



**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. 10/10

Date to Members: 12/03/10

Member's Deadline: 18/03/10 (5pm)

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE: 12/03/10

SCHEDULE NO. 10/10

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

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

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

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

Please note: - Reason for Referral

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

SIGNATURE

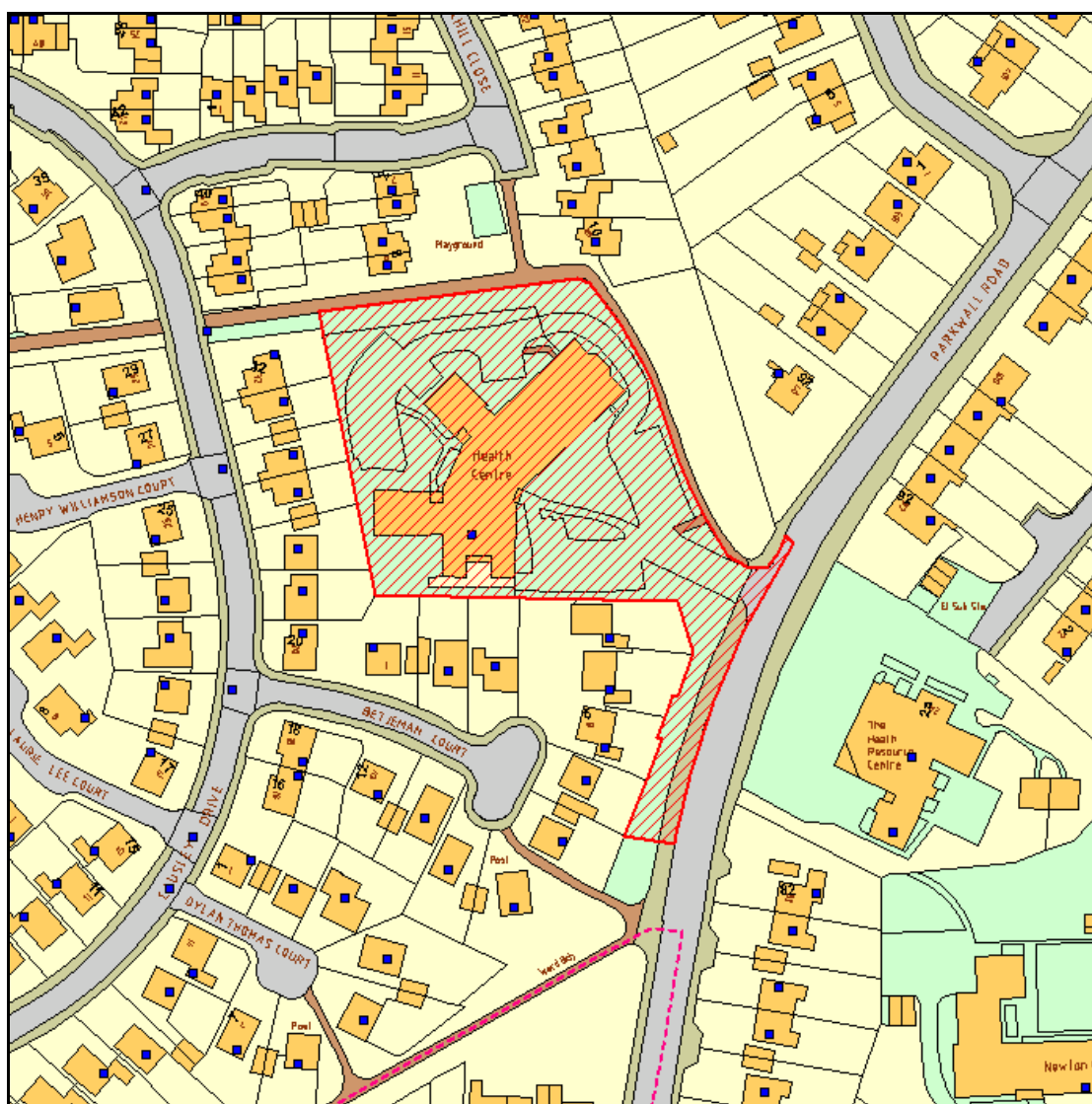
DATE

CIRCULATED SCHEDULE - 12 MARCH 2010

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/0044/F	Approve with Conditions	Cadbury Heath Health Centre Parkwall Road Cadbury Heath South Gloucestershire BS30 8HS	Parkwall	Oldland Parish Council
2	PK10/0077/F	Approve with Conditions	Asda Stores Ltd Craven Way Barrs Court South Gloucestershire BS30 7DY	Longwell Green	Oldland Parish Council
3	PK10/0218/F	Approve with Conditions	40 Barrs Court Road Barrs Court South Gloucestershire BS30 8DH	Parkwall	Oldland Parish Council
4	PT09/6110/R3F	Deemed Consent	Charfield Primary School Wotton Road Charfield Wotton Under Edge South Gloucestershire	Charfield	Charfield Parish Council
5	PT10/0180/PN1	No Objection	Merlin Road Patchway South Gloucestershire BS34 5UD	Patchway	Almondsbury Parish Council
6	PT10/0037/F	Approve with Conditions	6 Old Aust Road Almondsbury South Gloucestershire BS32 4HJ	Almondsbury	Almondsbury Parish Council
7	PT09/6094/R3F	Approve with Conditions	Gillingstool Primary School Gillingstool Thornbury South Gloucestershire BS35 2EG	Thornbury South And	Thornbury Town Council
8	PT09/6017/O	Approve with Conditions	Land At Elm Park Elm Park Filton South Gloucestershire BS34 7PS	Filton	Filton Town Council
9	PT09/5240/F	Approve with Conditions	Land Adj. Jobes Green Farm Shepperdine Road Oldbury On Severn South Gloucestershire BS35 1RL	Severn	Oldbury-on-Severn Parish Council

CIRCULATED SCHEDULE NO. 10/10 – 12 MARCH 2010

App No.:	PK10/0044/F	Applicant:	Mrs J Anthony
Site:	Cadbury Heath Health Centre Parkwall Road Cadbury Heath Bristol South Gloucestershire	Date Reg:	22nd January 2010
Proposal:	Installation of lighting to external areas. (Retrospective). (Resubmission of PK09/5169/F).	Parish:	Oldland Parish Council
Map Ref:	366130 172134	Ward:	Parkwall
Application Category:	Minor	Target Date:	18th March 2010



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 100023410, 2008. **N.T.S.** **PK10/0044/F**

INTRODUCTION

This application has been referred to the Circulated Schedule due to several letters of objection from local residents and concern raised by the Parish Council. In addition the application has been submitted by an employee of South Gloucestershire Council.

1. THE PROPOSAL

- 1.1 The application seeks full retrospective planning permission for the installation of lighting at Cadbury Heath Health Centre. The proposal includes 10no. bulkhead fittings attached to the building and 5no. 2 metre high extensions to the 3m high column lights in the car parking area. The lighting is required to illuminate the external areas of the building to provide a safer environment and to enable the CCTV to operate more effectively.
- 1.2 Cadbury Heath Health Centre is a single storey building located to the western side of Parkwall Road, Cadbury Heath. The site is located within an established residential area.
- 1.3 This application is the resubmission of a recently withdrawn application for the same proposal. The last application was withdrawn due to the lack of information provided regarding the lighting. An extensive lighting report has been submitted in support of this application.
- 1.4 During the course of the application, amended lighting calculations based on the replacement of the existing bulkhead fittings to concord bulkhead fittings, were submitted for assessment.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS23 Pollution Control
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
LC4 Proposals for education and Community Facilities within the Existing Urban Area and Defined Settlement.
T12 Transportation Development Control
EP1 Environmental Pollution.

3. RELEVANT PLANNING HISTORY

- 3.1 K1124/169 Provision of 23 additional car parking spaces
Approved November 1994
- 3.2 K1124/175 Erection of 2no. single storey extensions for doctors surgeries and reception area. Enclosure of courtyard.
Approved December 1995
- 3.3 PK06/1410/F Erection of side conservatory and installation of

access ramp
Approved June 2006

- 3.4 PK09/5169/F Installation of lighting to external areas (retrospective)
Withdrawn 2009

4. **CONSULTATION RESPONSES**

4.1 Oldland Parish Council

No objections but request that a condition be added to any permission regulating the times that the lighting be operational. It is not necessary that the lighting be operating all night.

4.2 Sustainable Transport

No objections

Other Representations

4.3 Local Residents

Four letters of objection have been received stating the following concerns:

- Lights illuminate back of property and rear rooms.
- Too many lights that are too bright.
- Relevance of planning support report unclear as it talks about light levels rather than direction and spread.
- Lighting creates light pollution that must contravene The Clean Neighbourhoods and Environmental Act 2005
- Wasting energy and impacting the PCT carbon footprint.
- Light has caused sleepless nights.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy LC4 allows for improvements to community facilities provided that the development would not unacceptably prejudice residential amenities or have any unacceptable environmental or transportation effects. Policy EP1 examines the impact of development upon the environment indicating that development that would unacceptably harm the environment by reason of light pollution will not be permitted.

5.2 Environmental Impact

The submitted application proposed to regularise the existing lighting at Cadbury Heath Health Centre. The application property has 10no. halide bulk head fittings that are fitted around the perimeter of the building and 5no. 5 metre high columns with 70w Asymmetrical light fittings. During the course of the application the Councils Street Lighting Engineer assessed the existing lighting and concluded that it was resulting in significant upward light spillage. Based on this advice, the applicant has revised the scheme and proposes to replace the existing 10 bulk head lights with Concord Sterling bulk head lights. The proposed Concord Sterling bulk head lights as specified in the Design

Lighting report, received 26th February 2010, would comply with the Institute of Lighting Engineers guidance and would result in minimal light spillage. Furthermore, it is considered that the affect of the proposed lighting on the nearby residential properties would be kept to a minimum. The application is therefore considered acceptable in terms of environmental impact.

