate Contractors Scheme and to keep to the hours of work 08.00hrs to 18.00hrs Mon to Fri and 08.00hrs to 13.00hrs Saturdays with no Sunday working or Bank Holiday working. I would expect these hours to apply to deliveries to the site and any other noisy activity relating to the site e.g. Road cleaning operations. Also an assessment of the likely impact of the development on air quality should be carried out by a suitably qualified person. The assessment should consider the impact the proposed development will have in terms of the air quality objectives described in the National Air Quality Strategy. It is recommended that the applicant contacts the Councils Environmental Services Section for further advice on what should be considered in the assessment. The air quality survey can be required by condition.

#### 4.5 Council Ecologist

Michael Woods Associates have produced a technical note following discussions with the Council's ecologist in relation to comments made on their original ecological survey and dated 14<sup>th</sup> July 2010.

##### Grassland

The note confirms that the grassland is semi-improved species-poor and thus of low nature conservation value.

##### Skylark

The note confirms that the habitat is sub-optimal for skylark and that the species was not observed during any of the eight site visits.

##### Hedgehog

The presence of a badger sett nearby is likely to discourage use by hedgehogs. However, the note includes the recommendation that, as a precautionary measure, development is immediately preceded by a destructive search of suitable habitat and this is supported.

##### South Gloucestershire Biodiversity Action Plan

The note confirms that an ecological management plan will be drawn up as a planning Condition for the scheme to contribute towards the South Gloucestershire Biodiversity Action Plan by:-

- Safeguarding and sympathetically managing all boundary hedges and scrub (relevant action plans – Hedges & Field Margins; Bullfinch; Song Thrush);
- Creating new areas of species-rich grassland within the open space (relevant action plan – Old Meadows & Pastures).

The technical note includes a proposed native species seed mix for the grassland which is as agreed and satisfactory.

## Recommendations

1. That a Condition be attached to planning permission (if granted) requiring that, prior to development commencing, an ecological management plan ('the plan') be drawn up and agreed in writing with the Council, to include:-
  - A destructive search for hedgehogs;
  - The agreed protection and management of boundary hedges and scrub;
  - creation of (new) species-rich grassland using an agreed native species seed mix.

All work should be carried out in accordance with said plan (L9).

2. That the following Informative Note should also be attached (L9):-
  - If nesting/breeding birds are present, to avoid any potential offences under the Wildlife & Countryside Act 1981 (as amended) or CROW Act 2000 (L9), development (including clearance of vegetation) should only take place outside the nesting season (generally speaking, this is between March and August inclusively, although it will vary according to seasonal temperatures).

### 4.6 Public Rights of Way

The proposal may affect public footpath PHA 15, which runs from Bath Road close and parallel to the site's western boundary and informatives are suggested to be added to any planning permission to ensure that the PROW is kept clear. The degree that the footpath is affected would depend on the layout in the Reserved Matters.

### 4.7 Hanham Green Belt Conservation Society

This Development is within the Green Belt and as such can only be permitted under exceptional circumstances in accordance with PPG2. We believe that NO such circumstances have been demonstrated in this case. The Government has recently made a number of policy changes including cancellation of the RSS for the South West. The South Gloucestershire Council Core Strategy (Currently out for comment) has identified the areas where housing development should be permitted and this site is NOT one of them. For many years there have been a number of application to build on Hanham Hills all have been rejected on appeal, including if I remember correctly this site. It is clear to us that should permission be granted the whole of the Hills will be lost. There are of course many other reasons why this site is unsuitable for development i.e. Access, Traffic, Schooling and access to local facilities to name but a few. Accordingly, we strongly recommend that this application be rejected.

### 4.8 Avon Badger Group

Object on the basis that the land should be left as a sports/playing field in accordance with latest government advice. There is a large main badger sett adjacent to the north western boundary of the site and conditions should be applied to protect it and the public footpath from any development or storage.

### 4.9 Landscape Officer

Development would result in the loss of the open hill side in this prominent location which makes a contribution to the character of the landscape as

identified in the South Gloucestershire Landscape Character Assessment as part of the wider Hanham Hills landscape. The amenity of the landscape would also be affected by development of the site which is currently viewed and enjoyed by users of the public footpath network. The retained path at the edge of the housing area would not offer the same experience for path users, as it closely follows the edge of the housing.

The development lies within the Bristol and Bath Green Belt and is therefore contrary to South Gloucestershire Local Plan GB1. Development of the site will clearly result in loss of openness of the site. In addition development of the site would extend urban sprawl, encroach on the countryside and reduce the separation between Hanham and Longwell Green, contrary to the purposes of the Green Belt.

Contrary to the applicants statement the proposed development area is not separate from the wider Green Belt area and the unmanaged northern boundary hedge would not provide a more defensible boundary than the current Green Belt Boundary. By stepping development further along the hillside, an area to the west would become vulnerable to a similar encroachment.

The South Gloucestershire Core Strategy pre submission publication draft has identified the site and the rest of the Hanham Hills as part of the Strategic Green Infrastructure network of South Gloucestershire as the area demonstrates important landscape, ecological and recreational functions. Policy CS2 states that

*“The integrity, multi-functionality, quality and connectivity of the strategic Green Infrastructure Network will be protected and enhanced. Opportunities to connect with and extend the strategic network will be taken”*

The landscape and recreational functions of the site would clearly be undermined by the development proposals, contrary to emerging policy.

#### Conclusions

The development of the site would be contrary to South Gloucestershire Local Plan Policy L1 and GB1. The strategic importance of the landscape and recreational use of the land continues to be recognised through the emerging Core Strategy.

#### 4.10 Transportation

Access – the point of vehicular access for this development is proposed from Williams Close in form of a priority ‘T’ junction and the proposed approach having a single access for cars is considered to be acceptable. Pedestrians will be able to access the site from Williams Close by way of the new access junction and 2m wide footways are proposed on both sides of the junction leading through the development.

Traffic – with regards to traffic generation from the new development, and by using TRICS data-base, it is expected that around 55 vehicles will enter and leave the site in both morning and evening peak hour trips. The applicant has based the assessment on a sample of similar sites. The effect of traffic is considered to be modest in the local context, the direct impact on Williams



Close is acknowledged but the existing road can accommodate additional traffic with ample spare capacity. There are local shopping facilities on Ellacombe Road adjacent to Longwell Green Primary School. There are further local shops including Tesco express and other services on Bath Road which is within 500m walking distance to the site. In this context the traffic assessment and traffic generation is robust.

Impact of proposal - the application is accompanied by a Transportation Assessment (TA) report and this has been fully assessed. The submitted TA provides information on a network of trips from the site. There would be impact arising from the development traffic on Ellacombe Road and its junction with the A431 Bath Road/Shellards Road junction. Some disruption to the free movement of traffic already occurs at this junction due to different factors such as on-street car parking, frontage accesses and servicing, school crossing patrols etc and this development has potential to add to queue times on this traffic route particularly during the school dropping off/pick up times. The capacity analysis of the junction however, suggests that there is acceptable junction capacity at this location.

This development will give rise to an increase in traffic generation in the area and so mitigating measures are needed. It has been determined that a contribution of £45,000 should be made towards traffic management and road safety in the area. This contribution would be used towards works including a) implementation of a comprehensive waiting restriction in the area, b) improvements to pedestrian/cycle and mobility facilities in the area and c) implementation of a 20mph zone outside the primary school on Ellacombe Road.

Public transport – Some of the bus services in the area are supported services. In sections 3.23 to 3.29 of the Transport Assessment submitted by ATA Estates, there is no reference to the fact that certain bus services are provided with financial support by the local authority – either wholly or at certain times of day or on Sundays, Bank Holidays etc.

- Service 45 would not operate after 8pm in the evenings nor on Sundays & Bank Holidays were it not for financial support from this Council and a contribution from Bristol City Council
- Service 318 is wholly supported by this Council and Bath & NE Somerset Council in respect of the part of the route between Kingswood and Keynsham i.e. it would not run without this financial support.
- Service 332 in the evenings only runs between Longwell Green Aspects and Bath. Contrary to the information in the table 3.1, the last bus in the Bristol direction on Mondays to Fridays is 1907 on Mondays to Fridays and 1905 on Saturdays. Both the evening service (between Longwell Green and Bath) and the Sunday & Bank Holiday services are funded by this Council and would not run without this support.

Retention of the evening 332 service is particularly vulnerable if the Authority was faced with a reduced budget for supported bus services. In view of the above and having regards to the size of the development, it is necessary and

appropriate for the development to make a financial contribution towards the improvement of public transport facilities in the area. In this context, a financial contribution of £17,000 pa for 3 years to secure this facility for the next 3 years should be secured with this development.

Additionally, it is considered appropriate that the bus stops in Ellacombe Road served by the 318 should gain raised borders and shelters. The stop on the NE side of Ellacombe Road (in the Bath Rd) may need relocating to accomplish this. Any shelters should be installed with the necessary fittings for future installation of real-time information signs. The total cost of this infrastructure would be approximately £16k.

Parking – As the application is in outline form, the final number of car parking spaces is unknown at present. Notwithstanding this, with any new development on the site would be required to meet the Council's parking standards in full.

Conclusion – there are transportation issues with this proposal and therefore mitigating measures are necessary to overcome the impact of the new development.

4.11 Wessex Water  
No reply received

4.12 Avon & Somerset Police  
No reply received

#### **Other Representations**

4.13 Local Residents

381 letters of objection have been received from the public. The reasons for objected cited are summarised as follows:

1. Loss of children's play space
2. Local schools and doctors surgeries are oversubscribed
3. The government intends to remove the Regional Spatial Strategy and protect the Green Belt
4. More food production is needed, rather than houses
5. The site has not been identified in the Core Strategy
6. The effect of the proposal on the Hanham Hills
7. History of near accidents in roads which would lead to the site
8. Empty houses should be used in priority to Green Belt land
9. Highway safety issues for those accessing the playing field
10. Insufficient parking provision
11. Effect on existing levels of privacy in rooms in the nearby care home
12. The development would bring increased levels of crime to the area
13. Errors in the Flood Risk Assessment – there are surface water features in close proximity to the site which have caused drainage and flooding problems
14. The retirement homes under construction on Bath Road would meet local housing needs
15. Overbearing impact of proposed houses on surrounding properties
16. Loss of privacy to gardens surrounding the site
17. Unexcavated Roman site

18. The tree survey is inadequate
19. Pearsall road will become a rat run
20. Demand for housing has been reduced since the introduction of the immigration cap
21. The site is currently a haven for wildlife
22. Increased air pollution
23. There is a poor road surface and sewerage system near to the site
24. There would be overshadowing of gardens to the north of the site
25. The electricity system cannot cope with increased demand
26. The proposed playground would be overshadowed by the houses
27. Drainage infrastructure cannot cope
28. Problems arising from social housing
29. Housing design does not match the existing housing
30. Loss of view
31. Houses would be too small
32. If this was approved, it would set a precedent

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application for outline planning permission stands to be assessed against the policies listed above, in the light of all material considerations, under the following headings. As part of the development proposal, the points of access, both vehicular and pedestrian, to the site are appropriately addressed at this outline stage. As stated above, the site lies within the Green Belt and outside the settlement boundary identified on the Proposals Map of the adopted Local Plan. The are the main issues analysed below.

### 5.2 Green Belt

The site lies wholly within the Bristol/Bath Green Belt. This is designated in the South Gloucestershire Local Plan, which was adopted in January 2006 and development within it is covered by policy GB1, which echoes PPG2. The emerging Core Strategy also shows this site to remain within the Green Belt and outside of the settlement boundary. The Inspector's Report into the Local Plan (chapter 5), adopted in 2006, in regard to this area, of which the site is part, stated:

'In my view the land, both separately and cumulatively with the surrounding green belt land, fulfils a number of green belt purposes. Its inclusion within the green belt would help to check the unrestricted sprawl of the built-up area of eastern Bristol. It would both help to prevent Hanham and Longwell Green from merging, and help to maintain a sense of separation between this part of Bristol and nearby Keynsham to the south. It would assist in safeguarding the countryside from encroachment. Stonehill is a prominent and important local feature in this area. It is visible for some distance around and provides a most valuable open break between extensive built-up areas, areas that have experienced a great deal of new development in recent years. To a degree it would also assist in urban regeneration by encouraging the recycling of urban land. In my view the green belt merits of this land are very strong indeed.'

- 5.3 The proposed development does not fall within the limited categories of development which can be considered to be not inappropriate in the Green Belt, namely the construction of new buildings for agriculture or forestry;

essential facilities for outdoor sport; cemeteries; limited extension, alteration or replacement of existing dwellings or infilling within the boundaries of settlements as defined on the proposals map. The development is therefore inappropriate development by definition. PPG2 states that:

The applicants' very special circumstances which have been advanced in this case are as follows:

- There is a significant shortfall in housing provision in South Gloucestershire to meet identified market needs, the proposal would contribute to that provision
- The site does not readily contribute to the purposes and objectives of including land in the Green Belt
- The proposal would not affect the openness of the Green belt in a significant manner.

These are analysed in the following paragraphs.

#### 5.4 Very Special Circumstances 1

*The appellant claims that: There is a significant shortfall in housing provision in South Gloucestershire to meet identified market needs, the proposal would contribute to that provision.*

Paragraph 68 of PPS3 states:

*“Local Planning Authorities should take into consideration the policies set out in Regional Spatial Strategies and Development Plan Documents, as the Development Plan, as well as other material considerations. When making planning decisions for housing developments after 1st April 2007, Local Planning Authorities should have regard to the policies in this statement as material considerations which may supersede the policies in existing Development Plans”.*

Regarding the claimed shortfall of housing land, under the terms of PPS3, the Council is required to identify a rolling 5 year supply of housing land. The Annual Monitoring Report of November 2009 states that South Gloucestershire has at present a housing supply allocated for the next 5.2 years and therefore it is considered that enough housing land is available to meet the requirements of PPS3. The Development Plan comprises the Local Plan, adopted in 2006 and the Structure Plan. The status of Regional Guidance is covered at 2.2 above. It is considered that under the Development Plan, it can be shown that the 5 year housing supply has been met, in compliance with PPS3. It is therefore considered that this very special circumstance advanced by the applicants should not outweigh the policy presumption against inappropriate development in the Green Belt.