5.3 Residential Amenity

Several letters of concern have been received from local residents regarding the impact of the existing lighting. Apart from the small access road, the application site is enclosed on all sides by residential properties. The closest of which are located to the north, west and south of the site within Churchill Close, Causley Drive and Betjeman Court.

The application has been amended in accordance with advice given by the Councils Street Lighting Engineer. The existing 10 halide bulk head lights are to be replaced with 10no. Concord sterling bulk head lights. It is considered that the replacement light fittings would result in minimal light spillage and that the impact of the proposed lighting on the nearby residential properties would be kept to a minimum. As such, subject to a condition to ensure that the lighting scheme is carried out in accordance with the details specified within the amended design lighting report, the impact on residential amenity is deemed acceptable.

5.4 Transportation issues

Given the scale and location of the lighting, it is not considered that the lighting would have any adverse impacts upon the highway safety. Further with no objection from the Councils Transportation Officer the proposal is considered acceptable.

5.5 Other issues

The parish council have requested that the lighting times be regulated so that the lights are not on all night. The applicant has stated that the lighting scheme was implemented for two reasons: for the health and safety of patients and staff attending the site during hours of darkness, and to tackle security risks. In terms of security, the lighting is needed to ensure the clarity of the CCTV camera images. As such, it is not considered that the lighting would meet its required need if regulations on the duration of the lighting were to be imposed, furthermore, given that the lighting scheme is considered acceptable to the Councils Street Lighting Engineer, it is not considered that the regulating the lighting hours could be justified.

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

No information has been submitted

5.8 Improvements Achieved to the Scheme

During the course of the application a revised lighting scheme has been submitted. The revised scheme involves the replacement of the existing bulkhead lights with Concord Sterling fittings as specified in the Design Lighting statement received 26th February 2010.

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 proposal would not have any adverse impacts upon the highway safety in accordance with Policy LC4. The proposed lighting scheme would result in minimal light spillage and the affect on neighbouring properties has been kept to a minimum. As such the proposal would not harm the environment in terms of light pollution and would not harm the amenities of the neighbouring properties, the proposal is therefore in accordance with Policies EP1 and LC4 of the South Gloucestershire Local Plan (Adopted) 2006.

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

7. RECOMMENDATION

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

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

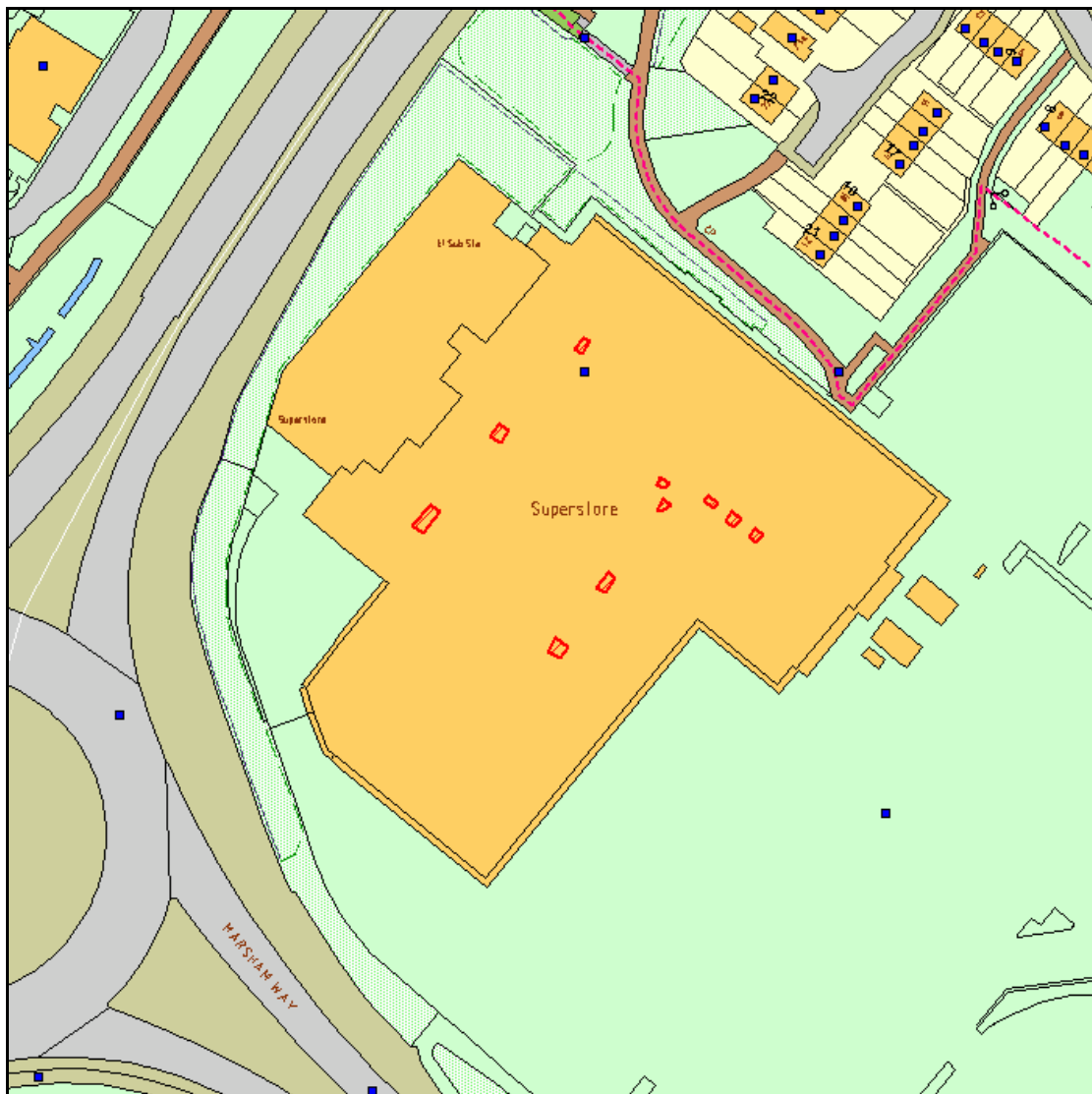
2. The existing 10no.Halide bulk head lights installed on the perimeter of the building shall not be operated at any time from here on. The lighting scheme shall be carried out in accordance with the details specified within the Design Lighting Report, Received 26th February 2010.

Reason

To protect the amenity of neighbouring occupiers, and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 10/10 – 12 MARCH 2010

App No.:	PK10/0077/F	Applicant:	Asda Stores Ltd
Site:	Asda Stores Ltd Craven Way Barrs Court Bristol South Gloucestershire	Date Reg:	
Proposal:	Installation of roof mounted plant.	Parish:	Oldland Parish Council
Map Ref:	365552 172274	Ward:	Longwell Green
Application Category:	Minor	Target Date:	19th March 2010



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 100023410, 2008. **N.T.S.** **PK10/0077/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the installation of additional roof mounted plant to the Asda store at Longwell Green. Following the recent approval of the new sales floor extension under application PK09/1053/F, a new roof mounted air handling unit and 4 no. air condensing units are required to maintain the effective running of the supermarket.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
EP1 Environmental Pollution
T12 Transportation Development Control
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist - Adopted

3. RELEVANT PLANNING HISTORY

There is extensive history to the site, the two most relevant applications being;

- 3.1 PK09/5834/RVC Variation of condition 5 attached to planning permission PK09/1053/F dated 18th September 2009 to allow construction work to be undertaken outside of the hours 08.00 – 18.00 and on Sundays and Bank Holidays.
Refused January 2010
- 3.2 PK09/1053/F Erection of 2 storey front extension for use as class A1 retail and ancillary customers café and erection of single decked car park. (resubmission of PK09/0243/F).
Approved September 2009

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
Raises no objection but requires a condition to be added requiring the times that work on the installation is permitted – night time working is disruptive for local residents.

Other Representations

4.2 Local Residents

One letter of objection has been received from a local resident who raises the following concerns:

- presumes that is some sort of document that actually outlines in detail what the proposal is? All we have is a few lines from Asda's contractors saying what they would like to do
- Hope they do not plan to work night hours or late evening hours
- How is one meant to know what the proposal actually consist of
- No timetable of when they wish to carry out the works, nor when

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy D1 seeks to ensure that all new development demonstrates a good standards of design that is appropriate for its setting and respects and enhances the character and distinctiveness of the locality. Policy EP1 advised that development should only be permitted where it will not unacceptable harm the environment by means of pollution, noise, vibration, heat or radiation.

5.2 Design

All new installations are to be on the roof of the existing store. The roof of the store is not highly visible from the surrounding area. Whilst glimpse can be seen from the ring road and from Aspects Leisure park, these are softened and limited by existing vegetation. The proposed new plant is similar in size to the existing roof mounted plant units and the new units will be located as close as possible to the new parapet to screen it from view as far as possible. The units will integrate successfully onto the existing building and will not detract from the character of appearance of the area. Their design and siting is therefore considered to be entirely acceptable.

5.3 Residential Amenity/Noise

The application is accompanied by a noise assessment report. The noise assessment comprehensively breaks down the anticipated noise levels for the installations and confirms that following the development; noise levels for neighbouring properties will be noticeably below target levels. The report has been submitted on the understanding that the plant will be running 24 hours a day but that the Lennox unit (the air handling unit) will be going into full re-circulation at night, with the intake opening closed between 22.00 and 07.00hrs, the discharge section blanked off and the cooling section turned off between 22.00 hours and 07.00 hrs. These steps as outline above will result in a noise reduction of approximately 10dBA during the night. A condition will be attached to any consent granted to ensure that the plant is operated in accordance with these guidelines in order to protect neighbouring properties/

In addition to the above, a condition will also be attached to any consent granted to restrict the hours of construction during the installation of the plant.

In this instance, the hours of construction will be restricted to the same hours as imposed on application PK09/1053/F.

5.4 Subject to the attachment of the conditions as outlined above, the proposed roof plant will have no significant or detrimental impact upon the amenities of neighbouring dwellings.