#### 5.5 Very Special Circumstances 2

*The appellant claims that: The proposal does not readily contribute to the purposes and objectives for including land in the Green Belt in the South Gloucestershire Green Belt Assessment. It is also claimed that the site represents a small part of the overall Bristol/Bath Green Belt and that it will not cause the physical coalescence of settlements, nor constitute significant encroachment into the countryside.*

Officers do not accept these contentions. The proposal represents inappropriate development within the Green Belt and is by definition harmful to the Green Belt. Whether the site should be in the Green Belt or not was decided when the Local Plan was adopted, in 2006. Green Belts should only be altered in exceptional circumstances and detailed Green Belt boundaries defined in local plans should be altered only exceptionally. The South Gloucestershire Strategic Green Belt Assessment was adopted in 2006 and included this site which was assessed against the five purposes of including land in the Green Belt as follows, under Area 20, Hanham:

*'It was noted that there was a clearly defined urban edge, which met the Green Belt purpose of checking unrestricted sprawl. The Green Belt helps define Hanham from Longwell Green, which performs the Green Belt function of preventing towns merging into each other. The height of Hanham Hill makes it a prominent feature in the landscape, giving visual containment to the urban development of Longwell Green and impedes views of the urban area from the south, which assists in safeguarding the countryside from encroachment. The phased release of any Green Belt land would ensure that urban regeneration takes place first, thereby assisting urban regeneration. Furthermore, the site provides access to the countryside very close to urban residents, though the footpath which crosses it, allowing access to the wider countryside. It also provides public open space at present. It is therefore considered that the site meets the requirements of Green Belt land.'*

#### 5.6 Very Special Circumstances 3

*The appellant claims that: The proposal would not affect the openness of the Green Belt as the new housing would be visible in local views, but these views would be more filtered as planting establishes. From more distant views, the new housing would be seen as a very small extension to the existing urban footprint.*

The development is inappropriate in the Green Belt and by definition harmful to the openness of the Green Belt. Therefore it is considered that consideration of any effect on the openness of the Green Belt cannot be regarded as being a very special circumstance. The argument that planting would reduce the effect on the openness of the Green belt over time is not considered to be relevant as Green Belt policy makes no distinction between long and short term effects and following this argument screen planting could always be used to screen inappropriate development in the Green Belt. Notwithstanding this principle, officers note that this site comprises principally an open field on a hillside and some screening is only achieved from outside the site by mature hedgerows, trees and fences bordering the footpath at the northern edge of the site. The public realm offers short views of the site including from the footpath crossing it and from Williams Close. Due to the limited screening and the prominence of the site, longer views are afforded from footpaths to the west of the site and from Kingswood. Where available from the public realm, the views at present are of an open field. The proposal would concentrate built form at two storey height across of the site, resulting in interruption to the short views achieved from the public realm across the site. The longer views across the site from the

east would also be interrupted by the proposed built form. Further long views would also reveal the proposed built form in place of the existing open green field. It is considered that the effect of the development would therefore harm the openness of the Green Belt, in comparison with the existing situation, contrary to policy GB1 of the adopted Local Plan.

5.7 The proposed development is considered to be harmful by reason of its inappropriateness in the Green Belt. It falls to the applicant to demonstrate that there are very special circumstances which should outweigh this harm by inappropriateness and these very special circumstances that have been advanced have been analysed above. It is considered that, neither singly or cumulatively, would the very special circumstances be sufficient to outweigh the policy presumption in the Development Plan against inappropriate development in the Green Belt. It is also necessary to add to this inappropriateness, an assessment of any other harm. The following paragraphs will therefore carry out this analysis, followed by an overall conclusion on Green Belt harm.

5.8 Development outside the urban boundary

A separate assessment needs to be made in regard to policy H3 of the adopted Local Plan. The proposals map defines the existing urban area and the site lies outside this boundary. Residential development in this location is contrary to policy H3 and it is considered that the material circumstances of this case (claimed shortfall of housing provision in South Gloucestershire) do not outweigh the policy presumption against the proposed development.

5.9 Urban Design

This application has been submitted in outline form, with the only issue other than the principle of development to be determined at this stage to be the means of access. As an outline application, this application is supported by a Design and Access Statement and the urban design analysis focuses largely on this document, as the details in it would be used to shape the final design through guiding the Reserved Matters application, should outline planning permission be approved. The aim of the Design and Access Statement, submitted with the application and later amended, is (notwithstanding the in principle objection to this proposal) to give a clear understanding of the site and its context and how further attention to design should follow, should outline permission be approved. At this stage it is therefore important that the DAS 'fixes' the design principles. These are considered to be as follows:

- Dwellings will be sited so as not to breach the wooded skyline of the Hanham Hills
- The existing hedgelines would be enhanced and strengthened in order to screen the development and enhance biodiversity
- The existing play area would be enhanced with an additional kickabout space and new planting
- Significant amount of tree planting within the proposed streets and gardens to break up roofscape and provide an attractive living environment
- Provide a new amenity area in the northwestern corner from which views to the southeast will be retained

In addition to the above, there is a commitment to improving the footpath to Bagworth Drive, provide on-site parking in various ways, provide two storey dwellings including a number of flats and two bedroom 'starter units' to address the local dominance of larger houses and there is a clearly defined contemporary approach to the proposed architecture. Since the DAS will inform any future Reserved Matters application, it is important that these aims are clear. At this outline stage, it is considered that this has been achieved and therefore no objection is raised to the Design and Access Statement and the principles contained therein.

#### 5.10 Residential Amenity

There are two aspects of impact on residential amenity to be considered with this proposal, the impact of the proposed dwellings on those surrounding the site and the conditions that would be created for future residents, through the layout and positioning of the dwellings. With regard to the latter, this is an outline application and the only matter not reserved for future consideration is the means of access. Therefore, the layout at present is only indicative and should not be assessed in terms of residential amenity at this stage.

- 5.11 Two areas of housing border the site: the rear of Pearsall Road, with two storey housing with standard window arrangements in the rear elevations and rear gardens of around 16 metres depth. Given that the low density of the proposal precludes the need for development close to the site boundaries, it is considered at this outline stage that any future layout would not need to place houses so close to the surrounding dwellings that any residential amenity issues would arise. The DAS shows one way in which this could be achieved. The same applies to the distance across Williams Close to the site and from the side and rear elevations along the site's northern boundary. The minimum distance shown on the indicative site layout would be 18 metres from the rear of the existing properties to the side of the nearest proposed dwelling. It is therefore considered that the proposal could be implemented without any undue affect on residential amenity and it complies with policy in this respect. With regard to the objection raised to the overshadowing of the play area from the new houses, this is not considered to be the case, since the nearest houses could be positioned to overlook this area without having any overbearing impact on the users of the play space.

#### 5.12 Landscape Impact

PPG2 states that the visual amenity of the Green Belt should not be injured by proposals for development within the Green Belt. Further, policy L1 of the adopted Local Plan states that the character, distinctiveness, quality and amenity of the landscape of South Gloucestershire are conserved and enhanced. These issues are considered below. The site forms part of an area of Green Belt land which separates and defines Hanham and Longwell Green and contributes to the setting of the Avon Valley. The site lies within the Avon Valley landscape character area in the South Gloucestershire Council Landscape Character Assessment, the eastern boundary of which is defined by the urban edge. The Hanham Hills, within which the site lies, form one of the key characteristics of the character area, rising to a height of 92m AOD. The Landscape Character Assessment describes the area as follows:

*“To the north the Hanham Hills form a prominent rounded landform extending into the urban edge and rising some 30m above the adjacent area. This rising ground visually separates the urban edges of Hanham and Longwell Green. The medium sized irregular shaped pasture fields on the hills, bounded by clipped hedges with little tree cover, allow panoramic views. Extensive views are possible over the urban area and to open countryside beyond, including to the east the Oldland Ridge and Pucklechurch Ridge, the Avon Valley towards the Ashwick Ridges and the Cotswold scarp”*

These rural hills are a local landmark and important open space, prominent from the defined urban edge of Hanham and Longwell Green and within southerly views from Kingswood. In conjunction with open fields and public open space to the west, this area forms an important rural buffer to and the skyline from the urban edge.

*“The distinctive and rural character of this area is sensitive to change. The proximity of the urban edge creates pressures for housing, business, transport, amenity and recreational development and use within the area. Any further significant physical or visual encroachment of the urban edge would erode the character of the rural landscape”.*

The Hanham Hills are considered to form a distinctive local landmark as well as accessible countryside close to the urban area. The site is bounded on the eastern side by a children’s play area and small kick about area which serves the adjoining houses. Wire fences around the play area allow views across the site and to adjoining fields to the north. The land rises from approximately 62 AOD in the east to 80m in the west, with an average gradient of 1:9. The western field boundary forms the skyline in views from the site. Hedges form the northern and western boundaries. The northern hedge is tall and has spread out into the site to give patches of scrub. The western boundary is thin with patches of elm. A number of houses along Pearsall Road overlook the site, together with some of the properties on William Close.

The northern edge of the site is followed by a well used public footpath and this is joined by an informal route diagonally through the centre of the site to Williams Close. The footpath forms part of a wider network of paths which link the residential areas to the Hanham Hills. The footpath offers views over Longwell Green, Kingswood and to Redfield Hill and the Cotswold Scarp. These views become more expansive through the upper two thirds of the site.

The lower part of the site is influenced by the surrounding housing and play area and is considered to give a more suburban context to the site. The upper parts of the site, whilst still overlooked by the houses of Pearsall Road have a stronger, more rural character as the urban edge forms a reduced element in the view. The views across the open fields to the north contribute significantly to the rural character of the site and to views from the footpath.

The site contributes to the views of the Hanham Hills in longer distance views from the Oldland Ridge and Cock Road Ridge . Views also exist from the public footpath which runs to the north of the site up onto the Hills. This path allows a circular route for walkers from Longwell Green, linking with the path through the site and the footpath along the eastern edge of the site.



South Gloucestershire Local Plan policy L1 requires that the character, distinctiveness, quality and amenity of the landscapes of South Gloucestershire are conserved and enhanced. Whilst the lower edge of the site has a suburban context and is visually influenced by the adjoining housing, it is considered that the site overall contributes to the setting and character of the Hanham Hills and provides an important and prominent backdrop to views.

Development would result in the loss of the open hill side in this prominent location which makes a contribution to the character of the landscape as identified in the South Gloucestershire Landscape Character Assessment as part of the wider Hanham Hills landscape. The amenity of the landscape would also be affected by development of the site, which is currently viewed and enjoyed by users of the public footpath network. The retained path at the edge of the housing area would not offer the same experience for path users, as it closely follows the edge of the housing.

The site lies within the Bristol and Bath Green Belt and the proposal is therefore contrary to South Gloucestershire Local Plan GB1. Development of the site will result in loss of openness of the site. In addition development of the site would extend urban sprawl, encroach on the countryside and reduce the separation between Hanham and Longwell Green, contrary to the purposes of the Green Belt. It is considered that the development of the site would be contrary to South Gloucestershire Local Plan Policy L1 and GB1. The strategic importance of the landscape and recreational use of the land continues to be recognised through the emerging Core Strategy. This forms one of the refusal reasons for this proposal shown below.

#### 5.13 Drainage Issues

There has been no objection raised to the proposal by either the Council's Technical Services Unit or the Environment Agency. Officers consider that the Flood Risk Assessment is satisfactory and that, if the application were to be approved, conditions could be imposed in order to deal with drainage issues at outline and/or Reserved Matters stage. In this respect, the proposal is considered to comply with policy.

#### 5.14 Transportation Impact

The proposed approach of having a single access for cars is considered to be acceptable. No vehicular access is being proposed from Bath Road. Pedestrian access would also be via the footpath from Bath Road and the network of footpaths on the Hanham Hills, as at present. While there would be increased level of vehicular movements as a result of the proposed development, this would not necessarily impact upon pedestrian safety for those accessing the play area. 'Near accidents' are not reported to the police and as such are not recorded. According to the latest Personal Injury Accident records (reported to the Council by the police) in this area – there was an accident in 2005, south-west of the Pearsall Road junction with Williams Close, with a further accident in 2010 south-west of the Ellacombe Road junction with Pearsall Road. It should be noted that the developer is expected to provide some funding towards enhancement of traffic management and road safety measures in the area, as detailed below.

Impact of proposal - the application is accompanied by a Transportation

Assessment (TA) report and this has been fully assessed. The submitted TA provides information on a network of trips from the site. There would be impact arising from the development traffic on Ellacombe Road and its junction with the A431 Bath Road/Shellards Road junction. Some disruption to the free movement of traffic already occurs at this junction due to different factors such as on-street car parking, frontage accesses and servicing, school crossing patrols etc and this development has potential to add to queue times on this traffic route particularly during the school dropping off/pick up times. The capacity analysis of the junction however, suggests that there is acceptable junction capacity at this location.

- 5.15 With regard to traffic generation, it is expected that around 55 vehicles will enter and leave the site in both morning and evening peak hour trips. The effect of this is considered to be modest in the local context, the direct impact on Williams Close is acknowledged, but it is considered that it has capacity to cope with the additional traffic. Not all trips generated by the development would be car-borne. Local services are within reasonable walking or cycling distance. The Transportation Assessment which accompanies the application recognises the impact which the development would cause to the junction of Ellacombe Road/ A431 Bath Road, but here again, there is considered to be adequate capacity to cope with the additional traffic generated by the proposal and therefore no refusal reason is recommended on that basis.

As the application is in outline form, both the final number of dwellings to be erected and the number of car parking spaces which would be created to serve the site are unknown at present. However, the approach taken towards parking provision has been outlined in the Design and Access Statement. This is stated as being compliant with policy T8 of the adopted Local Plan at 1.5 parking spaces per dwelling, across the site. The Council would expect that one parking space (minimum) would be provided on site for each house/flat. Cars need to be integrated into the proposal so that in any Reserved Matters application they support the street scene.