5.5 Transportation

The works are contained entirely to the roof of the existing building. There will be no impact on the existing parking or access arrangements for the store.

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. The statement justifies why the plant is necessary and explains the design rationale behind its positioning on the roof.

5.7 Use of Energy and Sustainability

None proposed.

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 proposed plant has been sited on the roof of the building close to existing plant and will not be highly visible from the surrounding area. The design of the plant is entirely appropriate for its commercial purposes and integrates successfully with the surrounding built form. A detailed noise report confirms that the installation will have no significant or detrimental impact on the amenities of the surrounding dwellings.

6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted)

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

7. RECOMMENDATION

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

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

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

Reason

To minimise disturbance to occupiers of neighbouring residential properties and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The plant hereby permitted shall be operated exactly in accordance with the details contained within the Noise Assessment Report dated 29th October 2009. Most specifically, the Lennox unit must be operated in accordance with the details given in section 6.0 of the report relating to night time operations.

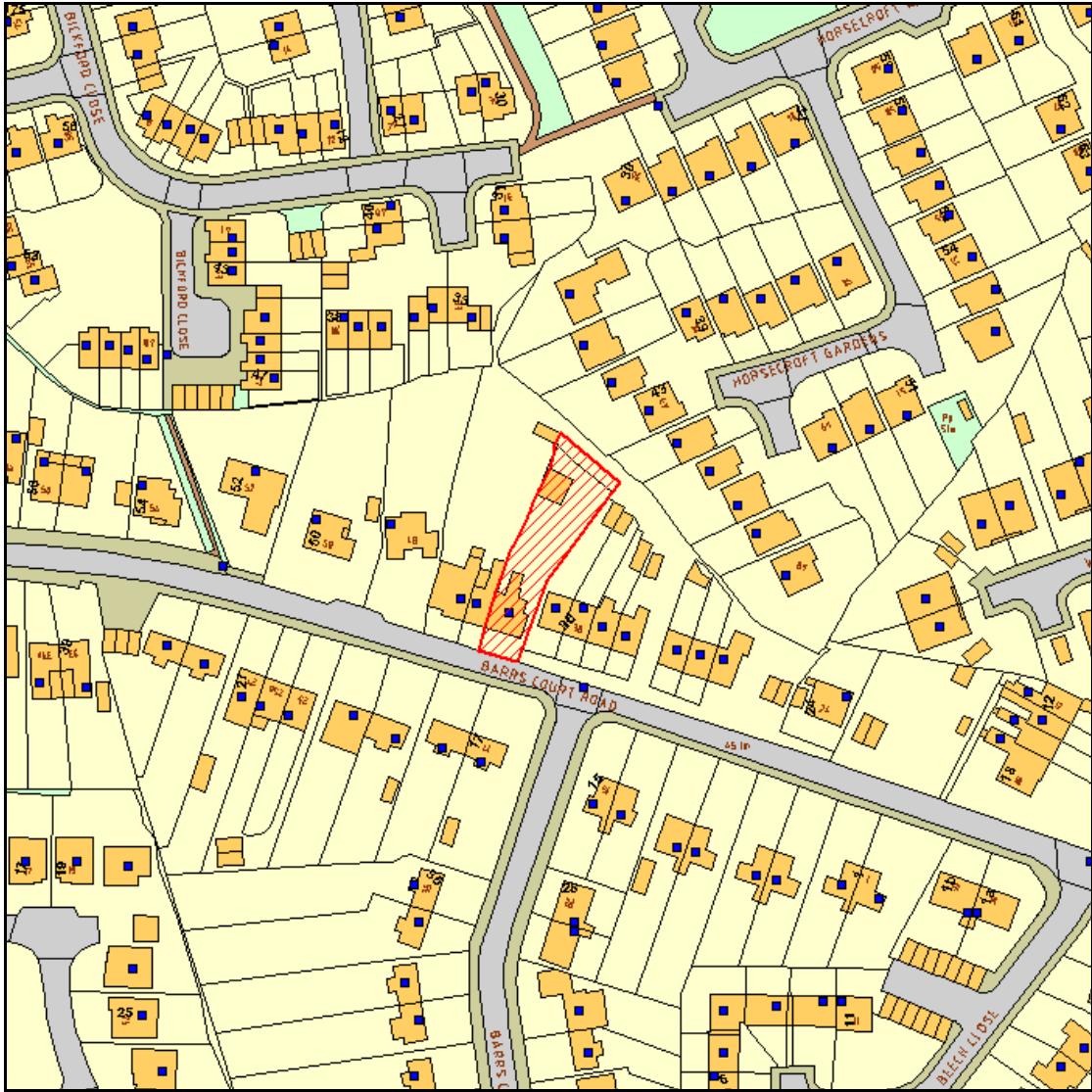
Reason

To minimise disturbance to occupiers of neighbouring residential properties and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 10/10 – 12 MARCH 2010

App No.: PK10/0218/F
Site: 40 Barrs Court Road Barrs Court
 Bristol South Gloucestershire BS30
 8DH
Proposal: Erection of first floor side and rear
 extensions over existing extensions to
 provide additional living
 accommodation.
Map Ref: 366195 172421
Application Category: Householder

Applicant: Mr Burnham
Date Reg: 4th February 2010
Parish: Oldland Parish
 Council
Ward: Parkwall
Target Date: 1st April 2010



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 100023410, 2008. **N.T.S.** **PK10/0218/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a first floor side and rear extension at 40 Barrs Court Road, Oldland Common.
- 1.2 The property is a two storey end terrace dwelling and is located within a residential area of Oldland Common.
- 1.3 During the course of the application amended plans were requested to reduce the scale of the rear extension. Amended plans were received as requested.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Parking Standards
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No objections

Other Representations

- 4.2 Local Residents
One letter of objection has been received from a neighbouring resident, raising the following concerns.
 - Overlooking of bedroom windows and garden.
 - Overbearing impact on property
 - Not in keeping with surroundings
 - Side extension less than 3 metres away from side wall therefore concerns regarding foundations

- Should planning permission be granted scaffolding should be covered to protect neighbours from dust and the site should be access from the rear.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design / Visual Amenity

The application proposes the addition of a first floor side extension and an enlargement of the existing rear extension and a first floor rear extension. The proposed extensions are of an appropriate standard in design and reflect the character of the main dwelling house and surrounding properties. Whilst quite large, it is considered that the extensions are of modest size in comparison to the bulk of the main dwelling and are well proportioned. The surrounding properties are of various size and design, as such, it is considered that the resultant building would remain in keeping with the scale of the surrounding dwellings. Furthermore, the proposed additions would incorporate materials to match those of the main dwelling, assisting the successful integration of the extensions with the host dwelling. It is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene

5.3 Residential Amenity

The proposed first floor side extension would be adjacent to and project forward of, the blank side elevation of No. 38 Barrs Court Road. At its closest point the existing side extension of No. 40 Barrs Court Road is located approximately 1 metre away from the boundary with No. 38 Barrs Court Road and is set approximately 3 metres forward of this neighbouring property. Given the depth and location of the proposed first floor side extension, it is not considered that this aspect of the proposal would result in any overshadowing or overbearing impact on this neighbouring property.

The property benefits from a large single storey rear extension, it is proposed that the width of this existing extension be increased from 2.8 metres to 5.3 metres moving it closer to the boundary with No. 38 Barrs Court Road and following the line of the existing side extension. In addition above this, a first floor extension measuring 3.5 metres in depth is proposed. Whilst the rear extension would be located closer to the boundary with No. 38 Barrs Court Road, given the location of the neighbouring property, set back from the application property, the majority of the two storey rear extension would be adjacent to the blank side elevation of this property. The rear extension would be located 1.5 metres away from the side elevation of the existing rear protrusion of the adjoining property, No. 42 Barrs Court Road. Therefore given

the existing boundary treatments in place, it is not considered that the proposal would have any overshadowing or overbearing effect on the neighbouring dwellings.

Concern has been raised regarding potential overlooking of bedroom windows and the rear garden of the neighbouring property. The proposal includes the addition of several new first floor windows. The side elevation windows facing No. 38 would both serve bathrooms, all other windows serve bedrooms. Given the location of these windows, it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy over and above the levels of overlooking from the existing first floor windows, furthermore given the location of the windows there are no concerns regarding inter-visibility or loss of privacy. The rear elevation windows would overlook the rear garden of the application property and would inevitably overlook the rear gardens of the neighbouring properties to some extent, this is a common occurrence in built up areas and as such is not considered to be of sufficient concern to warrant the refusal of the application.

With regard to dust and debris during the construction, there are no reasons to believe that neighbouring residents would be subjected to any greater levels of dust and debris than what is normally experienced during small building projects. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property, as such the impact on residential amenity is subsequently deemed acceptable.

5.4 Highways Implications

The application property benefits from off street parking spaces located at the rear of the property. These would not be affected by the proposal, as such the parking provision would remain in compliance and within the Councils required parking standards. Further, with no objections from the Councils Transportation Officer the proposal is considered acceptable.

5.5 Design and Access Statement
None submitted

5.6 Use of Energy and Sustainability
No additional measures proposed

5.7 Improvements Achieved to the Scheme
The two storey element of the rear extension has been reduced in scale so that it respects the character and appearance of the main dwelling.

5.8 Other Issues
The concern raised in respect of the impact the proposal may have on the foundations of the neighbouring property, is a civil matter which will be addressed under non planning legislation in the form of the Building Regulations, The Party Wall Act and other related legislation. However, for the avoidance of doubt, three informatives would be attached to the decision notice to ensure that the applicant / agent is aware that planning permission does not grant rights to carry out works on land outside of the control of the applicant;

consent must be sought from the owner of the land; and, that the Building Regulations must be complied with.