- 5.16 Public transport – Some of the bus services in the area are supported services. In sections 3.23 to 3.29 of the Transport Assessment submitted by ATA Estates, there is no reference to the fact that certain bus services are provided with financial support by the local authority – either wholly or at certain times of day or on Sundays, Bank Holidays etc.
- Service 45 would not operate after 8pm in the evenings nor on Sundays & Bank Holidays were it not for financial support from this Council and a contribution from Bristol City Council
  - Service 318 is wholly supported by this Council and Bath & NE Somerset Council in respect of the part of the route between Kingswood and Keynsham i.e. it would not run without this financial support.
  - Service 332 in the evenings only runs between Longwell Green Aspects and Bath. Contrary to the information in the table 3.1, the last bus in the Bristol direction on Mondays to Fridays is 1907 on Mondays to Fridays and 1905 on Saturdays. Both the evening service (between Longwell Green and Bath) and

the Sunday & Bank Holiday services are funded by this Council and would not run without this support.

- 5.17 In order to mitigate the increase in traffic in the area a contribution under Section 106 is required of £45,000 towards traffic management and road safety. The contribution would be used towards works including a) implementation of comprehensive waiting restriction in the area, b) improvement to pedestrian/cycle and mobility facilities in the area and c) implementation of 20mph zone outside primary school on Ellacombe Road. In addition, £16,000 will be required towards upgrading the bus shelters in the local vicinity on the 318 route. This money would be used to raise kerbs for disabled access and provide shelters, including the possibility of providing real-time information at a later date. The bus stop on the northeast side of Ellacombe Road, in Bath Road may need to be relocated to achieve this.

Should planning permission be approved, the following sums would be required:

- £17,000 per year for a three year period towards the continued subsidisation of the evening 332 bus service between Longwell Green and Bath

However, given that the application is unacceptable in principle and the recommendation is for refusal, no mitigation has been formally sought. In the absence of a S106 obligation to secure the contributions towards traffic management /road safety and for public transport improvements in the area to mitigate the affects of the development, the proposals would result in an unacceptable impact on the public highway and as such the development is contrary to policy of the adopted local plan.

5.18 Ecology

The applicants submitted an initial Ecological Survey for the site, however, some of the survey times were not optimal. As a result, a re-survey was requested at more appropriate times. This was carried out in accordance with the Ecology Officer's initial comments. The re-survey in conjunction with the original one has provided the full information on the site necessary to make an informed judgement. The proposal is considered to build upon the existing green infrastructure on the site and enhance it in an appropriate manner where possible. It is considered that a Biodiversity Management Plan could be required by condition and subject to this, it is considered that the proposal accords with policy L9 of the local Plan.

5.19 Archaeology

The Archaeological Officer commented that the desk top survey undertaken by the applicant was satisfactory and no significant heritage assets on or adjacent to the site were noted. It is therefore considered that this aspect of the proposal accords with policy L11 of the Local Plan. The issue of the site being possibly an unexcavated Roman site was raised through the consultation process. This is considered to be unlikely, but any new evidence would be welcomed.

## 5.20 Trees

The site is a field flanked by a mature, mixed species hedge on the western boundary and groups of trees on the northern boundary. The hedgeline on the western boundary contains mainly dead or dying elm, affected by Dutch Elm disease. The hedge is formed by shrubby trees and other vegetation. Because this application is not required to disclose the final layout, it is possible, though unlikely given the available space on site, that trees would be affected by the development. It is considered that the amount of dwellings proposed for the site could be accommodated without having any impact on the existing trees. A condition requiring details of protective fencing could be required by condition, if the application were to be approved. Subject to this potential condition it is considered that the proposal accords with policy L1 in this respect.

## 5.21 Density of Development

This outline application seeks planning permission for the erection of up to 83 dwellings. The exact number is unknown at this stage, but the following analysis is made on the basis that the maximum number applied for would be achieved. The density of development under this proposal could be no greater than that, should this application be approved. The Design and Access Statement is required to explain and justify the amount of development intended for the application site. The justification for a density at the lower end of the scale is to maintain the character of the existing low density development and enhance the existing aspects of the site, such as play areas footpaths and mature hedgerows. Taking this into account and given the location of the site at the edge of the urban area and the recent relaxation of the national indicative minimum density in PPS3, it is considered that the proposal would provide a density of development which is suitable to the character of its suburban location.

## 5.22 Flood Risk

The FRA states that the site is located within Zone 1, which is defined in PPS25 as a 'land assessed as having a less than 1 in 1000 years annual probability of river or sea flooding in any year.' It should be noted that in their consultation replies, the Environment Agency has not raised objections in principle to the proposal. The Environment Agency's response put forward suggested conditions to be appended to any planning permission. Subject to these controls it is considered that this outline proposal would accord with the relevant Local Plan policies and legislation listed in section 2 above.

### Public Open Space

The proposal incorporates the retention and enhancement of the existing public open space on the site and the creation of an additional area of public open space in the corner formed by the mature hedgerows. This level of provision would be greater than that required by policy LC8 and would amount to a total of 5,945 square metres of on site public open space. The make-up of the categories of public open space has not been identified at this stage, but the amount as a whole is considered to be acceptable, subject to the requirement for a maintenance contribution detailed at 5.32 below. With regard to off site public open space provision, the site is too small to incorporate a sports pitch

and this has led to the necessity of contributions towards provision and enhancement of an off site facility.

5.23 Other Issues raised through Public Consultation

In addition to the issues addressed above, the consultation process raised a number of other concerns, as follows: The increased demand that the development would cause on places at local schools would be dealt with through the requested contribution by Children and Young people, as detailed below. The similar case put forward over the effect of increased population on demand for local doctors' surgeries is not something that can be addressed through the planning system. The issue of food production instead of housing provision is not a specific planning concern in accordance with current legislation. The use of empty houses in preference to Green Belt land is similarly not specifically within the planning system's remit. The claim that the retirement homes currently being built in Longwell Green would address local housing need cannot be borne out, since that development is subject to a condition limiting the age limit of occupiers.

5.24 The claimed loss of children's play space is not borne out by the proposal, which would retain and improve this area. Effects on levels of crime and problems arising from the proposed social housing are not considered to be possible to be linked to new housing. Whether purchasers would be influenced by the fact that the land 'used to be' Green belt or not is not for the planning system to address. This is also true for the poor road surfaces in the site's vicinity.

5.25 The final two issues raised through the consultation process and not addressed already are the loss of the view to the Hanham Hills and the electricity system not being able to cope with the extra demand. With regard to the views of the hills, there has been a refusal reason recommended on the basis of the impact of the proposal on the landscape. There is however, no right to a view from an individual household, per se. The availability of electricity supply is again not specifically an issue for the planning system to address, however it is noted that the commitment to level 4 of the Code for Sustainable Homes will lead to opportunities for on site power generation.

5.26 Use of Energy and Sustainability

This is an outline application, with the design of the proposed dwellings reserved until the submission of a Reserved Matters application, should the outline scheme be approved. Specific measures could be adopted at the design stage. However it is acknowledged that the Design and Access Statement is specific about being committed to achieving level 4 of the Code for Sustainable Homes. The applicants have also committed themselves at paragraph 5.24 of their planning statement to providing at least 10% of the energy required by the site through low or zero carbon technologies. This could be secured by condition.

5.27 Design and Access Statement

For the reasons given in detail above, the Design and Access Statement submitted with the application is considered to demonstrate in several key

respects that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.28 Improvements Achieved to the Scheme

No improvements were sought, due to the fundamental harm caused to the Green Belt through the inappropriateness of the development proposal in the Green Belt.

5.29 Conclusion on Submitted Very Special Circumstances

The harm which the proposed development would cause to the Green Belt is due to its inappropriateness and its impact on the openness and visual amenity of the Green Belt. As analysed at 5.14, added to this is the harm which would occur to the landscape through the proposal. It is considered that, neither singly or cumulatively, would the very special circumstances which have been advanced by the applicant be sufficient to outweigh this harm and the policy presumption in the Development Plan against inappropriate development in the Green Belt. As stated in PPG2, in view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt.

In regard to the location of the site outside the urban area, the material considerations in this instance are not considered to outweigh the policy position with regard to development outside the urban area, as defined by the adopted Local Plan proposals map.

5.30 Affordable Housing

This application proposes to provide approximately 83 dwellings and officers will be seeking affordable housing provision through Policy H6 of the South Gloucestershire Local Plan. If the proposal were acceptable in planning terms, the following would be required:

All affordable housing delivered through planning obligations to be in line with the definitions contained in PPS3

Any low cost market housing will be in addition to the affordable housing provision

At present the Council would be seeking 33.3% of the 83 dwellings to be affordable, which equates to 27.6 dwellings. *The applicant has offered 28 units of affordable housing, which is acceptable.*

The Council will seek a tenure split of 80% social rent and 20% intermediate housing as this complies with the need identified in the West of England Strategic Housing Market Assessment (SHMA) 2009. *The applicant has offered 80% of the dwellings to be for social rent and 20% as shared ownership, which is acceptable. The tenure split as agreed with the Council is 23 units for social rent and 5 units for intermediate housing (shared ownership).*

Officers will seek a range of affordable unit types to meet housing need based upon the findings from the SHMA 2009. *The following mix of units has been agreed as follows:*

**Social Rent**

Number	Type	Min Size m2
0%	1 bed flats	46
0%	2 bed flats	67

29%	2 bed houses	75
42%	3 bed houses	85
10%	4 bed houses	106

## Intermediate

Number	Type	Min Size m2
0%	1 bed flats	46
0%	2 bed flats	67
15%	2 bed houses	75
4%	3 bed houses	85
0%	4 bed houses	106

- The SHMA identifies a need for 5% of the dwellings to meet the needs of wheelchair users. *Of the 28 affordable housing units 5% equates to 1.4 units therefore the Council would seek 1 unit to meet the wheelchair accommodation standards set out at Appendix 4 of the Council's Affordable Housing Supplementary Planning Document. It is agreed that this unit will be 1 x 2 bed house for social rent.*

This affordable housing is to be delivered without any public subsidy.

100% of initial occupants to be nominated by SGC.

The affordable housing should be distributed across the site in clusters of no more than 6 units, unless a specific pepper potting strategy is approved by SGC. *The applicant has confirmed that clusters of houses or flats will consist of no more than 6 dwellings and that no more than 6 flats will be accessed off one entrance, which is acceptable.*

Design and specification criteria: All units to be built in line with the same standards as the market units (if higher) and to fully comply with the latest Housing Corporation standards applicable at the time the S.106 will be signed or 6 months prior to start on site whichever date is the latter, to include at present at least Level 3 of the Code for Sustainable Homes, Lifetime Homes standard, Secured by Design, and with full compliance of RSL design brief. Delivery is preferred through a RSL – the Council encourages the developer to work with Homes West RSL. In the event of the developer choosing an Affordable Housing Provider from outside of this partnership then the Council will set the detailed management standards that will be required.

Phasing - the affordable housing should be built at the same time as the rest of the housing on site in line with agreed triggers as per S.106 agreement, with a detailed assessment on a site by site basis.

The Council will define affordability outputs in the S.106 agreement, without any further information regarding sales values the affordability standards are as follows:

- Social rents to be set at target rents

intermediate home ownership: no more than 40% of the market value will be payable by the purchaser so that the units are affordable to those in need of intermediate housing. It is clear that 40% equity shares represent the top slice of households that can afford this option and therefore a range of lower cost intermediate housing will be sought. The annual rent on the equity retained by the RSL/AHP should be no more than 1% of the unsold equity.

Any other models of intermediate housing will need to meet similar affordability levels as for intermediate home ownership other than intermediate rented

housing that will be delivered at a maximum of 75% of the cost of full market rent.

- Social rented accommodation to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy provided.
- Any capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.

The lack of an agreed Section 106 contribution in this respect forms a refusal reason for this proposal.

### 5.31 Education

The Department for Children & Young People calculates contributions on the basis of 36 primary pupils per 100 dwellings with more than one bedroom. A different pupil number calculator is used where a proposed mix is indicated by the developer, based on the type of dwellings and the number of bedrooms. Current DCSF cost calculators give a figure of £10,747 per additional primary pupil place, indexed at 'Financial Year 2008/9 Q4' prices.

At primary level there is a projected deficit of places in the local area. The proposed development of 83 dwellings will generate 30 additional primary school pupils based on the pupil number calculator. A contribution of £322,410 is required for additional primary provision.

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

The total contribution required for additional school provision is £322,410.

The lack of an agreed Section 106 contribution in this respect forms a refusal reason for this proposal.

### 5.32 Community Services: Public Open Space

The proposal is for the development of up to 83 dwellings. The requirements below are based on 83 houses and flats and this represents a population yield of 201.45 people. This population would generate a minimum need for 3,424.65 square metres of Category 1 open space; 503.63 square metres of Category 2 open space; 906.53 square metres of Category 3 open space and 1,007.25 square metres of informal open space. The financial requirements as a result are £73,321.76 for the provision and £44,695.11 for the maintenance of Category 1 formal open space; £37,093.10 for Category 2 equipped play space, £15,108.05 for Category 3 unequipped play space and £26,920.07 for informal open space, all with a maintenance period of 15 years. The total library contribution required would be £18,130.50; dog and litter bins would be £10,118.46 and a contribution for Public Art at 1% of the development cost. These figures would have to be subject to an adjustment formula, to apply in the event that the mix of housing or the number of dwellings change. The cost of adoption of any surface water infrastructure cannot be established at this stage but would be subject to separate negotiation at reserved matters stage, subject to suitable and acceptable design. In addition to the on site provision of maintenance of on site public open space, the need for formal public open



space which could not be provided on site has led to a contribution requirement towards off site public open space.

The lack of an agreed Section 106 contribution in this respect forms a refusal reason for this proposal.

### 5.33 Section 106 Requirements

In this instance, having regard to the above advice, the transportation improvements, subsidy for bus services, provision of affordable housing, community services requirements and education contributions as detailed above would appropriately be the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005. However, due to the fundamental objections to the proposal as identified above which have led to the recommendation for the refusal of the scheme, the Section 106 Agreement has not been agreed with the applicant's agent. The lack of agreed Section 106 contributions forms a series of refusal reasons for this proposal. It is acknowledged that Section 106 contributions would have to be based on an agreed formula which would relate to the number of dwellings which would be approved at Reserved Matters stage, as the exact number has not been applied for with this application.

## 6. CONCLUSION

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

6.2 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 That planning permission is refused for the following reasons:

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

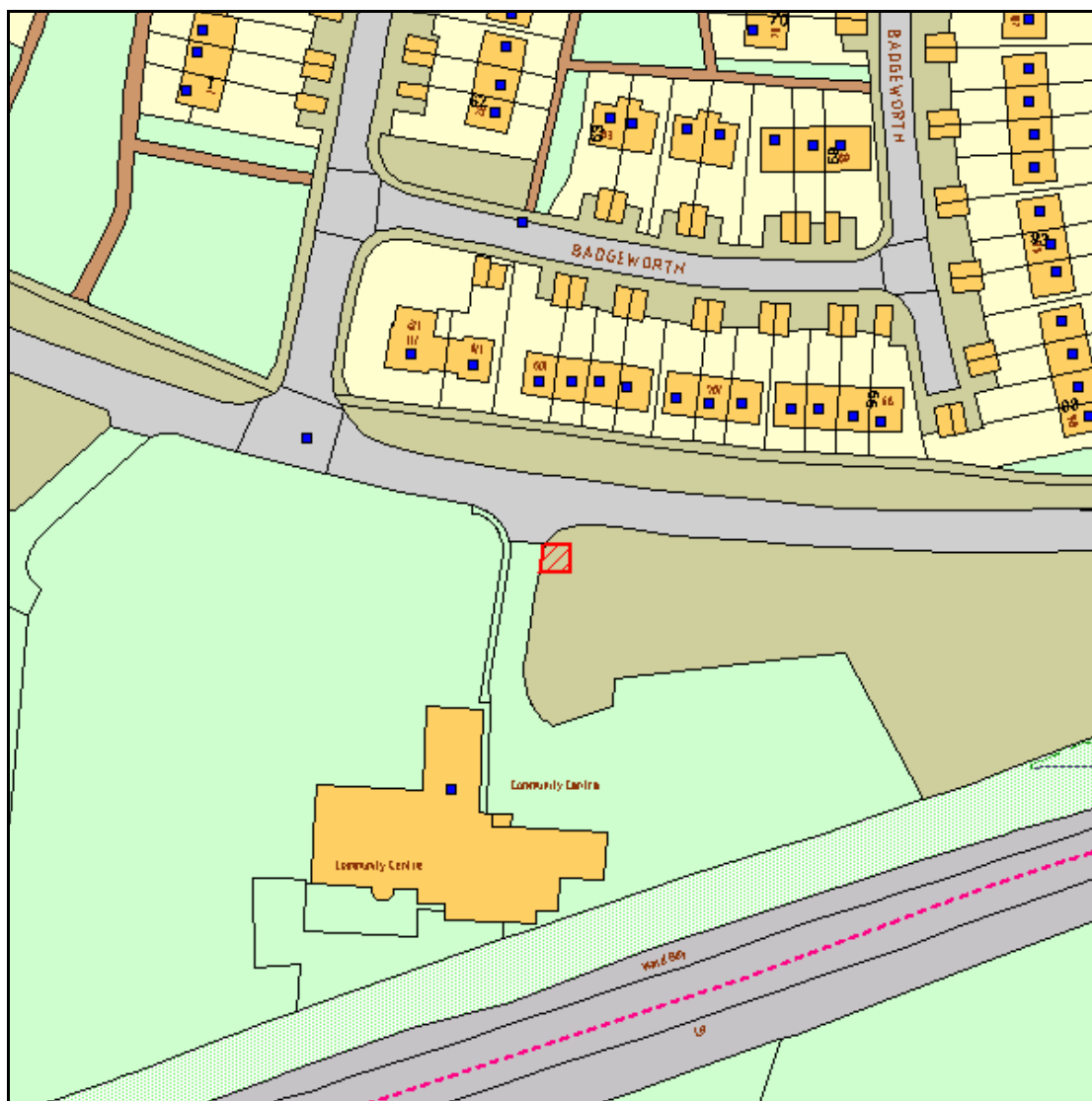
## REASONS FOR REFUSAL

1. The site is located within the Bristol/ Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt and is therefore by definition, harmful to the openness of the Green Belt. The applicant has not demonstrated that very special circumstances apply such that the normal presumption against inappropriate development within the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, Policy 16 of the Joint Replacement Structure Plan and policy GB1 of the South Gloucestershire Local Plan and the South Gloucestershire Green Belt.

2. The application lies outside the Existing Urban Area, as defined on the South Gloucestershire Local Plan Proposals Map and within the open countryside. As such the proposal is contrary to policy H3 of the adopted South Gloucestershire Local Plan.
3. The proposed development would harm the character of the landscape and the visual amenity of the Green Belt contrary to policies L1 and GB1 of the adopted South Gloucestershire Local Plan and PPG2, Green Belts.
4. The application is not supported by an agreed Section 106 obligation which requires the provision of affordable housing on site and in this respect is contrary to policy H6 of the adopted South Gloucestershire Local Plan.
5. The application is not supported by an agreed Section 106 obligation, which requires a contribution for the provision of primary school places and in this respect the proposal is contrary to policies LC2 and S3 of the adopted South Gloucestershire Local Plan.
6. The application is not supported by an agreed Section 106 obligation which requires the provision of leisure, recreation and community facilities and in this respect the proposal is contrary to policies LC1 and LC8 of the adopted South Gloucestershire Local Plan.
7. In the absence of an agreed Section 106 obligation securing a subsidy towards supported bus routes and highway works to provide traffic management and road safety, the proposal would lead to over-reliance on car-borne travel and an increase in the hazards faced by all users of the public highway, contrary to policy T12 of the adopted South Gloucestershire Local Plan.

**CIRCULATED SCHEDULE NO. 33/10 – 26 AUGUST 2010**

<b>App No.:</b>	PK10/1303/ADV	<b>Applicant:</b>	Mrs Misia Morgan
<b>Site:</b>	Shireway Community Centre The Centre Shire Way Yate	<b>Date Reg:</b>	9th July 2010
<b>Proposal:</b>	Display of 1no. non illuminated freestanding panel sign.	<b>Parish:</b>	Dodington Parish Council
<b>Map Ref:</b>	370531 180508	<b>Ward:</b>	Dodington
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd September 2010



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## **INTRODUCTION**

This application appears on the Circulated Schedule, as Shire Way Community Centre is owned by South Gloucestershire Council.

### **1. THE PROPOSAL**

- 1.1 The application relates to a proposed double sided sign at the entrance to Shire Way Community Centre, Shire Way, Yate. The site comprises a grass bank with mature hedging behind, that runs along the south side of Shire Way, Yate. To the other side of Shire Way is a residential area.
- 1.2 It is proposed to erect a sign (non-illuminated), at the above location to advertise the events of the adjoining Community Centre. Due to Officer Concern, amended plans have been received on 20 August 2010, showing the sign will have a maximum height from ground level of 2.5 metres and the dimensions of the actual sign will be 1.5 metres in width and 1 metre in height.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG19 Outdoor advertisement control
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
  
South Gloucestershire Council Core Strategy (Pre-Submission Draft)  
CS1 Good Quality Design

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

- 3.1 Although there is much planning history regarding the Community Centre, there is no specific history regarding this part of the site.

### **4. CONSULTATION RESPONSES**

- 4.1 Doddington Parish Council  
No response received.
- 4.2 Sustainable Transport  
No objection

#### **Other Representations**

- 4.3 Local Residents  
No response

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

This application will be assessed against Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and national guidance PPG19. Additionally, Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Draft reflects the design principles given in Policy D1. As outlined in PPG19, outdoor advertisements can only be controlled in the interests of “*amenity*” and “*public safety*”. In terms of *amenity* the effect of the proposal on the visual amenity in the immediate neighbourhood has to be considered. With regard to *public safety*, Local Planning Authorities must ensure any advertisement does not create a traffic hazard, especially in terms of causing a distraction. The principle of development is therefore acceptable subject to the following detailed assessment.

5.2 Officers are of the view that it is reasonable for a limited amount of advertising/signage to be displayed adjacent to the Community Centre, and that it is inevitable that the advertising/signage will be visible from public areas. However, whilst officers have no objection to the principle of advertising/signage at the site, careful consideration should be given to the amount and size of the advertisements/signs, which should not be detrimental to the character of the locality. The cumulative effect of the proposal should not be detrimental to visual amenity and the advertisements/signs should not prejudice public safety.

### 5.3 Visual Amenity

The sign will be sited adjacent the access road to the Community Centre, where there is currently 1no. existing sign on the other side of the access drive. Due to Officer concern over the size of the proposed sign being much larger than the sign that is situated on the other side of the access drive, amended plans have been received reducing the width of the sign from 2.5 metres to 1.5 metres and the height of the sign from 1.5 metres to 1 metre. The reduced size of the sign will now mirror that of the existing sign.

5.4 Although if approved, the sign it will increase the quantity of signs in the vicinity from one to two, as the proposed sign will mirror both the position and the dimensions of the existing sign it is considered that the proposed sign would not have any detriment to visual amenity within the context of this residential area. Additionally, the sign will not be illuminated.

### 5.5 Highway and Public Safety Issues

The proposed sign would not be illuminated. There are no transportation objections to the proposed sign. There is no public footpath located on this side of the road. It is therefore considered that the sign would not be of detriment to highway or pedestrian safety.

### 5.6 Use of Energy and Sustainability

None

5.7 Improvements Achieved to the Scheme

The original plans have been revised to reduce the size of the sign due to the concerns over the visual amenity of the site.

6. **CONCLUSION**

6.1 In accordance with Section 220 of the Town & Country Planning Act 1990 and Regulation 4 of the Advertisement Regulations 1992, 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 advertisement 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 That advertisement consent be **GRANTED**.

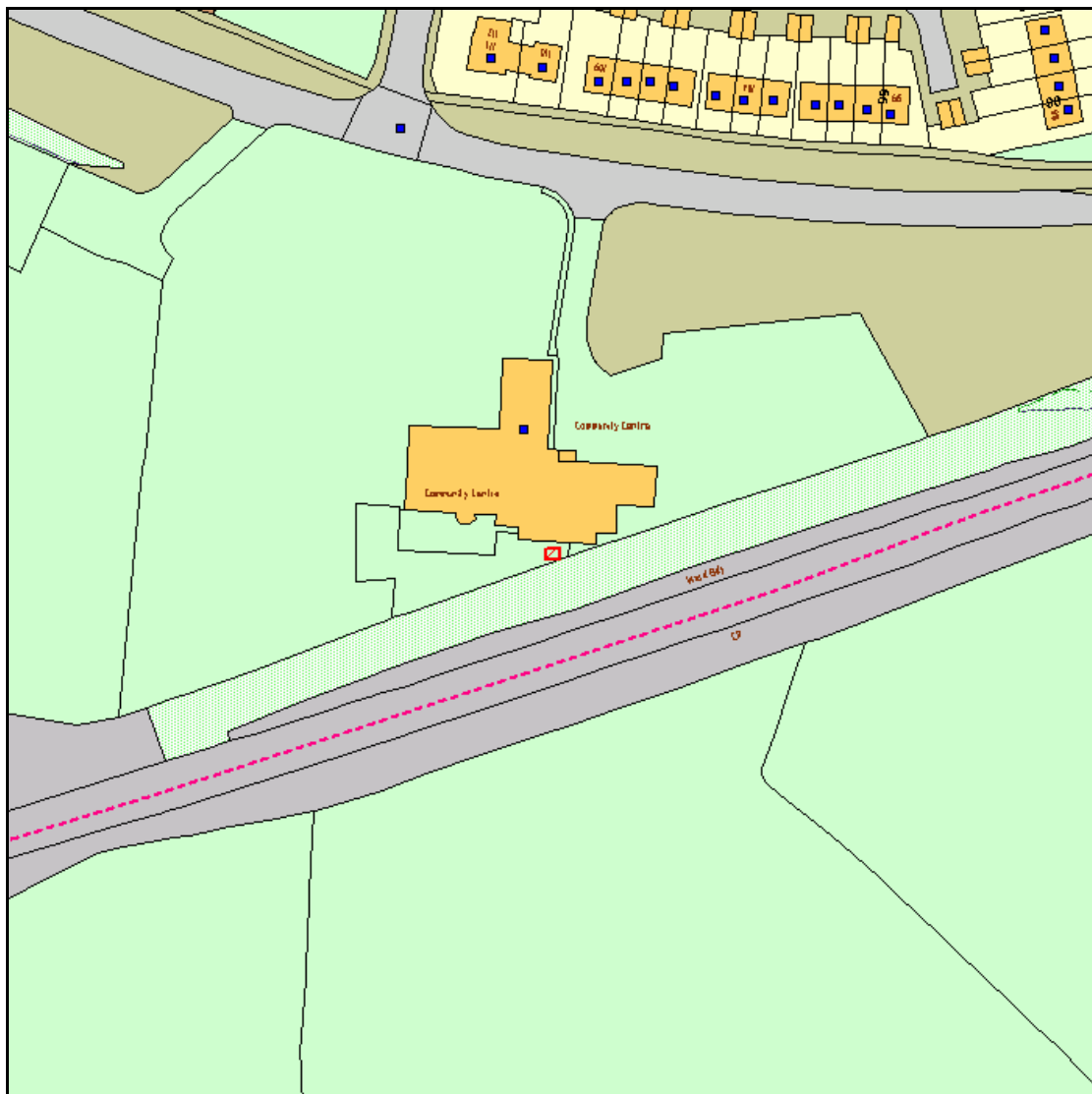
Contact Officer: **Elizabeth Dowse**

Tel. No. **01454 862217**

# ITEM 4

## CIRCULATED SCHEDULE NO. 33/10 – 26 AUGUST 2010

<b>App No.:</b>	PK10/1350/F	<b>Applicant:</b>	Mrs M Morgan
<b>Site:</b>	The Centre Shire Way Yate Bristol South Gloucestershire	<b>Date Reg:</b>	9th July 2010
<b>Proposal:</b>	Erection of timber outdoor performance stage.	<b>Parish:</b>	Dodington Parish Council
<b>Map Ref:</b>	370531 180508	<b>Ward:</b>	Dodington
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd September 2010



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**N.T.S.**

**PK10/1350/F**

## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule in accordance with the Council's procedure, as South Gloucestershire Council owns the Community Centre.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks planning permission for the erection of a covered outdoor performance stage. The proposed stage will be located to the rear of the building, adjacent to an outdoor children's play area.
- 1.2 The application site relates to Shire Way Community Centre, Yate. The Community Centre is located within the settlement boundary of Yate. The Green Belt boundary passes through the building and the site, against the southern wall of the building, therefore the proposed stage is sited just inside of the Green Belt.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG2 Green belt
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
L1 Landscape Protection and Enhancement  
GB1 Green Belt  
LC4 Development, Expansion Or Improvement Of Education And Community Facilities Within The Existing Urban Area  
T12 Transportation Development Control Policy for New Development  
  
South Gloucestershire Core Strategy Pre-Submission Draft March 2010  
Policy CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
Supplementary Planning Document Design Checklist  
South Gloucestershire Development in the Green Belt SPG.