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 proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Furthermore the extension would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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

7. RECOMMENDATION

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

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CONDITIONS

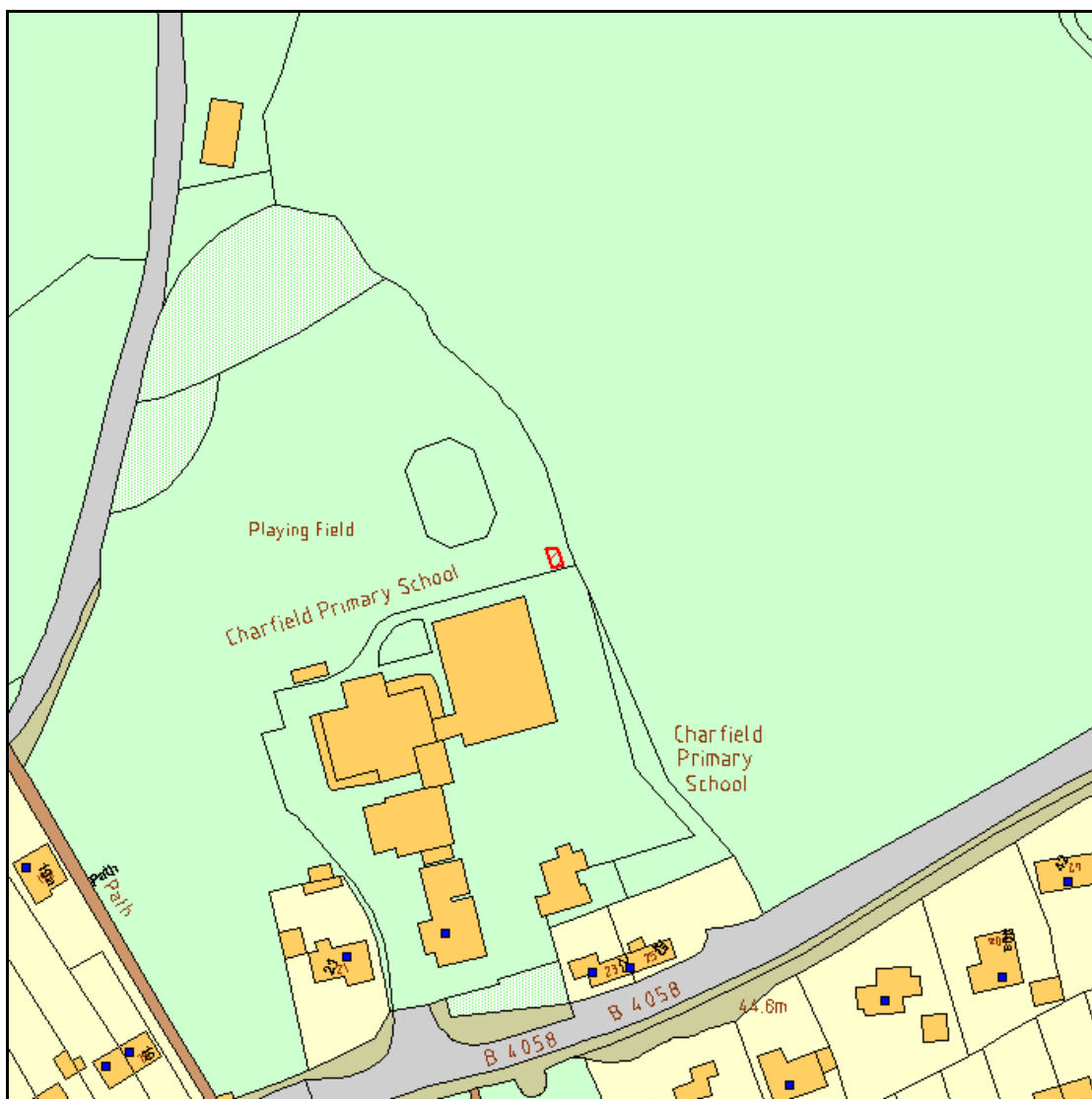
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 10/10 – 12 MARCH 2010

App No.:	PT09/6110/R3F	Applicant:	Mr D Lawday
Site:	Charfield Primary School Wotton Road Charfield Wotton Under Edge South Gloucestershire	Date Reg:	27th January 2010
Proposal:	Erection of shed to store childrens play resources.	Parish:	Charfield Parish Council
Map Ref:	371971 192197	Ward:	Charfield
Application Category:		Target Date:	23rd March 2010



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 100023410, 2008. N.T.S. PT09/6110/R3F

INTRODUCTION

This application appears on the Circulated Schedule List because it comprises an internal submission from Charfield Primary School.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a shed to store children's play resources.
- 1.2 The application site comprises Charfield Primary School situated on the northern side of Wotton Road just outside of the defined settlement boundary.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
L1 Landscape Protection and Enhancement
LC4 Proposals for Educational and Community Facilities within the Existing Urban Area and Defined Settlement Boundaries
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
No Objection

Tree Officer
No objection
- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Planning Policy D1 applies to all types of development and ensures that a good standard of design is achieved. Whilst the site is located outside the defined

settlement boundary, it is considered that the main thrust of Policy LC4 is applicable in this instance given the proximity of the school to the Charfield settlement boundary. Policy LC4 allows for proposals for new educational facilities within existing urban areas subject to transportation, residential amenity and environmental considerations.

5.2 Design/Visual Amenity

This application seeks planning permission for the erection of a shed to store children's play resources. The application site comprises Charfield Primary School, which is located on the northern side of Wotton Road and outside the defined settlement boundary. The shed would be located adjacent to the south eastern corner of the school field and measure approximately 3.69 metres in width, 5.32 metres in length and have an apex of 2.89 metres at ridge height falling to 2.10 metres at the eaves. The shed would comprise a rectangular form and be encompassed by a pitched roof. Access would be through the northern, western and southern elevations via double doors and 3no. windows would be located in the eastern elevation. The shed would be constructed of shiplap in a natural colour and a felt roof in grey. These materials are considered acceptable, however, a condition will be applied to the consent if permission is granted to ensure that the wood is stained in a dark colour finish to ensure the shed would blend in with the surroundings.

5.3 The site is well screened by built form and mature vegetation, which would ensure that the shed would primarily be viewed within the context of the school site. As such, and given the small scale and the materials proposed, it is considered that the proposal would not have a negative impact on the character of the surrounding landscape.

5.4 Residential Amenity

The closest neighbouring property is located approximately 50 metres from the site. As such, and given the small scale of the proposal, it is considered that it would not have a significant adverse impact on the residential amenity of neighbouring properties.

5.5 Transportation

No changes are proposed to existing access or parking arrangements and the proposal would not increase vehicular trips significantly. The site is accessible by foot and bicycle.

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

N/A

5.8 Improvements Achieved to the Scheme

N/A

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 for the following reasons:
- The proposal would not alter existing access arrangements and would not have a significant adverse impact on highway safety. In addition, the existing parking arrangements would remain as existing and the proposal would not increase vehicular trips significantly. The site can be accessed on foot and by bicycle – Policies LC4 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.
 - Given the small scale of the proposal and the distance from residential properties, there will be no significant adverse impacts on the residential amenity of neighbouring properties – Policy LC4 of the South Gloucestershire Local Plan (adopted) January 2006.
 - The proposal would be sympathetic to the character of the site and surrounding landscape in terms of scale, design, siting and materials – Policies D1 and L1 of the South Gloucestershire Local Plan (adopted) January 2006 and the Design Checklist SPD (adopted).

7. RECOMMENDATION

- 7.1 Planning Permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

2. Notwithstanding the information submitted, the storage shed hereby approved shall be stained a dark colour.

To ensure a satisfactory standard of external appearance to accord with Policies D1 and L1 of the South Gloucestershire Local Plan (adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted).

CIRCULATED SCHEDULE NO. 10/10 – 12 MARCH 2010

App No.:	PT10/0180/PN1	Applicant:	O2 UK Ltd
Site:	Merlin Road Patchway South Gloucestershire BS34 5UD	Date Reg:	1st February 2010
Proposal:	Prior notification of the intention to install 1 no. 15 metre monopole, 2 no. equipment cabinets and associated works.	Parish:	Almondsbury Parish Council
Map Ref:	358410 180910	Ward:	Patchway
Application Category:		Target Date:	24th March 2010



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 100023410, 2008. **N.T.S.** **PT10/0180/PN1**

INTRODUCTION

This application appears on the Circulated Schedule List because an objection has been received from the Parish Council. Members should be aware that there is insufficient time to refer this application to the next available Development Control (West) Committee as the date of the meeting falls after this application expires. Should the Local Planning Authority fail to notify the applicant of their decision by 24th March 2010, then the applicant can carry out the development in any case.

1. THE PROPOSAL

- 1.1 The applicant seeks prior approval for the erection of 1no. 15 metre mobile telephone mast and 2no. associated equipment cabinets.
- 1.2 The proposal would be located on highway land adjacent to the northwestern side of the Merlin Road/Venue roundabout.
- 1.3 The application comprises a resubmission of application no. PT09/0307/PN1 granted prior approval at the site for the erection of a 12.5 metre mast and associated equipment.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG8 Telecommunications
Code of Best Practice on Mobile Phone Network Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
T12 Transportation Development Control Policy in New Development
S5 Telecommunications
L1 Landscape Protection and Enhancement
- 2.3 Supplementary Planning Guidance
The Design Checklist (adopted)
The Telecommunications Network Infrastructure SPD (adopted) August 2005

3. RELEVANT PLANNING HISTORY

- 3.1 PT09/0307/PN1, prior notification of the intention to install 1no. 12.5 metre linear column, 3no. antenna and 1no. equipment cabinet, 23/03/09, no objection.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
Objection – The Parish Council strongly objects to this type of application. There are too many masts within our Parish at present. The companies should do more to undertake mast sharing, not just apply to erect yet another one.

- 4.2 Transportation DC
No objection
- 4.3 National Air Traffic Services
No objection
- 4.4 Local Residents
No comments received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposed development is permitted by virtue of Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, however the applicant must give the Local Planning Authority Prior Notification of the Development.