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

- 3.1 The Community Centre has many planning applications associated with it, of which the following are of relevance to the current application.
- 3.2 N7932 Erection of Community Centre and Associated works  
Approved 22 April 1982
- 3.3 P92/1613 Construction of car park. Laying out of sports pitches.  
Alteration of vehicular access.  
Approved 30 Jun 1999
- 3.4 P87/1235 Erection of extension to existing social club to provide additional toilets, club room and lounge  
Approved 1 April 1987



- 3.5 P84/2307 Single storey rear extension to form beer store  
Approved 17 Oct 1984

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

- 4.1 Doddington Parish Council  
No response received.

##### **Other Representations**

- 4.2 Local Residents  
No comments received

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

- 5.1 Principle of Development  
Policy LC4 of the South Gloucestershire Local Plan allows for the expansion or improvement of community facilities subject to the satisfaction of a number of criteria being stratified. Regard must also be had for Policy D1 of the South Gloucestershire Local Plan, which seeks to achieve good standards of design. Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Draft reflects this. Regard must also be had for Policy GB1 as the site lies within the Green Belt, and Policy L1 requires that the character and amenity of the landscape must be conserved.
- 5.2 Visual amenity and Green Belt Issues  
This application seeks permission to erect a covered performance stage to the rear of the existing single storey building. The proposed stage will measure 7.2 metres in width by 4.2 metres in depth, with stairs at each side. It will have an overall height of 3.8 metres with a mono-pitch roof. It will be constructed of timber with a brick base, and will be enclosed on the sides and to the rear. The stage will be sited to the rear of the building, adjacent to a steep embankment that is part of the main railway line.
- 5.3 The proposed structure is small in scale, has a light open form is closely associated with the existing building but subservient to it and will not be generally visible in the landscape.
- 5.4 There is a general presumption against development within the Green Belt to prevent the uncontrolled spread of urban areas into open countryside. The most important attribute of Green Belts as identified in paragraph 1.4 of PPG 2 is their openness. Due to the small scale of the outbuilding and its positioning at the rear of the building and next to the railway embankment, it should not significantly affect visual amenity and the impact upon openness is likely to be minimal. It is not considered that the proposed outbuilding would have an adverse impact on the openness of the Green belt. The proposal therefore accords with Policies LC1 and GB1 of the South Gloucestershire Local Plan (Adopted) 2006 and the South Gloucestershire Development in the Green Belt SPG.

5.5 Residential Amenity

Policy LC4 allows for the expansion of community facilities within the boundaries of settlements providing that the development would not unacceptably prejudice residential amenities. The Council's Environmental Protection Officer has no objection, subject to a condition limiting the hours of use of the stage for performance of or amplified music or singing to before 23:00 hours. It is therefore considered that the proposed works by reason of their siting and scale would have no adverse impact on neighbouring properties.

5.6 Highway Safety Analysis

The proposed stage will be used by the patrons of the existing Community Centre. It is therefore considered that due to the small scale of the development it will not impact upon highway safety, and is therefore in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.7 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.

5.8 Use of Energy and Sustainability

Not provided for in this instance, due to the nature of the application.

5.9 Improvements achieved to the scheme

None required, as submitted scheme is considered acceptable in design terms, as addressed above.

5.10 Section 106 Requirements

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

## 6. CONCLUSION

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

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

It is not considered the proposal will have any significant impacts upon landscape character or visual amenity and should not have an undue impact upon openness of the Green Belt in the context of Policies D1, L1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

The proposed development has taken fully account of neighbouring residential amenities and is in accordance with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

Due to the small scale of the development it is considered that there will be no impact upon highway safety, and is therefore in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

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

**Contact Officer: Elizabeth Dowse**  
**Tel. No. 01454 862217**

### **CONDITIONS**

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

Reason

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

2. No amplified or other music or singing shall be played outside of the premises after 23:00 hours.

Reason

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

3. No external lighting or floodlighting shall be installed or used at the site without the prior written approval of the Local Planning Authority

Reason

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

# ITEM 5

## CIRCULATED SCHEDULE NO. 33/10 – 26 AUGUST 2010

<b>App No.:</b>	PK10/1413/RVC	<b>Applicant:</b>	Mr James Gardner
<b>Site:</b>	Pucklechurch C Of E Primary School Castle Road Pucklechurch Bristol South Gloucestershire	<b>Date Reg:</b>	15th July 2010
<b>Proposal:</b>	Variation of Condition 2 attached to PK03/3036/F to allow the Elliott classroom to be used between the hours of 8.30 and 18.30 from Monday to Friday	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	370062 176789	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th September 2010



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100023410, 2008. **N.T.S.** **PK10/1413/RVC**

## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule in light of objections received from a local resident regarding the application.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission to vary condition 02 attached to planning permission PK03/3036/F. That condition relates to hours of operation of an Elliot classroom on land at Puckelechurch Primary school and reads as follows:

#### Condition 02

The building hereby authorised shall only be in use between the hours of 3:00 pm to 6:30 pm, Monday to Friday, unless the Local Planning Authority agrees in writing to any variation.

#### Reason

To minimise disturbance to occupiers of nearby buildings, and to accord with Policy RP1 of the adopted Northavon Rural Areas Local Plan.

- 1.2 This application seeks permission to vary that condition so that the classroom can be used between 08:30 and 16:30 Monday to Friday. The reason for this is that the school is currently undergoing a rebuild programme. Planning permission PK10/0526/R3F has recently been granted for a number of works to the school. The Elliot building is required to be used a classroom for the teaching of two classes during this build period only.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG15 Planning and the Historic Environment  
PPG2 Green belt

- 2.2 Development Plans

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

D1 Design  
L1 Landscape  
GB1 Green Belt  
L12 Conservation Area  
L13 Listed Buildings  
LC4 Proposals for Educational Facilities  
L9 Species Protection  
T12 Transportation Development Control  
EP1 Environmental Pollution

#### South Gloucestershire Core Strategy Pre-Submission Draft March 2010

CS1 High Quality Design  
CS34 Rural Areas

- 2.3 Supplementary Planning Guidance  
Trees on Development Sites  
Design SPD  
SG Landscape Character Assessment-Character Area 6, Pucklechurch Ridge  
& Boyd Valley.

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

- 3.1 Pk10/0526/R3F Extensions and netball court
- 3.2 PK03/3036/F Erection of 1 no. Elliott building  
Approved December 2003

### 4. **CONSULTATION RESPONSES**

- 4.1 Pucklechurch Pariah Council  
No objection.

#### **Other Representations**

- 4.2 Local Residents  
One letter has been received from a local resident raising the following objections regarding the proposed application, which have been summarised by the Planning Officer as follows:
- I'm assuming the use of the classroom until 18:30, will mean people leaving by car. Already severe traffic congestion in area.
  - Problems for emergency vehicles
  - Has consideration been given to addressing/alleviating this problem of the school and its availability?

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

- 5.1 Principle of Development  
The key planning consideration with regards the assessment of this planning application is to assess the proposed variation against the reason for the planning condition. The reason for the condition in this instance was to "*minimise disturbance to occupiers of nearby buildings and to accord with Policy RP1 of the adopted Northavon Rural Areas Local Plan*". Since this decision the Northavon Rural Area Local plan has been replaced by the South Gloucestershire Local Plan.
- 5.2 This application stands to be considered against Policy LC4 of the South Gloucestershire Local Plan, which relates to proposals for development for education facilities. Criteria B of Policy B advises that development should not unacceptably prejudice residential amenities.

- 5.3 Residential Amenity  
Planning permission PK03/3036/F was granted for an Elliott building to provide after school childcare between the hours of 3.00 and 18:30 Monday to Friday term time only.
- 5.4 This application seeks permission to the extend hours of operation of the building, so that it can be used as a classroom during a current build programmed on site. It is proposed to use the building from 8.30am in the morning, although still only Monday to Friday and term time only. It is considered that the extended hours of operation during the day would have no greater impact on the existing amenities of neighbouring occupiers in terms of noise and disturbance, as the school related use will take place during standard school hours. It also for this reason that the planning officer does not consider it necessary or reasonable for the hours of operation to revert back to the original hours once building works are complete.
- 5.5 Transportation Issue  
Objections have been raised regarding current highway issues around the school in terms of congestion. As the use of the building is to provide additional classroom space for existing pupils during the building phase, this proposal will have no greater impact on existing levels of traffic than the existing situation. The transportation issues relating to the recently approved extensions at the school were considered under that planning application.
- 5.6 Design and Access Statement  
Not required with this particular type of application.
- 5.7 Use of Energy and Sustainability  
Not applicable.
- 5.8 Improvements Achieved to the Scheme  
Not applicable.
- 5.9 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.

a) The use of the building is appropriate in this location and the proposed extended hours of operation during school hours Monday to Friday would not have an adverse impact on residential amenity. The proposal is considered to accord with policy LC4 of the South Gloucestershire Local Plan.

## **7. RECOMMENDATION**

7.1 Planning permission be granted subject to the following conditions:

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

### **CONDITIONS**

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

Reason

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

2. The Elliott building authorised under PK03/3036/F shall only be in use between the hours of 08:30am to 06:30pm Monday to Friday until unless the Local Planning Authority agrees in writing to any variation.

Reason

To minimise disturbance to occupiers of nearby buildings, and to accord with Policy LC4 of the South Gloucestershire Local Plan.



**CIRCULATED SCHEDULE NO. 33/10 – 26 AUGUST 2010**

<b>App No.:</b>	PT10/1610/F	<b>Applicant:</b>	Mr And Mrs Williams-Lock
<b>Site:</b>	Land Rear Of 44 Townsend Lane Almondsbury Bristol South Gloucestershire BS32 4EQ	<b>Date Reg:</b>	6th July 2010
<b>Proposal:</b>	Change of use from equestrian building (Class D2) to dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (Resubmission of PT09/5599/F).	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	359879 183969	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th August 2010



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 100023410, 2008. **N.T.S.** **PT10/1610/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule as the recommendation conflicts with some of the consultation responses.

### **1. THE PROPOSAL**

- 1.1 This full application relates to the change of use of a traditional stable building to a dwelling (Class C3) on land to the rear of 44 Townsend Lane, Almondsbury. This is a resubmission as the previous application was refused as it was considered that the marketing evidence did not demonstrate that all reasonable attempts to market the building had been undertaken, sufficient to meet Policy H10 of the Local Plan. The site has now been marketed for a further period and at a lower rent and as such this application is now before the Council for consideration.
- 1.2 The site lies to the rear of dwellings fronting the north side of Townsend Lane. Access to the site is via a field access that serves the stable building and associated agricultural land. This access lies between 44 and 46 Townsend Lane. The access and stable building lies within the settlement boundary of Almondsbury, the front (south-west) and end elevation (north-west) of the building demarcating the settlement boundary, however the curtilage of the building lies outside the settlement. The entire site is within the Green Belt.
- 1.3 Summary of information submitted by applicant.  
This application is supported by a Marketing Statement by David James and partners dated October 2009. The statement includes the following points:
1. David James and partners have been marketing the site since October 2008 with a view to converting the building to an office upon securing a tenancy and anticipate that the conversion would be completed within 12 weeks.
  2. The owners intended to provide a high quality conversion, to differentiate it from similar available property, with an emphasis on traditional features and a semi-rural location.
  3. Having compared comparable evidence a guide rent of £14, 000 was suggested and this guide rent would encourage offers to be submitted.
  4. The property has been listed on three websites and newspaper advertisements were placed in the Western Daily Press and Gazette newspapers as well as signboard erected at the site and all applicants to David James and Partners were emailed particulars of sale. The property continues to be advertised in all media on this basis.
  5. David James and Partners advise Terms for the occupation of the building were agreed at £14, 000 per year in December 2008 but in January 2009 this prospective tenant withdrew their interest. There have been no other viewings or negotiations conducted.
  6. The distinct lack of interest is indicative of the ongoing economic uncertainty. In addition it is considered by David James and Partners that the property is unsuitable for office use as it is considered that the relatively remote location may be unattractive to staff who have to

commute, does not provide any visual presence for marketing and may pose a security risk for the premises. Additionally there are limited other services within the hamlet.

7. Comparable offices in rural locations have been let at between £120-136 per sq m, but given its located close to Aztec west where commercial rents range from £142 to 174 per m sq.
8. In Bristol City centre short term rent free leases are available on the basis that the tenant pays the Business rates and service charges. It is further noted that the current market activity for commercial premises is extremely low and the absence of economic confidence is generally preventing business from considering relocation. Agreed lets appear to be generally firms downsizing. There is a substantial contraction in the demand for commercial workspace.
9. The amount of available property has significantly increased within the last quarter and with increased supply and low confidence within the business economy, completions may continue to decline over the next quarter. Where businesses are prepared to commit the tendency is for short term arrangement and for small units following substantial marketing periods.

An update to this by letter indicates that there has been little interest in the building and neither of the people enquiring of the Rental agent sought to pursue a lease. The commercial estate agent suggests that the continuing lack of interest is owing to the current economic situation together with the relatively remote location of the property when compared to abundantly available commercial property within the established industrial parks at Thornbury and Aztec West.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth

### **2.2 Development Plans**

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

D1	Achieving Good Quality Design in New Development
L4	Forest of Avon
L9	Species Protection
GB1	Development Within the Green Belt
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
H10	Conversion and Re-use of rural Buildings for residential purposes

### **Emerging Development Plan Core Strategy Pre-Submission Publication Draft**

CS13	Non-safeguarded economic development sites
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- 2.4 Supplementary Planning Guidance  
South Gloucestershire Council Design Checklist SPD Adopted August 2007  
Development in the Green Belt SPD Adopted May 2007

### 3. RELEVANT PLANNING HISTORY

- 3.1 N.2223/1 Change of use of existing stables to form residential unit.  
Refused 23 July 1981.
- 3.2 N.2223/2 Use of land for private equestrian purposes.  
Approved 15 April 1982.
- 3.3 PT06/0219/F Conversion of existing stable to form dwelling.  
Refused 7 March 2006 on the following grounds:-  
1) provision and extent of residential curtilage contrary to Green Belt policy;  
2) velux roof lights to front elevation detrimental to rural character of building;  
3) proposal has not demonstrated that the building could be converted to a suitable business use, contrary to policy H10 of the Adopted SGLP .  
4) flank bedroom window would be detrimental on the amenities of occupiers of adjoining dwelling.  
5) insufficient information submitted to properly assess whether the building provides a habitat for a colony of bats.
- This had nine rooflights across the west elevation, and an extensive site area.
- 3.4 PT07/0249/F Conversion of existing stable to form dwelling.  
Refused 15 March 2007 on the same grounds as above.  
This had nine rooflights involved across roofslopes, and an extensive site area.
- 3.5 PT08/0110/F Change of use of stables (Class D2) to employment use(Class B1).  
Refused 14 February 2008 on grounds of insufficient information submitted regarding possible use of barn for bats/barn owls.
- 3.6 PT08/1926/F Change of Use of equestrian building (Class D2) to employment use (Class B1) as defined in the Town & Country Planning Act. Use Classes Amendment Order 2005 (Re-Submission of PT08/0110/F) Approved September 2008.
- This application involved no rooflights, two high level windows to west facing side and only three parking spaces and turning area and access within curtilage of application.

- 3.7 PT09/5599/F Change of use from equestrian building (Class D2) to dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 2005. Refused 09.12.2009 for the following reason; "Insufficient evidence has been provided to demonstrate that all reasonable attempts have been made to secure a suitable business re-use at an appropriate rent and this is contrary to policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006."

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

4.1 Almondsbury Parish Council

The Parish Council wishes to object to this application as it lies within the greenbelt. The Parish Council would also like the marketing of this barn for business premises looked into to make sure adequate and reasonable attempts have been made to secure suitable business reuse at an appropriate rent have been made.

4.2 Other Consultees  
Council Ecologist

A survey was carried out by a licensed ecological consultant. The building is not in regular use as a bat roost but may have been used by a single bat at some point in the past (probably as a temporary night post). No signs of owls were found. An appropriate condition should be used to secure the insertion of a 'bat slate' into the building.

#### **Other Representations**

4.3 Local Residents

Seven letters of objection have been received in relation to the following matters.

Concern about the wording on the sales particulars which infers that the building conversion is already under conversion works and that no works to repair the barn have been undertaken.

Concern that the proposal will have an adverse impact on the green belt, light pollution and the building.

Concern that the amenity and privacy of local residents would be adversely affected.

Concern about increased vehicular movements and that there are no pavements locally.

Bats still use the area.

Concern that the current owner of the site intends to move in with all of his vehicles.

Concern at the confusion caused as the plans submitted with the application and those referred to in accompanying literature differ in plan numbers.

Concern that there is too much hardstanding in front of the barn and this should be removed.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

A previous application for a similar development was refused on 9 December 2009, wherein Policy H10 was the main policy in the determining of the application. Whilst that policy remains the adopted policy of the Development Plan more recent National policy (PPS4) has been issued and the Councils Core Strategy is emerging since that decision was made. However the policies in PPS4 set out by National Government which was issued in December 2009 is a significant material consideration. In addition the Core Strategy Pre-submission draft is also a material consideration. The emergence of these two documents since the application was refused on 9 December 2009, is now relevant to the test as to the acceptability of the principle of development.

Policy H10 of the South Gloucestershire Local Plan deals with the conversion and re-use of rural buildings for residential purposes outside of existing urban areas and settlement boundaries. Whilst it is noted that the stable building is within the settlement boundary, it is considered that the policy remains relevant. Accordingly, this allows for conversion works subject to the following:

- All reasonable attempts have been made to secure a business reuse;
- Buildings are of permanent construction capable of conversion without major or complete reconstruction;
- Buildings are in keeping with their surroundings;
- Development, including alterations and extensions and the creation of a residential curtilage would not have a harmful effect on the character of the countryside or the amenities of the surrounding area;
- It is well related to an existing settlement or other group of buildings.

The supporting text to policy H10 suggests that a 12 month marketing exercise is undertaken in order to show that all reasonable attempts have been made to secure a business reuse.

Policy EC12.1 as set out in PPS4 acknowledges that residential conversions may be more appropriate than economic development in some locations and for some types of building. Policy EC12.1c. advises that local authorities should take account of the impact on the supply of employment sites and premises and the economic, social and environmental sustainability of the area when considering the loss of economic activity. The applicants commercial estate agent believes that there is no realistic prospect of the site being let given the supply of premises in Thornbury and Aztec West. The wording of this policy is not as stringent as policy H10.

In addition to the PPS4 policy CS13 of the emerging Core Strategy States, in relation to non-safeguarded economic development sites within settlement boundaries, that all reasonable attempts have failed to secure a suitable economic development re-use. Where it is considered that an economic reuse is unable to be secured preference will be given to a mixed use site and then a residential scheme.

Supporting text refers to a marketing statement not necessarily a period of marketing. A marketing appraisal has been submitted in line with the marketing of this B1a Office use and no user has been found for the building. It is considered that the site is too small to accommodate a mixed use scheme and as such a residential scheme is supported.

- 5.2 Policy H5 allows for the re-use of buildings for residential purposes within the settlement boundaries provided that it does not prejudice the character of the surrounding area or residential amenity, and subject to sufficient parking and amenity space being provided. In considering this policy it is noted that the building and the drive are located with the settlement area and only the modest residential curtilage stands outside of the settlement boundary.
- 5.3 Policy GB1 advises that the change of use of land or existing buildings will be permitted provided that it would not have a materially greater impact than the present authorised use on the openness of the Green Belt. Further, it should not conflict with the purposes of including land within it.

5.4 Potential For Business Re-Use

Policy H10 requires that all reasonable attempts be made to secure a suitable business re-use prior to consideration for a residential conversion. Further, the supporting text advises that a statement should be provided detailing measures undertaken to include evidence of marketing for a period of 12 months. In the absence of any supporting information, the previous application for a dwelling conversion attracted a refusal reason on that basis. Whilst this application provides information to show that the property has been marketed, paragraph 8.216 of the Local plan in relation to Policy H10 states that the supporting marketing statement will need to clearly demonstrate that 'every reasonable attempt to secure a business re-use has been made and has failed'. In this regard it is appropriate to consider the rent sought in relation to the location and nature of the proposal.

A year of marketing the building at £14,000 per annum was considered to be too high and as such the building has been marketed since December 2009 at a guide price of £10,000 per annum for what the vendor advises will be a high quality conversion. This rental rate is considered appropriate to the end product and location.

The property has been marketed in an pre conversion form, albeit with planning permission granted for B1 Office use, and as such the prospective tenants are unable to view what they would be getting for their money. It is considered that whilst the literature was misleading, in that it inferred that the works were already carried out, it is likely that more end users rather than less end users would have been attracted to view the building and as such whilst the building is alleged to have been mis-represented in the advertising literature the marketing exercise an statement is considered sufficient in terms of the planning application. The advertising continues to date and the particulars of sale have been amended to reflect the undeveloped state of the building. Given the market conditions and the overall length of the marketing term it is considered that a tenant is unlikely to be found for the building to be used as an office. This view together with the less onerous criteria of Policy EC12.1 of

PPS4 suggest that a change of use to a dwelling is an acceptable use for the building in principle.

- 5.5 It is not clear whether the applicant has considered other commercial uses for the building such as a holiday let or as an agricultural workers dwelling but policy EC12.1 does not indicate that these restricted forms of housing need be considered before unrestricted housing, moreover these uses would not be economic development as such and fall within Use Class C3- dwelling, which is what has been applied for.

Overall therefore the proposal is considered to comply with policy H10 and policy EC12 in PPS4 for a combination of the following reasons. This overcomes the refusal reason given on the previous application.

- 1) The building lies inside the settlement boundary where residential development is acceptable.
- 2) PPS4 and Emerging Core Strategy CS13 do not stipulate 12month marketing exercise to demonstrate all reasonable attempts to attract a user.
- 3) The location and size of the building will in themselves limit the nature and scope for economic development purposes.
- 4) A marketing statement has been submitted and it is accepted that all reasonable attempts have been made and failed to secure a business use.

5.6 Structural Condition of Building

The building itself has a pitched tiled roof on timber rafters and purlins supported by timber trusses and gable walls. The walls are constructed in stonework. The roof is generally in a poor state of repair and sags considerably. A number of the purlins have also deflected badly. However, the walls are generally in good condition, apart from the need for some repointing and localised crack repairs.

- 5.7 Overall, it is considered that the building is capable of being converted without major rebuilding, although considerable work and replacement members would be required to the roof. Further, there was no related refusal attached to the last three schemes and as such there is an extant consent for the conversion of the building.

5.8 Design/ Visual Impact

The building remains in use as a stable and is divided into two with a small tack room at its southern end. This proposal is identical to the last application for a dwelling in that it has little external alterations and the site area is shown to be only a small area to the front of the building which would be retained as parking and 'courtyard area'. The agent has confirmed that the roof is not to be raised which was a concern to neighbours. Three roof lights are used to allow natural light into the corridor at the rear of the building and the WC and to the front one rooflight illuminates the kitchenette area. These are proposed to be conservation skylights and are considered acceptable in principle subject to further details being submitted. This and the other details of the construction can be adequately controlled by an appropriate condition and overall these



alterations are considered sympathetic to the building's character and complies with Policy H10.

5.9 Creation of Residential Curtilage

As per the last application, the works would require the creation of a residential curtilage that by virtue of the line of the settlement boundary would encroach into the open Green Belt. Presently, it is noted that a 'soft edge' is allowed to the settlement boundary with the end of rear gardens marking this division.

5.10 The proposed garden would utilise part of the stable yard that historically appears to have been subdivided from the main field and this is a much reduced area from a previous application. The part of the yard area intended for parking and the 'courtyard' is the area most likely to have been used for parking and for activities to have taken place and as such provided that a rural, permanent subdivision is erected this modest area is not likely to have a materially greater impact than the existing use or extant application on the openness of the greenbelt. In addition this area was the parking space for the business use. As such there is no real change and the landscaping condition deals with hardsurfacing.

5.11 This is acceptable under policies GB1 and H10.

5.12 Impact on Residential Amenity

The main outlook from the conversion would overlook fields to the north and west of the building. Two existing windows face toward 44 Townsend lane and these have been considered to cause harm in previous applications. The view of these windows has been blocked by a garden building within the garden of 44 Townsend Lane and in very close proximity to the stable. This prevents overlooking up the garden toward the house. Given this the use of obscure glazing in both windows which serve a secondary bedroom window and a bathroom window in this revised scheme are considered acceptable. It is considered that an appropriate condition could be drafted to further restrict the opening of these windows but to allow natural ventilation at a level over 1.8m from finished floor level for the bathroom.

5.13 In the light of the above, there would be negligible impact to the residential amenity of 44 Townsend Lane and the previous refusal reason is no longer justified. With respect to the issue of light pollution which has also been raised by neighbours it is considered that this would not amount to material harm.

5.14 With regard to the movements to and from the premises and the potential for disturbance to other neighbouring units, by virtue of the additional roof lights and the twenty-four hour use of the house as opposed to an office building, residential use should not cause material disturbance problems given the scale of the proposal and distance and relationship with existing properties. The four roof lights are small in scale, at single storey level and are roughly orientated 90 degrees from the rear elevations along Townsend Lane, which are in any event a reasonable distance away. This result will not cause material harm to privacy.

5.15 Relationship with the Existing Settlement

The building is within the settlement boundary and therefore relates well to Almondsbury.

5.16 Transportation Issues

Townsend Lane is unclassified, residential in nature and subject to a speed limit of 30mph. A horse kept at the site would generate 4 vehicle movements per day whilst a dwelling would be likely to generate 7- 10 movements. The proposal is for one car parking space and this can be achieved by the landscaping of the remaining courtyard area after a turning head is installed. As such, whilst there is likely to be a small increase in traffic, it is unlikely that it could be considered as material and thus no transportation objection is raised.

5.17 Bat Colony

A bat survey was carried out in April 2008 by a licensed ecological consultant on behalf of the consultant. The building is not considered to be in use as a roost although it appears that the building has been used at some point in the past, probably only as a temporary night post. Neighbours report that bats may be using the building again as a result of the wet summer we experienced since the survey was carried out but this is not likely given that bats are territorial and loyal to their breeding roosts. No objection to the scheme is raised in respect of policy L9 of the Local Plan. Should planning permission be granted a condition should be incorporated to facilitate the insertion of a bat slate.

5.18 Other issues

The accuracy of the plans has been questioned by neighbours but it is considered that they are sufficient for the purposes of the planning application to convert the building. There is speculation as to the inhabitant of the site and the number of vehicles owned by that person at this time. It is not appropriate in determining the application for the Council to consider individual occupants. The transportation merits of the case are set out above.

5.19 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.

5.20 Use of Energy and Sustainability

The proposal would be completed to meet Building Regulations Standards

5.21 Improvements Achieved to the Scheme

None sought.

5.22 Section 106 Requirements

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

preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## **6. CONCLUSION**

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

The applicant has demonstrated that all reasonable attempts have been made to secure a suitable business use and these have failed. This accords with policy H10 of South Gloucestershire Local Plan (adopted) January 2006, PPS4 and CS13 of the Emerging Development Plan Core Strategy Pre-Submission Publication Draft.