- 5.2 The Council will require developers to demonstrate what attempts have been made to minimise the impact through appropriate siting and design of appearance in terms of materials, colours, height, etc. In all instances the main material consideration will be the technical needs of the operator as demonstrated by the applicant and the need to facilitate development.

5.3 Design/Appearance and Siting

The proposal comprises a 15 metre shrouded monopole, which would be situated within the established commercial complex of Cribbs Causeway adjacent to The Mall/The Venue roundabout. The mast and associated equipment cabinets would be located on a grass verge approximately 4 metres from the busy Merlin Road. A footpath is situated to the rear with vegetation beyond. The proposal would be sited in a location where numerous vertical structures such as streetlights are situated. The location of the proposed mast adjacent to the highway would correspond with the existing street furniture and help integrate the proposal into the existing streetscene. This integration would be further enhanced by the design of the proposal, whereby the antennas would be obscured from view by a cylindrical sheath. Whilst the mast would be taller than the adjacent streetlight, it is not considered that it would appear adversely intrusive given the spacious context and scale of existing built form nearby. The associated equipment cabinets would be in-keeping with existing street furniture within the locality in terms of scale, design and siting. The proposed grey colour finish is considered to be acceptable.

The proposed mast and equipment cabinets would be sited clear of the road and footpath and would not interfere with vehicular or pedestrian movements. The proposed design is such that the proposal would not prove adversely distracting to motorists or pedestrians. No objection has been received from the Council Transportation DC Officer.

5.4 Health and Safety

Given that the site would be situated within an established commercial area, there are no residential properties within close proximity to the application site. The proposal would therefore, not have a significant adverse impact in terms of

residential amenity. PPG 8 states that provided that the proposed equipment adheres to the ICNIRP guidelines, it is not necessary for the Local Planning Authority to consider health and safety implications. The applicants have submitted a declaration of conformity with ICNIRP public exposure guidelines certificate.

5.5 Alternative Sites and Mast Sharing

The Parish Council objection is noted, however, the fact that the mast would be shared by O2 and Vodafone would avoid the need for a second mast, which it is considered, would have more of an impact on the character of the surrounding area. Mast sharing is encouraged in national guidance to reduce the number of sites required. According to the applicant, the increase in height is required to physically fit two antennas into a single mast and to ensure a good quality and penetration of network services. The applicants have provided evidence of 4no. other sites, which have been considered and have given reasons why these sites are inappropriate. The proposal is therefore, considered to be acceptable in this regard.

5.6 Use of Energy and Sustainability
N/A

5.7 Improvements Achieved to the Scheme
N/A

6. **CONCLUSION**

6.1 The recommendation to not object has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

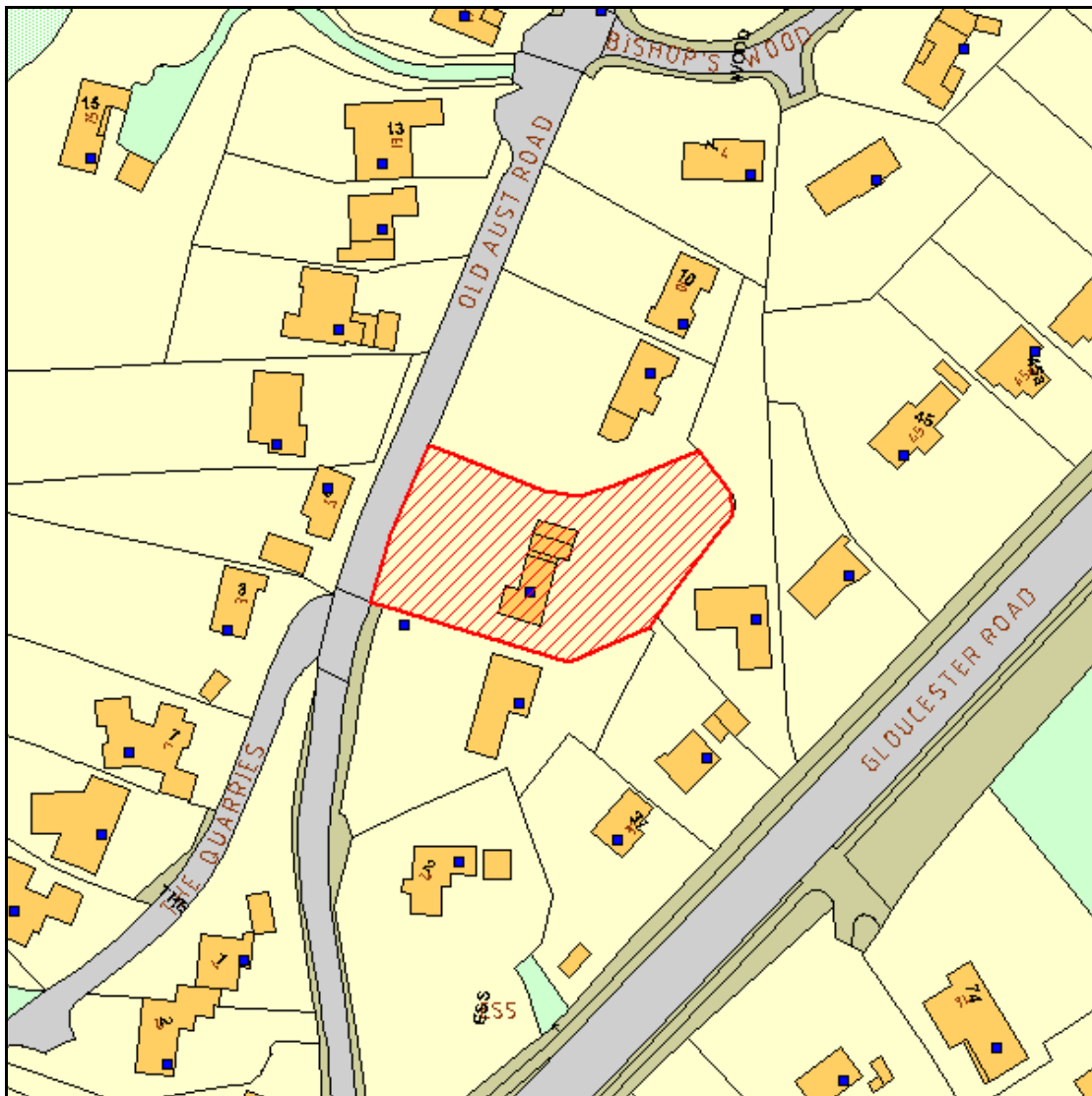
7. **RECOMMENDATION**

7.1 No objection

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CIRCULATED SCHEDULE NO. 10/10 – 12 MARCH 2010

App No.:	PT10/0037/F	Applicant:	Mr M Robinson
Site:	6 Old Aust Road Almondsbury Bristol South Gloucestershire BS32 4HJ	Date Reg:	27th January 2010
Proposal:	Erection of single storey side and rear extension to provide additional living accommodation and detached garage and car port.	Parish:	Almondsbury Parish Council
Map Ref:	361082 184567	Ward:	Almondsbury
Application Category:	Householder	Target Date:	19th March 2010



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 100023410, 2008. N.T.S. PT10/0037/F

INTRODUCTION

This application appears on the Circulated Schedule List because a neighbouring occupier has raised concerns regarding the extent of the boundaries.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey side and rear extension to provide additional living accommodation and the erection of a detached garage and carport.
- 1.2 The application site comprises a two-storey detached property situated on the eastern side of Old Aust Road within the established residential area of Almondsbury, which is washed over by the Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Residential Development within Existing Residential Curtilages
GB1 Development within the Green Belt
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Development in the Green Belt SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No objection
- 4.2 Transportation DC
No objection

Other Representations

- 4.3 Local Residents
One letter has been received from a local resident. The resident does not object to the development but highlights that the boundaries shown on the SG site plan and the location and block plan are incorrect in certain respects. A conveyance plan is submitted to demonstrate the inconsistency.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning Policy D1 applies to all types of development and ensures that a good standard of design is achieved. Planning Policy H4 allows for the principle of residential extensions subject to design, residential amenity and transportation considerations. Planning Policy GB1 allows for limited extension to properties situated within the Green Belt provided that they do not result in disproportionate additions over and above the size of the original dwelling.

5.2 Design/Visual Amenity

This application seeks planning permission for the erection of a single storey side and rear extension to provide additional living accommodation. Permission is also sought for the erection of a detached garage and carport. The application site comprises a two-storey detached property situated on the eastern side of Old Aust Road within the established residential area of Almondsbury, which is washed over by the Green Belt.

5.3 The extension would comprise an 'L' shape footprint and wrap around the southeastern corner of the dwellinghouse. A lean to roof section would extend approximately 7 metres along the rear elevation of the dwellinghouse and would be adjoined perpendicularly by a pitched roof section, which would be set back from the front building line of the southern side elevation by approximately 2.6 metres. The extension would measure approximately 3.2 metres in width and have an apex of 3.6 metres at ridge height. Fenestration would include 3no. large full height windowpanes in the rear elevation and double pane full-length windows in the front elevation. The garage and carport would be situated on the northern side of the property and replace an existing flat roof attached garage. The proposal would measure approximately 5.6 metres in width, 7.2 metres in length, have an apex of 3.5 metres at ridge height and be encompassed by a hipped roof. The carport would be aligned with the front elevation of the dwellinghouse and be set back approximately 23 metres from the street. The proposal is considered to be acceptable in terms of materials, form, scale, design, siting and materials is considered to be acceptable and would not have an adverse impact on the character of the host dwelling or surrounding area. The materials will be conditioned to match the existing dwelling.

5.4 Residential Amenity

The host dwelling benefits from a spacious curtilage and the topography of the surrounding area is such that the neighbouring properties to the north and east are situated at a higher level than the application site. As such, and given that the garden area is well screened by mature vegetation, it is considered that the proposed development would not have a significant adverse impact on the neighbouring properties to the north and east.