The proposal represents a sensitive conversion of this modest building – Policies H10 and D1 South Gloucestershire Local Plan (adopted) January 2006; South Gloucestershire Design Checklist SPD.

The concerns of nearby residents in relation to design and overlooking have been properly considered and through the use of conditions the proposal will maintain an acceptable relationship with neighbouring properties - Policies H10 and D1 South Gloucestershire Local Plan (adopted) January 2006.

The change of use of the building and modest residential curtilage, along with the existing access track will have negligible impact on the Green Belt – Policy GB1 South Gloucestershire Local Plan (adopted) January 2006; Development in the Green Belt SPD.

The concerns of nearby residents in relation to parking facilities have been properly considered and it is shown that the retained parking spaces comply with the Councils parking requirements - Policies T7 and T8 South Gloucestershire Local Plan (adopted) January 2006.

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

## **7. RECOMMENDATION**

- 7.1 That planning permission is granted subject to the following conditions.

**Contact Officer: Karen Hayes**  
**Tel. No. 01454 863472**

## **CONDITIONS**

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

Reason

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

2. Prior to the residential use or occupation of the building hereby permitted, and at all times thereafter, the two windows in the south-east facing elevation shall be glazed with obscure glass to level 3 standard or above and any opening part of the window shall be above 1.7m above the finished floor level unless other details are submitted to and agreed in writing with the Local Planning Authority.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development full details of the form, location and timing of installation of a purpose-built 'Morris' (or similar) bat slate shall be agreed in writing with the Local Planning Authority and the bat slate shall then be installed as agreed and maintained as such thereafter.

Reason

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

4. 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; a proposed planting scheme (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policies H10, L1 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of development full details comprising plans at a scale of 1:20 of the following items shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

- (a) rainwater goods;
- (b) window and door construction
- (c) reveals to windows/door openings;
- (d) conservation skylights

Reason

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

6. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

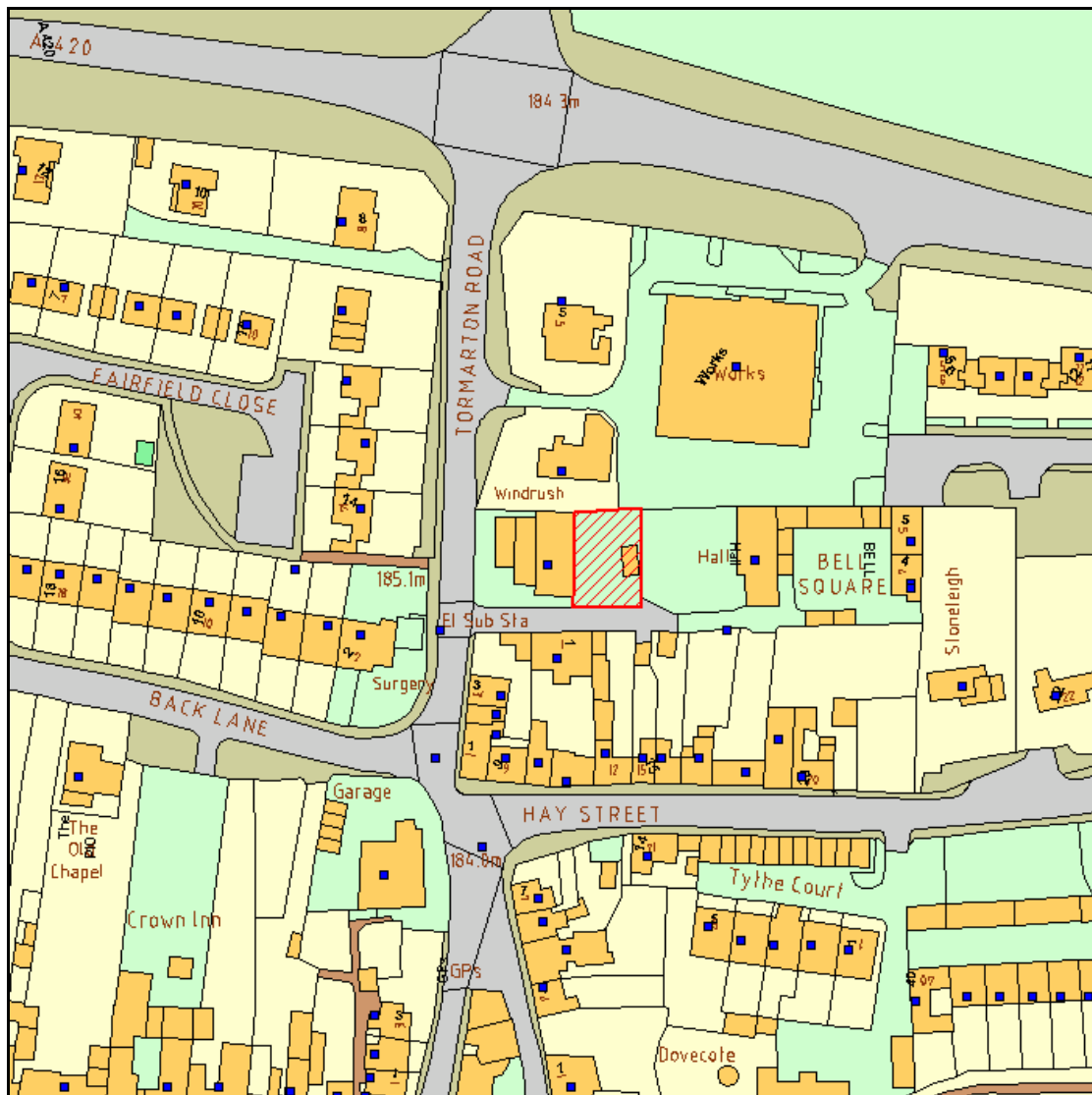
Reason

The site is located on the edge of and partially outside the defined settlement boundary in a prominent location within the Bristol/Bath Green Belt where ancillary development could be harmful to that Green Belt. Careful consideration needs to be given to further development in order to accord with policy D1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

# ITEM 7

## CIRCULATED SCHEDULE NO. 33/10 – 26 AUGUST 2010

<b>App No.:</b>	PK10/1726/F	<b>Applicant:</b>	Mr David Rutherford
<b>Site:</b>	2 Bell Square Marshfield Chippenham South Gloucestershire SN14 8NN	<b>Date Reg:</b>	12th July 2010
<b>Proposal:</b>	Amendment to previously approved scheme PK07/1569/F to alter garage layout and access and provision of rooflights in the north and east roofslopes	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	378114 173846	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	3rd September 2010



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100023410, 2008. **N.T.S.** **PK10/1726/F**

## **INTRODUCTION**

This application has been forwarded to the Council's Circulated Schedule of applications as a representation has been received raising a view contrary to the Officer recommendation.

### **1. THE PROPOSAL**

1.1 The application site is situated towards the north side of Marshfield village on the north side of Bell Lane. The site is bounded by a motorcycle garage to the west and village hall to the east with vehicular access onto Bell Lane to the south which is a narrow lane. The site comprises a large detached dwelling currently under construction on the east side.

The application site is situated within the settlement boundary of Marshfield, the Cotswolds Area of Outstanding Natural Beauty (AONB) and the Conservation Area as defined in the adopted Local Plan.

1.2 The application proposes a revised scheme for erection of a single detached dwelling. The application proposed amendments to the previously approved scheme PK07/1569/F to alter the garage layout and access and provision of rooflights in the north and east roof slopes.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 Delivering Sustainable Development  
PPS7 Sustainable Development in Rural Areas  
PPS5 Planning for the Historic Environment  
PPG13 Transport

#### **2.2 Development Plans**

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

D1 Design  
H2 Residential Development  
L2 Cotswolds AONB  
L12 Conservation Area  
T8 Parking Standards  
T12 Transportation for New Development

##### **South Gloucestershire Core Strategy Pre Submission Publication Draft – March 2010**

CS1 High Quality Design  
CS8 Improving Accessibility  
CS9 Environmental Resources and Built Heritage

#### **2.3 Supplementary Planning Guidance/Documents**

South Gloucestershire Design Checklist – August 2007  
Marshfield Conservation Area SPD – March 2004





- Moving the garage doors through 90 degrees such that they open directly onto Bell Lane rather than into the site.
- Provision of drystone wall on the south boundary in place of previously approved gated access
- Provision of drystone constructed bin store
- Insertion of rooflights into the north and east roofslopes

The proposed amendments are sympathetic to the traditional Cotswold vernacular of the locality, proposing drystone construction and conservation style rooflights. The design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1. The proposal is also considered to preserve the character and appearance of the Conservation Area in accordance with policy L12 of the adopted Local Plan.

### 5.3 Highway safety and parking provision

The proposal would change the access and parking arrangement compared to that previously allowed at appeal to application reference PK07/1569/F.

This proposal would change the garage orientation turning the access through 90 degrees such that the access would not be directly onto Bell Lane rather than to the west through the site and then onto Bell Lane at the southern boundary. The proposal would therefore result in all parking facilities being within the garage only.

The applicant is proposing to install electrically controlled (with remote operation) garage doors. This would assist with access (as driver would not have to park his/her vehicle on the lane in order to open or close the garage door) and avoids unnecessary potential parking on the lane by the occupier of the new property. A condition is recommended to require details of the remote control system to be submitted for approval and maintained at all times.

As part of the proposals, two parking spaces would be created within the double garage. The proposed garage is adequate in size to accommodate two vehicles. The number of parking spaces complies with the council's parking standards. Therefore considering all of the above factors the proposal is considered to be acceptable in relation to off street parking provision and in highway safety terms.

The proposed wall on the south boundary would be within the application site and as such would result in no additional obstruction to vehicles using the Lane.

### 5.4 Residential amenity

The proposed rooflights would be positioned at a high level only and as such would create no additional issues of overlooking. The other amendments to the appeal allowed to application PK07/1569/F would create no significant issues in relation to residential amenity. The proposal is therefore considered not to prejudice the amenity of the local residents.

5.5 Cotswolds AONB

The proposal would be situated within the settlement and the character of the area is very much built up rather than rural. As such there is considered not to be significant landscape character to the locality. Therefore the proposal is considered to conserve or enhance the natural beauty of the landscape of the Cotswolds AONB in accordance with policy L2 of the adopted Local Plan.

5.6 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.

5.7 Use of Energy and Sustainability

The construction stone could be sourced locally. The proposal would be situated within an existing settlement within walking distance of local amenities. The proposal is therefore considered to represent an energy efficient and sustainable form of development.

5.8 Improvements Achieved to the Scheme

None required

5.9 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. A 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) is given below.

a) Due to its scale and position in relation to the adjacent dwellings, and the high level position of the proposed rooflights, the proposed development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H2 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

- b) It has been assessed that the proposed dwelling as amended has been designed to respect and maintain the massing scale, proportions, materials and overall design, character and vernacular of the street scene and surrounding area and the character and appearance of the Conservation Area. The development therefore accords to Policy D1, L12 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
- c) The proposal would be situated within the settlement. The character of the area is very much built up rather than rural. As such there is considered not to be significant landscape character to the locality. Therefore the proposal is considered to conserve or enhance the natural beauty of the landscape of the Cotswolds AONB in accordance with policy L2 of the adopted Local Plan.
- d) The proposal would use a remote control system for garage door opening preventing the possibility of standing traffic. The proposal would provide off street parking in accordance with the Council's adopted parking standard. The development therefore accords to Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

7.1 Consent is GRANTED subject to the following conditions:

**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 development hereby permitted shall be implemented in accordance with the condition as outlined in this decision and conditions 2-4 attached to appeal decision APP/P0119/A/08/2071273 dated 07.08.2008 related to application reference PK07/1569/F.

Reason

To ensure a satisfactory standard of external appearance, to protect trees and to accord with Policy D1, L1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

4. The garage doors hereby approved shall be designed such that they can open and close electronically by remote control in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The electronic system and remote control shall be maintained thereafter to remain operational at all times and free from obstruction unless otherwise agreed in writing with the Local Planning Authority.

Reason

To prevent standing traffic and to ensure off street parking in the interest of highway safety and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The new rooflights shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflights are located.

Reason

To preserve the character and appearance of the Conservation Area and visual amenity of the locality in accordance with policies D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The garage doors shall be constructed from vertically boarded timber and left to weather naturally or finished in a colour to be first submitted to and approved in writing by the Local Planning Authority.

Reason

To preserve the character and appearance of the Conservation Area and visual amenity of the locality in accordance with policies D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 33/10 – 26 AUGUST 2010**

<b>App No.:</b>	PK10/1777/F	<b>Applicant:</b>	Mrs Kate Lockey
<b>Site:</b>	The Cottage Upper Street Dyrham Chippenham South Gloucestershire	<b>Date Reg:</b>	14th July 2010
<b>Proposal:</b>	Erection of two storey rear extension to provide additional living accommodation (Resubmission of PK09/5670/F).	<b>Parish:</b>	Dyrham And Hinton Parish Council
<b>Map Ref:</b>	373756 175861	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	6th September 2010



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 100023410, 2008. **N.T.S.** **PK10/1777/F**

## **INTRODUCTION**

This application has been forwarded to the Council's Circulated Schedule of applications as representations have been received raising views contrary to the Officer recommendation.

### **1. THE PROPOSAL**

1.1 The application site is situated on the northern edge of Dyrham village on the north side of Upper Street. The site is bounded by residential development to the east, open fields to the west, a wood to the north and the highway to the south. The site comprises a traditional Cotswold vernacular two storey semi detached dwelling with further accommodation in the roof. The ground level slopes steeply from north to south through the site. A two space parking area has been dug into the sloping ground in the south east corner of the site with stone retaining wall.

The application site is situated within the settlement boundary of Dyrham, the Conservation Area, The Cotswolds Area of Outstanding Natural Beauty and the Bristol/Bath Green Belt. The site is also situated opposite Wynter House a Grade II Listed Building.

1.2 The application proposes erection of two storey rear extension to provide additional living accommodation (Resubmission of PK09/5670/F).