The neighbouring property directly south of the host dwelling is set approximately 1 metre further back than the host dwelling. The extension would overhang the rear elevation of the neighbouring property by approximately 1.2 metres and on this basis, given that the neighbouring property is directly south

of the application site, it is considered that the proposal would not have a significant detrimental impact on the neighbouring property in terms of loss of natural light. 2-metre high (approx) hedging along the southern elevation would also help screen views of the extension. No windows are proposed in the southern elevation of the proposed extension, therefore, it is considered that it would not have a significant adverse impact on the neighbouring property in terms of loss of privacy.

5.5 Transportation

The proposed parking arrangements are considered to be acceptable and no changes are proposed for the access, therefore, the proposal is considered to be acceptable in terms of transportation.

5.6 Green Belt

The Development in the Green Belt SPD (adopted) states that an addition resulting in a volume increase over 30% will be carefully assessed with regards to the appearance of the proposal. An addition resulting in a volume increase of 50% or more of the original dwelling would most likely be considered in excess of any reasonable definition of 'limited extension' and therefore, contrary to Policies GB1 and H4 of the South Gloucestershire Local Plan. The proposal calculates to a volume increase of approximately 36% of the existing dwelling. It is considered that the detached garage, with the hipped roof, would not be adversely more harmful to the openness of the greenbelt than the existing flat roof attached garage and the proposed single storey side extension would appear subservient to the existing dwelling. Matching materials would also help integrate the extensions into the existing dwelling.

5.7 Further Matters

Correspondence has been received from a neighbouring occupier stating that the boundaries shown on both the SG Site Plan and the Location and Block Plan are incorrect in certain aspects and the occupier has attached a 1961 Conveyance planning pointing out the correct position. However, the applicant has certified in the application form that nobody except the applicant owned the land 21 days before the date of the application. Whilst this is a civil matter and not strictly relevant to the application, informatives will be added to the consent if permission is granted to notify the applicant that the permission does not construe the right to carry out works on land not in their ownership and that the red outline submitted with the application does not denote the extent of the residential curtilage.

5.8 Design and Access Statement

A design and access statement is not required.

5.9 Use of Energy and Sustainability

The proposal would comply with building regulation specifications.

5.10 Improvements Achieved to the Scheme

N/A

5.11 Section 106 Requirements

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

6. CONCLUSION

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

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

- The proposed development would be in-keeping with the character of the host dwelling in terms of design, form, scale, siting and materials and would not have an adverse impact on the character of the host dwelling. The development would be set back from the street and would not have a significant adverse impact on the character of the area – Policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006 and the Design Checklist SPD (adopted).
- The topography of the site, the existing vegetation, the layout of the existing built form, as well as the proposed design are such that the proposal would not have an adverse impact on the residential amenity of the neighbouring occupiers in terms of loss of privacy or natural light – Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.
- The proposal represents a proportionate addition to the dwelling, which constitutes appropriate development in the green belt – Policies GB1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006 and the Development in the Green Belt SPD (adopted).

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (adopted).

CIRCULATED SCHEDULE NO. 10/10 – 12 MARCH 2010

App No.:	PT09/6094/R3F	Applicant:	Mr R Wiggins
Site:	Gillingstool Primary School Gillingstool Thornbury Bristol South Gloucestershire	Date Reg:	11th January 2010
Proposal:	Erection of 2.4 metre high boundary fence and gates. (Resubmission of PT09/0653/F).	Parish:	Thornbury Town Council
Map Ref:	363999 189901	Ward:	Thornbury South And Alveston
Application Category:	Major	Target Date:	8th April 2010



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100023410, 2008.

N.T.S.

PT09/6094/R3F

INTRODUCTION

The application appears on the Circulated Schedule in view of the concerns raised by Thornbury Town Council.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a new perimeter and internal fencing.
- 1.2 The application relates to Gillingstool School that stands on the south side of Gillingstool slightly east of Thornbury town centre. The school is located within the Thornbury settlement boundary beyond the settlement boundary.
- 1.3 The application forms a resubmission of application PT09/0653/R3F that was withdrawn last year.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPG13: Transport
PPG15: Planning and the Historic Environment
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
L1: Landscape Protection and Enhancement
LC4: Proposals for Educational and Community Facilities
T12: Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/2452/R3F: Demolition of three existing buildings to facilitate erection of new school building with associated works; construction of new vehicular and pedestrian access. Deemed Consent: 28 November 2008
- 3.2 PT09/0653/R3F: Erection of 2.4m high boundary fence with gates. Withdrawn: 24 June 2009
- 3.3 PT09/071/SCR: Screening opinion issued for proposed 2.4m high fence. Opinion was that an Environmental Impact Assessment was not required. Decision: 4 January 2010

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

Objection: 'The type and height of the fencing is in excess of what is deemed necessary for its designated purpose. The fencing itself is visually obtrusive and totally out of keeping with the character of the street scene.'

4.2 Other Consultees

Landscape Officer: amendment/ conditions required

Environment Agency: no comment

Tree Officer: no objection in principle

Police Architectural Liaison Officer: supports proposal

Highways DC: no objection

Conservation Officer: no comment

Other Representations

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy D1 advises that development will only be permitted where good standards of site planning and design are achieved. In particular, development proposals will be required to demonstrate that (considered here most relevant):

- o Siting, overall layout, scale, height, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of the both the site and the locality; and
- o Existing features of the landscape and amenity value are safeguarded and enhanced; and
- o The landscape and urban design proposals form an integral part of the design for the site and are of a scale and character that are appropriate to the development proposed;
- o Access into and through the site is safe, secure, convenient and attractive to pedestrians, cyclists, people with disabilities; and
- o The overall layout and design takes account of personal safety, security and crime prevention.

5.2 Policy L1 cites that in order that the character, distinctiveness, quality and amenity of the landscapes of South Gloucestershire are conserved and enhanced, new development will be permitted only where;

- o Those attributes of the landscape that make a significant contribution to the character of the landscape are conserved and where possible enhanced; and
- o Those features in or of the landscape that make a significant contribution to the character or distinctiveness of the locality are retained, protected and managed in a manner which ensures their long-term viability; and

- o The amenity of the landscape is conserved and where possible enhanced.
- 5.3 Planning policy LC4 details that proposals for the development, expansion or improvement of educational and community facilities will be permitted provided that:
- o Proposals are located on sites that are, or will be highly accessible on foot and bike; and
 - o Development would not unacceptably prejudice residential amenity; and
 - o Development would not have unacceptable environmental or transportation effects; and
 - o Development would not give rise to unacceptable levels of on street parking to the detriment of the amenities of the surrounding area and highway safety.

5.4 The Proposal

The application seeks planning permission for the erection of perimeter and internal fencing at Gillingstool School, Thornbury. At the time of this application, the new school building was under construction with the original school buildings to be removed upon completion.

- 5.5 A letter from the school head teachers (including the head teacher of the New Siblands School) outlines the need for the proposal. These are summarised as follows:

Security Concerns:

- o The existing school has for many years, suffered serious incursion, vandalism and dangerous litter. Staff regularly have to clear broken glass, tin candles, used condoms and needles and other abuse items; this costs on average £3000 a year. This has hindered delivery of the school curriculum and an outdoor environment that the school would wish to provide;
- o There is an existing problem of break-ins over the existing Harras security fencing;
- o There is a history of the school grounds being used as a thoroughfare and this exacerbates the problem of security breaches.

Vulnerability of New Siblands Pupils to be based at this site:

- o Children at New Siblands School (special needs) are unaware of the potential dangers of the littered items and might handle/ ingest them;
- o Many children with severe learning difficulties have no sense of danger associated with road traffic- Gillingstool School has heavier road traffic than at New Siblands where they are currently based;
- o Some students have a tendency to run away and climb over fencing- especially those with Autistic Spectrum Difficulties;
- o Older students from New Siblands are often at a higher risk given their growing size and physical maturity- this site will be used substantially by older secondary aged children who currently attend New Siblands.

Outdoor Class Provision:

- o Extensive outdoor play facilities are required especially for pupils with special learning difficulties- these are dependent upon a safe and vandalism free learning space that needs to be well protected.

Community Use of Building:

- o The building has the potential to be used as a community resource- the fencing proposed would allow community use and maintain the highest level of protection and security for the pupils.

5.6 Design/ Visual Amenity

The application relates to Gillingstool School on the south side of Gillingstool, Thornbury. The application seeks full planning permission for the erection of perimeter and internal fencing and would also allow for additional fencing around a new sprinkler tank.

- 5.7 The new school building was approved under PT08/2452/R3F the details of which included a fence layout plan. These approved details show a 2.1m high fence across the school frontage including entrance gates of equal height. This would extend around the east and west corners of the site adjoining the Locally Listed Sure Start facility to the west and the new residential development of Pearce Close to the east. Nonetheless, towards the rear and across the rear site boundary, the approved fence would measure 2.4m in height (with the exception of that around the hard play area in the south west corner that would measure 3.6m in height).
- 5.8 This current application would allow a consistent height of 2.4m around the perimeter of the application site (excluding the hard play area). This is primarily in view of the existing security problems experienced with the Police Architectural Liaison officer advising that the height of the fence as approved is not considered to be sufficient.
- 5.9 Officers have expressed concern at this intended height increase given its greater visual impact and the risk of it appearing more oppressive within the street scene. However, the Police Architectural Liaison Officer has advised that a lower fence would not be acceptable thus despite lengthy discussions, the applicant has not been willing to amend the submitted plans.
- 5.10 Notwithstanding the above, it is noted that the site boundaries have some existing vegetation whilst a combination of new native/ semi-native trees and shrubs, hedgerows and individual trees are also proposed. This combination of existing and new planting would assist in integrating the increased height of the fence into its landscape setting whilst the relatively light mesh and colour would also help in assimilation. For these reasons, on balance there is no objection to this element of the proposal on design/ visual amenity grounds.
- 5.11 The proposal would also allow the increase in height of the approved fencing within the school grounds. Most significantly, this would increase the height of a 1.2m high fence to the rear of the new car park to 2.4m. It is considered that

- this would have a significantly greater visual impact than the lower fence and combined with the frontage fencing could create the sense of a compound containing a car park.
- 5.12 As part of the aforementioned discussions held with the applicant, Officers have therefore also sought to reduce the height of this fencing or seek its realignment to help offset its visual impact. Nevertheless, this second line of fencing is required because the school entrance gates would be open during the day (the applicant considers that it would be unworkable to try and introduce any form of intercom system) whilst the realignment of the fencing has also not provided possible; nevertheless, arguably this would have a limited impact.
- 5.13 In view of the above, if this element of the proposal is to be acceptable, it is noted that whilst the general arrangement of planting has been previously approved, the tree planting is indicative and the species has not been identified. Further, the proposed native species hedgerow behind the fence from the playing field maintenance access gates along the south of the car park to the school building should also be changed to a single species in this slightly more formal location. A detailed planting plan for the car park and frontage area should also be provided to ensure the visual impact of the fences is reduced as much as possible whilst it might be necessary to carry out works to the existing trees to ensure they do not come into contact with the fence and are not used as a 'ladders' to assist climbing over the fence. On this basis, subject to appropriately worded conditions in respect of these concerns, on balance there is again no objection to these amended details.
- 5.14 Notwithstanding the above, the section of inner fencing in the northwest corner of the site running between the Sure Start Nursery and the vehicle entrance gates is not considered to be acceptable. This is because it would introduce two 2.4m high fences within a few metres of each other creating a narrow corridor and unattractive environment within a visually more prominent location within the application site. As such, in the event that permission is granted, it is considered that an appropriately worded condition should be attached to omit this short section of fencing given that a gate adjacent to the vehicle entrance could instead secure this area or alternatively, pedestrians could utilise the nearby adjoining footway.
- 5.15 The Design and Access Statement advises that there are two further changes shown. These relate to the gates into the playing fields that would be increased in height to 2.4m (so as to align with the revised fencing details) whilst a 1.8m high timber fence is proposed around the new sprinkler tank. In view of the above considerations, these details are considered to be acceptable. It is noted however that all instances, the heights at which it is proposed to maintain the hedgerows is considered an important factor in the ultimate value of visual mitigation.
- 5.16 Residential Amenity
Given the nature of the proposal, it is not considered that any significant adverse impact in residential amenity would be caused. In forming this conclusion, it is noted that the main changes included as part of this application

relate either to the new fencing along the road frontage or to that within the application site. In this regard, facing properties along Gillingstool stand on the opposite side of the highway and thus are at an appreciable distance from this fencing.

5.17 Arboricultural Concerns

The proposed fencing would be erected within the root protection area of various trees situated around the boundaries of the application site. To this extent, comments received from the Council's tree officer raise no objection to the principle of the proposal subject to a method statement in respect of these proposed works. As such, a method statement has been submitted which the Council's tree officer has confirmed to be acceptable which most significantly details that excavations will be by hand. In the event that permission is granted, an appropriately worded condition should be added to ensure that works accord with these agreed details.

5.18 Highway Safety

Comments received from the Council's Highway Officer confirm that there is no highway objection to this current proposal.

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 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.

6.3 The recommendation to grant permission is for the following reasons:

1. The design, layout and height of the fencing proposed would help safeguard the security of the school and that of its students without significant

detriment to visual amenity. The proposal is therefore considered to accord with Planning Policy D1 (Achieving good Quality Design in New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposal would not cause any significant adverse impact in residential amenity. The proposal is therefore considered to comply with Planning Policies D1 (Achieving good Quality Design in New Development) and LC4 (Proposals for Educational and Community Facilities) of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The proposal is considered to be acceptable in highway safety terms. As such, the proposal is considered to comply with Planning Policy T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

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

Reason

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

2. Prior to the commencement of development a scheme of landscaping to encompass the car parking area and the Gillingstool/ Grovesend Road frontage, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. These details shall include the heights at which it is proposed to maintain the hedgerows. Development shall be carried out in accordance with the agreed details.

Reason

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

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

Reason

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

4. Prior to the commencement of development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

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

5. The fencing hereby approved shall accord with the submitted details in respect of design, height and colour (Green:: RAL 6005).

In the interests of visual amenity and to accord with Planning Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Notwithstanding the submitted plans, this consent does not cover the section of 31 metres of 2.4 metre high fencing shown on drawing numbers Y9469 PL03 D/ 2461 (L) 010 2461 L 002 b. This fence is an inner fence behind the perimeter fence running between the west site boundary and the vehicle entrance. As such consent for this aspect of the proposal is explicitly withheld.

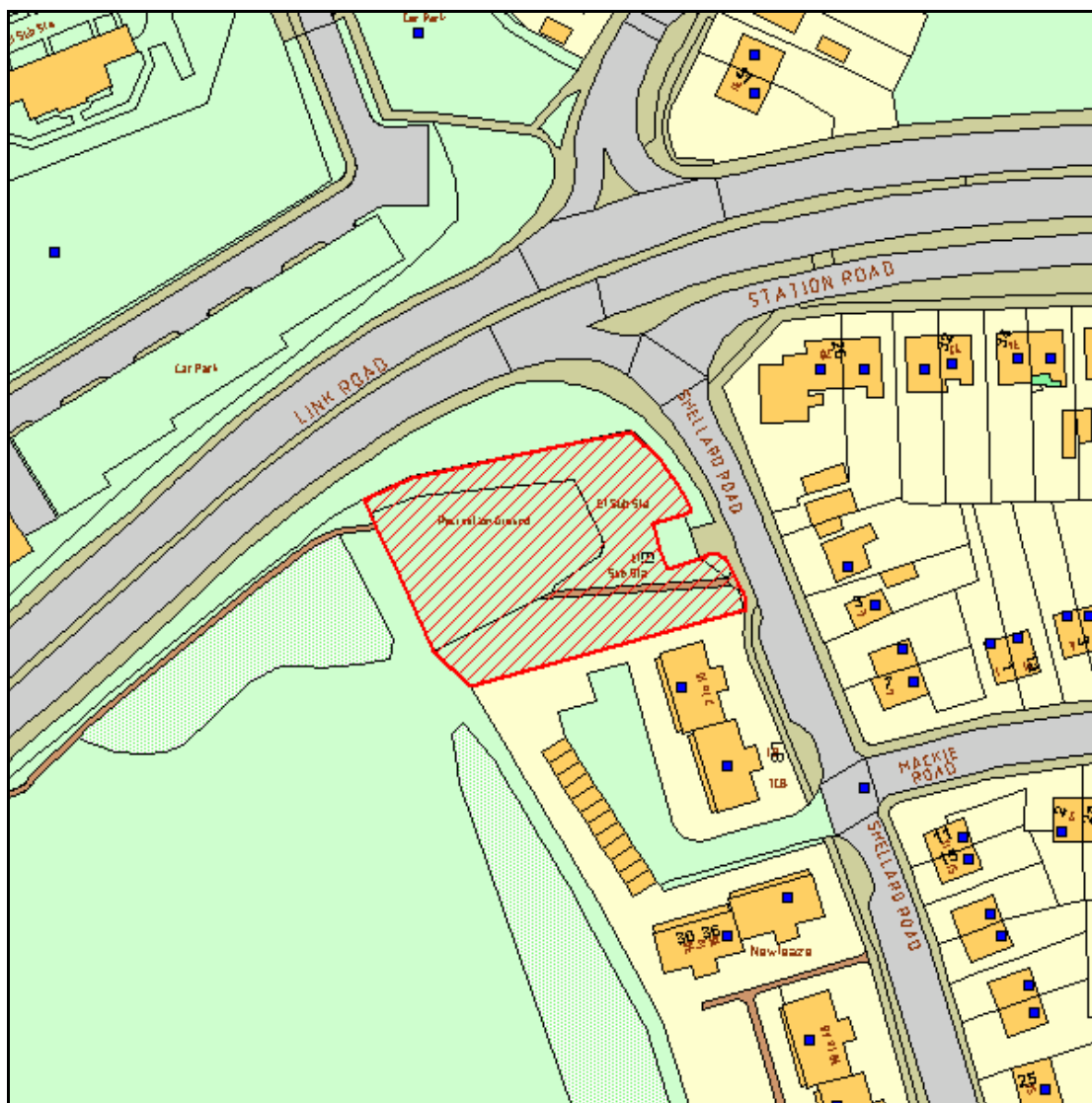
To avoid the two lines of fencing in close proximity of one another as proposed in the interests of visual amenity and to accord with Planning Policies L1 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. All works shall accord with the provisions of the arboricultural method statement received on February 11th 2009 and approved as part of this planning application.

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

CIRCULATED SCHEDULE NO. 10/10 – 12 MARCH 2010

App No.:	PT09/6017/O	Applicant:	Mrs L Reuben
Site:	Land At Elm Park Elm Park Filton Bristol South Gloucestershire	Date Reg:	14th December 2009
Proposal:	Erection of 2no. three bed houses, 7no. one bed flats and 12no. two bedroom flats (outline) with layout to be determined, all other matters reserved.	Parish:	Filton Town Council
Map Ref:	360218 178792	Ward:	Filton
Application Category:	Major	Target Date:	29th April 2010



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 100023410, 2008. **N.T.S.** **PT09/6017/O**

INTRODUCTION

This application appears on the Circulated Schedule because it is a major development and representations have been received which are contrary to the Case Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks outline planning permission for the erection of 21 residential units. This application shall consider the matter of layout, all other matters are reserved for subsequent consideration.
- 1.2 This scheme is set within the context of an overall scheme by Filton Town Council to redevelop the whole of the recreation centre and pitches. It is proposed to use the funds generated by housing on this site to fund/part finance the redevelopment of the rest of the site.
- 1.3 The proposed development would involve the erection of 2no. three bedroom houses, 7no. one bedroom flats, and 12no. two bedroom flats. Of these seven of the units would be subsidised affordable housing comprising the two houses and a mix of the one and two bedroom flats.
- 1.4 The application site relates to a hard-surfaced play area and forms part of the Elm Park playing fields. The site currently includes a basketball court and skate ramp, these facilities will be replaced within the redevelopment of the leisure centre. The site is adjacent to a well-established residential area of Filton and is within the Bristol north fringe urban area.
- 1.5 The proposed development would be laid out in a L-shape formation with new frontages onto Shellard Road and the Station Road Link Road. The car parking would be to the rear of the site adjacent to the existing blocks of flats. The development would also include an earth bund to reduce road noise. The indicative drawings show that the proposed development would be three storey in scale.
- 1.6 This application is a resubmission of the previously refused application PT07/0650/O. Members may recall that this application appeared on the Circulated Schedule No. 49/07 on the 7th December 2007 with a recommendation to grant approval. Following this decision, the applicant and the Local Planning Authority failed to enter into a legal agreement and therefore the application was refused on the 15th December 2009. This application is fundamentally the same, however the mix of accommodation has been amended due to changes in the local housing market.