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1 Delivering Sustainable Development  
PPG2 Green Belts  
PPS7 Sustainable Development in Rural Areas  
PPS5 Planning for the Historic Environment  
PPG13 Transport

#### 2.2 Development Plans

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

D1 Design  
GB1 Green Belt  
H2 Residential Development  
L2 Cotswolds AONB  
L12 Conservation Area  
L13 Listed Buildings  
T8 Parking Standards  
T12 Transportation for New Development

##### South Gloucestershire Core Strategy Pre Submission Publication Draft – March 2010

CS1 High Quality Design  
CS8 Improving Accessibility

## CS9 Environmental Resources and Built Heritage

- 2.3 Supplementary Planning Guidance/Documents  
South Gloucestershire Design Checklist – August 2007  
Dyrham Conservation Area SPD – Jan 2005  
Development in the Green Belt – June 2007

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

- 3.1 None

### 4. **CONSULTATION RESPONSES**

- 4.1 Dyrham and Hinton Parish Council

No objection

- 4.2 Other Consultees

Conservation Officer – No objection, subject to conditions

#### **Other Representations**

- 4.3 Local Residents

3 letters of objection received from the occupiers of Gardeners Cottage, Sands Hill Cottage and 15 Lansdown Park, Bath raising the following concerns:  
The drawings submitted inaccurately plots the boundary line between the two attached dwellings; the proposal would damage the boundary hedge and should be reduced in width; the extension would turn what was originally a small cottage into a large 5 bedroom house; the number of bedrooms in the house indicated in the submission is inaccurate; detrimental to the character and appearance of the Conservation Area; loss of sunlight; loss of views to the east of Gardeners Cottage from the rear; loss of outlook; loss of privacy; the proposal would enlarge the dwelling more than is necessary; the proposal would set a dangerous precedent for large extensions to other dwellings in the area; Gardeners Cottage would be dwarfed by the proposed extension;

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

- 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for erection of extensions to dwellings within settlement boundaries, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. The site is situated within a Conservation Area and policy L12 requires development proposals therein to preserve or enhance the character and appearance of the Conservation Area. Policy L13 seeks to preserve the setting of Listed Buildings. Policy L2 is also an important consideration and accepts development within the Cotswolds AONB where it would conserve or enhance the natural beauty of the landscape. The application site is also situated within the designated Green

Belt where proposals for extensions must not result in 'disproportionate additions' over and above the size of the original dwelling and would not compromise the 'openness' of the Green Belt. Policies T8 related to the Council's adopted off street parking standard and T12 in relation to highway safety are also relevant considerations.

## 5.2 Green Belt

The site is located within the Bristol/Bath Green Belt wherein there is a general presumption against inappropriate development. There are no records of any volume increases to the dwelling since 1948 and as such the existing dwelling is considered to represent the original dwellinghouse for the purposes of determining appropriate development within the Green Belt.

The proposal would represent a 27% increase to the size of the original dwellinghouse. As the proposed extensions would not exceed 30% of the volume of the original dwellinghouse the proposal is considered to represent a proportionate addition to the original dwellinghouse and would therefore constitute appropriate development that is considered not to result in a detrimental impact on the openness of the Green Belt.

The proposed rear extension would project from the rear of the existing dwelling. The rear extension would be situated at a much higher ground level than the highway. The main volume of this extension would be screened from views from the highway and the public realm in general. It is therefore considered that the proposal would not result in an adverse impact on the visual amenity of the Green Belt. The proposal therefore accords with Policy GB1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006 and the South Gloucestershire Development in the Green Belt SPG.

## 5.3 Visual impact

When approaching the application site from the west the site is well screened from public views by a hedgerow on the west boundary. The side and front elevations of the dwelling then become visible just before the existing parking area for The Cottage in the south west corner of the site. The dwelling is situated in an elevated location from the highway and trees and hedging on the front (south) boundary of the site provide some further screening from views from the highway. The dwelling becomes more clearly visible from the highway when standing directly south of the dwelling looking north. The proposed rear extension is therefore considered not to be visually prominent. The proposed extensions are sympathetic to the traditional Cotswold vernacular of the locality. The design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1. The proposal is also considered to preserve the character and appearance of the Conservation Area in accordance with policy L12 of the adopted Local Plan and the setting of the adjacent Listed Building in accordance with Policy L13.

Some objectors raised concern that the proposal would be out of character as a large rear addition. The attached dwelling, Gardeners Cottage also has a large rear two storey addition.



#### 5.4 Residential amenity

The relationship between The Cottage and the adjacent dwelling Gardeners Cottage is unorthodox where the sitting room of The Cottage is situated east of parts of Gardeners Cottage and the rear rooms of The Cottage are also situated west of some of the rear garden of Gardeners Cottage. The result is a very close relationship between parts of the two houses especially at the rear. The proposed extension at the rear would be the same height as the existing rear eaves at 3.4m, projecting by 3.9m to the rear. The ridge of the extension would measure 6.4m with first floor accommodation being within much of the area normally used as the roof void. The extension would be dug into the existing ground level. Overall, the extension is considered to be modest for a two storey addition. The proposed extension would be situated 3.8m from the glazed study room of Gardeners Cottage and 6.5m from the nearest rear first floor window. Considering all of these factors the proposal is considered not to result in a material loss of amenity to the occupiers of Gardeners Cottage.

The neighbouring occupiers also raised concern in relation to loss of outlook and loss of a view of the skyline to the west. Due to the distance from the rear windows of Gardeners Cottage and the 3.9m rear projection it is considered that the proposal would not result in a material loss of outlook to the adjacent occupiers. The loss of a view of the skyline as a private view is not a material planning consideration.

#### 5.5 Cotswolds AONB

The proposal would involve some significant excavation of land to provide the extension which would be dug into the slope of the existing land and the provision of retaining wall surrounds. Much of the proposed excavation would be at the rear of the site and all would be screened well from public views as explained in par 5.3 above. As such there is considered not to be significant landscape character to the locality. Therefore the proposal is considered to conserve or enhance the natural beauty of the landscape of the Cotswolds AONB in accordance with policy L2 of the adopted Local Plan.

#### 5.6 Other issues

An objector raised concern in relation to the accuracy of plans and information submitted in relation to the application. It is considered that the plans and information submitted are of sufficient quality and accuracy in order to satisfactorily determine the application.

The proposal would increase the number of bedrooms from 4 to 5 and as such no additional parking provision is required.

#### 5.7 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.

#### 5.8 Use of Energy and Sustainability

The construction material could be sourced locally. The proposal would be situated within an existing settlement within walking distance of local village amenities. The proposal is therefore considered to represent an energy efficient and sustainable form of development.

#### 5.9 Improvements Achieved to the Scheme

Officers negotiated an overall reduction to the scale of the extension through pre application discussions and through the application process.

#### 5.10 Section 106 Requirements

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

### 6. CONCLUSION

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

6.2 The 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. A 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) is given below.

- a) Due to its scale and position in relation to the adjacent dwellings, the proposed extension is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) It has been assessed that the proposed extensions have been designed to respect and maintain the massing scale, proportions, materials and overall design and character and appearance of the street scene and Conservation Area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
- c) The proposed extensions situated opposite the Grade II Listed Building to the south would, by virtue of their sympathetic, traditional and vernacular design, result in the preservation of the setting of the Listed Building. The development therefore accords to Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

- d) The proposal would be situated within the settlement. The excavation necessary would not be visually prominent and the development is considered to be in keeping with the character of the area. Therefore the proposal is considered to conserve or enhance the natural beauty of the landscape of the Cotswolds AONB in accordance with policy L2 of the adopted Local Plan.
- e) The proposal would represent a proportionate increase to the size of the original dwellinghouse and as such is considered to be appropriate development. The development would preserve the openness and visual amenity of the green belt. The development therefore accords to Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

7.1 That planning permission is GRANTED subject to the following conditions.

**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. Notwithstanding previously submitted details, and prior to the commencement of development, the design and details including materials and finishes of the following shall be submitted and approved in writing by the local planning authority:
  - a) Eaves, verges and ridges
  - b) All new windows (including cill and head details and reveals);
  - c) Dormer window (including cheeks and eaves)
  - d) All new exterior doors
  - e) rainwater goods
  - f) extract vents and flues
  - g) new porch and door canopy

The design details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with cross section profiles. The scheme shall be implemented strictly in accordance with the approved details.

Reason

In order that the development serves to preserve the architectural and historic significance of the building and the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPS5 and accompanying

Planning Practice Guide, and policies L12 and D1 of the Adopted South Gloucestershire Local Plan.

3. Prior to the commencement of development a sample panel of stone facing walling of at least one square metre shall be constructed on site to illustrate the stone, coursing, mortar and pointing. The development shall be completed in accordance with the sample panel which shall be retained on site until the completion of the scheme to provide consistency.

Reason

In order that the development serves to preserve the architectural and historic significance of the building and the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPS5 and accompanying Planning Practice Guide, and policies L12 and D1 of the Adopted South Gloucestershire Local Plan.

4. Notwithstanding previously submitted details, prior to the commencement of development a representative sample of natural clay roofing tile shall be submitted and approved in writing by the local planning authority.

Reason:

In order that the development serves to preserve the architectural and historic significance of the building and the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPS5 and accompanying Planning Practice Guide, and policies L12 and D1 of the Adopted South Gloucestershire Local Plan.

5. No windows/dormers/rooflights other than those shown on the plans hereby approved shall be inserted at any time in the first floor of the East elevation of the extension hereby permitted.

Reason

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

# ITEM 9

## CIRCULATED SCHEDULE NO. 33/10 – 26 AUGUST 2010

<b>App No.:</b>	PK10/1810/ADV	<b>Applicant:</b>	The Boots Company
<b>Site:</b>	Christchurch Family Medical Centre North Street Downend South Gloucestershire	<b>Date Reg:</b>	23rd July 2010
<b>Proposal:</b>	Display of 1no. internally illuminated hanging sign, 1 non illuminated fascia sign and 1 non illuminated freestanding sign.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	364983 176397	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th September 2010



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## **INTRODUCTION**

This application appears on the circulated schedule due to the receipt of one letter of objection received from a local resident regarding the proposed signs.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking advertisement consent for the following:
- Display of 1 no. Illuminated projecting sign
  - Display of 1 no. non Illuminated fascia sign (this was originally illuminated but has been subsequently revised)
  - Display of 1 no. free standing non illuminated sign
- 1.2 The application site relates to a Christchurch family medical centre and adjoining dental surgery. The area is a predominantly residential area within Kingswood.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG19 Outdoor Advertisement Control
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development

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

- 3.1 PK04/2741/ADV Display of 1 no. Boots shop sign, 1 no. freestanding double sided street sign and 1 no. display opening hours sign. Advert approval November 2004

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
NO OBJECTION – However, the lights should be switched ‘Off’ when the Pharmacy is closed.

#### **Other Representations**

- 4.2 Local Residents  
One letter has been received from a local resident raising the following objections regarding the proposed signs, which have been summarised by the Planning Officer as follows:  
-Existing disturbance from people attending medical centre  
-Existing levels of illumination on North Street affecting quality of life i.e. pedestrian crossing beacons and high level lamps

- Existing CCTV camera overlooks property
- No further illumination should be allowed

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

As outlined in PPG19, the display of outdoor advertisements can only be controlled in the interests of amenity and public safety. Accordingly the display of advertisements will be assessed with regard to its effect on the appearance of the building and visual amenity in the immediate neighbourhood. In addition consideration must be given to the cumulative impact of the advertisement. Furthermore the proposal should not prejudice public safety.

### 5.2 Visual Amenity

The application premises relates to a medical centre with an adjacent dental surgery within a predominantly residential area. An objection has been raised by an occupier sited opposite the application site with regards impact of additional illumination on their living environment. The Council has no control over existing levels of lighting, however can consider the impact of the proposed lighting as part of this application. The building currently displays one non-illuminated Boots sign above the main entrance and one non-illuminated freestanding sign next to the entrance. This application seeks to upgrade the existing Boots logo in terms of background colour and level of information being displayed. The proposed fascia sign will have a blue background with the following wording "*Your Local Boots Pharmacy*". This advert application had originally sought permission to illuminate the wording on the fascia sign, this however has now been amended at the request of the Planning Officer to that of a non-illuminated sign. The only sign to be illuminated relates to the proposed projecting cross sign which measures 46cm in height x 48cm in width, which will be positioned above the main entrance. This application also seeks consent for a free standing non-illuminated sign.

5.3 Whilst it is accepted that this application if allowed will introduce an element of illumination to this building where there currently isn't any, the Officer is of the opinion that regard must be had for the level of illumination being proposed. As the application only proposes one illuminated sign i.e projecting cross sign which will only be illuminated within the following hours; Monday-Friday 08:30-18:30 and Saturday 09:30-12:00, it is considered that it would not have adverse impact on the living conditions of those nearby residential properties or the visual amenities of the area. The hours of illumination will be controlled by way of a condition.

### 5.4 Public Safety

Given the location of the signs, extent of information being displayed and illumination it is considered they will not have any impact upon highway safety in the area.

### 5.5 Other Issues

A resident has raised concerns regarding existing levels of noise and disturbance generated by people visiting the Medical centre and existing CCTV camera that overlooks the resident's property. Members are advised to

consider that these issues cannot be considered as part of this advert application.

5.6 Use of Energy and Sustainability

No measures proposed. The applicant has however confirmed that the sign will be on a timer that will switch off automatically at 6.30pm. This will avoid wasting un-necessary electricity.

5.7 Improvements achieved to the scheme

During the course of the application the scheme has been amended reducing the extent of proposed illumination in light of nearby residential properties.

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 220 of the Town and Country Planning Act 1990 and Regulation 4 of the Advertisement Regulations 1992, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

**7. RECOMMENDATION**

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

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

**CONDITIONS**

1. Sign B hereby approved shall not be illuminated outside the following hours 08:30am to 18:30 Mon - Fri and 09.30am to 12:00am Saturday.

Reason

To prevent unnecessary light pollution to protect the character and appearance of the area and to protect the residential amenities of nearby neighbouring occupiers, and to accord with PPG19.



2. Notwithstanding the drawings hereby authorised, Sign A, shall be non illuminated at all times.

Reason

To protect the residential amenities of nearby neighbouring occupiers, and to accord with PPG19.