2. POLICY CONTEXT

2.1 National Guidance

- | | |
|--------|------------------------------------|
| PPS1: | Delivering Sustainable Development |
| PPS3: | Housing |
| PPG13: | Transport |

PPG17: Planning for Open Space, Sport and Recreation
PPG24: Planning and Noise

2.2 Development Plans

Joint Replacement Structure Plan (adopted) September 2002

Policy 1: Sustainable Development
Policy 2: Location of Development
Policy 12: Development in the North Fringe
Policy 33: Housing Provision and Distribution.

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development
L1: Landscape Protection and Enhancement
L17/L18: Water Environment
H2: Proposals for Residential Development within the Existing Urban Area
H6: Affordable Housing
T7: Car Parking
T8: Parking Standards
T12: Transportation Development Control Policy for New Development
EP4: Noise Sensitive Development
LC2: Provision of Education Facilities
LC9: Protection of Playing Fields

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007
South Gloucestershire Affordable Housing SPD (Adopted) 2008

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/0598/F Erection of changing facility and extension to existing recreation centre.
Approved 21.05.2007
- 3.2 PT07/0650/O Erection of 21 no. two bedroom flats (Outline) with layout to be determined, all other matters reserved.
Refused 15.12.2008

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
Unable to comment as it is a Filton Town Council application.
- 4.2 Sustainable Transport
No objection.
- 4.3 Sport England
No objection subject to S106 securing improvements to playing fields.

4.4 Local Residents

Four letters have been received from two households. The main points are summarised below:

- Inaccuracies within the application with the number of dwellings
- Parking
- Loss of privacy
- Loss of playground
- Flooding

5. ANALYSIS OF PROPOSAL

5.1 This application seeks outline planning permission for the erection of 21 units on an area of planning field within the Bristol north fringe urban area. As such the key matters to consider in this application are:

- (1) Is the principle of residential development within the urban area and on a playing field acceptable?
- (2) Does the development achieve an efficient use of land?
- (3) Does the development achieve good quality design?
- (4) Does the development protect the amenities of nearby residential occupiers?
- (5) Does the development have acceptable transportation effects?
- (6) Does the development protect occupiers from any noise disturbance from the adjacent road?
- (7) Does the development make provision for the education, leisure, recreation needs that would arise from the proposal?

5.2 Principle of Development

Policy H2 of the adopted Local Plan identifies that the principle of new residential development within the Bristol north fringe urban area is acceptable, subject to the material considerations such as design, residential amenity, and transport (These issues are dealt within the subsequent sections of this report).

5.3 Notwithstanding this, Policy LC9 of the Local Plan seeks to protect playing fields and areas of public open space and only allow development in specific circumstances. With regard to this development, Criteria D would be most relevant, this states that new development would only allowed where it is limited, and would result in enhanced outdoor sport and recreation facilities at the site.

5.4 The supporting text in paragraph 10.81 expands on Criteria D:

'The Council may also allow the partial development of public open space in circumstances where there would be an enhancement of the existing playing

field facilities. Such circumstances could arise where the configuration of the site allows for the introduction of built structures e.g. changing rooms, without impinging on playing space. Also, on a large site requiring accommodation and enhancement to optimise the recreational use, or on large sites where existing facilities are such a poor quality that the facility as a whole is substantially under used threat. Generally, the Council considers such circumstances to be limited in South Gloucestershire. Criterion (d) will be operated on the basis that only a small proportion of a site will be permitted for redevelopment i.e. no more than 10% of a site but usually much less.'

- 5.5 With regard to this application, the proposed redevelopment of the playing fields would provide finance for the redevelopment of the changing rooms and the improvement of the leisure centre. The proposed development would result in the loss of less than 2% of the overall playing fields. It is considered that the proposed enhancements to sports facilities, which are enabled by the finance raised through the proposed development, would represent acceptable compensation for the negligible loss in the area of playing fields. This is supported by Sport England who considers that there must be a compensatory sporting benefit in the loss of the playing fields.
- 5.6 If the proposed enhancements were not to be implemented the proposed development would be contrary to Policy LC9 of the Local Plan. On this basis the Local Planning Authority must be satisfied that the enhancements are delivered. It is therefore considered that a appropriate phasing mechanism through a s106 agreement shall be agreed with the applicant.
- 5.7 Efficient Use of Land
PPS3 (Housing), the Joint Replacement Structure Plan and Policy H2 of the local plan allows for new residential development within settlement boundaries. This policy expects schemes to make the effective use of the site by achieving the maximum density compatible with the sites accessibility, environmental constraints, and its surroundings. The expectation is that all developments will achieve a minimum density of 30 dph (dwellings per hectare), and densities above 50 dph in areas in and around town centres and locations well served by public transport.
- 5.8 The application site is located near to Filton town centre and is well served by public transport. The proposed development would achieve a density of approximately 95 dph. It is considered that this density is appropriate given the sites sustainable location.
- 5.9 Design
The only matter before the council for consideration at this outline stage is that of layout. Landscaping, detailed design and access are reserved for consideration at a later stage.
- 5.10 In terms of the layout, the proposed development would result in two 'blocks' of development, with one fronting Station Road, and the second fronting Shellard Road. There would be a parking area to the rear of the development, and private space to the front. It is considered that the existing site is particularly open and thus spaces leaks and the area lacks a 'sense of place'. It is

considered that the proposed layout would help improve the enclosure at the end of Shellard Road.

- 5.11 It is acknowledged that the indicative plans show that the majority of the buildings on site would be 3 storeys in scale, apart for the corner building that would rise to 4 storeys. This approach has been sought to introduce a landmark building on the corner between Shellard Road and Station Road. This is considered to be an appropriate design approach and would help to improve the distinctiveness of the area.
- 5.12 There will be private amenity space for each house on site, whilst the flats would benefit from an area of communal private area to the rear of the units. The residential development is next to large sports field so the provision of amenity space on site is not considered fundamental as the residents have easy access the neighbouring sports field. On this basis, it is considered that the proposed layout would be acceptable.
- 5.13 Furthermore, the developer has agreed to ensure that the development achieves Level 3 of the Code for Sustainable Homes rating. This would accord with the Council's adopted Design Checklist and policy Policy D1(G) of the South Gloucestershire Local Plan (Adopted) January 2006 that states *"Proposals will be required to demonstrate that the design, density, orientation and location of buildings and associated landscape proposals seek to achieve energy conservation and the protection of environmental resources"*. This is dealt with by a condition.
- 5.14 Residential Amenity
It is acknowledged that a number of local residents have raised concerns with regard to privacy. Notwithstanding this it is considered that the layout of the proposed development would not result in a direct overlooking or an overbearing effect. Issues regarding window locations would be dealt with under a Reserved Matters application, and therefore it can be ensured that there would be no direct inter-visibility between units. On this basis it is considered that the proposed development would not harm residential amenity.
- 5.15 Transportation
The matter of access shall be considered under a subsequent Reserved Matter application. Nevertheless the Councils Transportation Officer has considered the principle of the development in this location and has confirmed that there would be no highway objection to the scheme. However a number of issues would need to be addressed at the Reserved Matters stage. These include cycle parking, and bin storage provision, arrangement of car parking spaces, and the formation of walkways through the site.
- 5.16 It is acknowledged that this application does not require the contribution towards mitigating the impact upon the transportation network in the North Fringe that was attached to previous application. This is because since the previous recommendation there has been a material change to policy basis which the Local Planning Authority gave weight when requested a financial contribution for minor windfall development. The appeal decisions received have indicated that the authority do not currently have sufficient grounds to

justify such contributions and have concluded that these contributions do not comply with *Circular 05/2005 Planning Obligations*.

5.17 Noise

Given the close proximity of the site to Station Road, the impact of the road traffic noise is considered material. Both Local (Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006) and National guidance indicates that consent should not be granted for developments that would suffer from an unacceptable degree of noise. PPG24 sets out advice in terms of Noise Exposure Categories (NEC). The noise survey submitted as part of this application indicates that the noise levels experienced by people in the dwellings would fall mostly in Noise Exposure Category B / C, under which circumstances consent should not normally be permitted. However the Environmental Health Officer has confidence that as part of the detailed design stage, mitigation measures will be put in place which will make internal noise levels acceptable and as such, considers a condition appropriate.

5.18 Flooding

In terms of the principle of development the site is not located in a high risk flood zone. Details of drainage are proposed to be covered by condition.

5.19 Therefore in this instance, taking the whole site into account and subject to a condition regarding further information on noise alleviation measures, then the scheme is on balance acceptable.

5.20 Planning Obligations

In order to meet the projected need arising from the needs arising the future occupiers of the proposed development, the following contributions have been agreed with relevant Officers and the applicant.

1. Education

The Council Children and Young People department have confirmed that at primary level there is a projected deficit of places in the local area. The proposed development of 2 three-bed houses and 12 two bedroom flats will generate two additional primary school pupils based on the pupil number calculator. A contribution of £21,494 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 £21,494.

2. Affordable Housing

Due to the number of units on the site there is a requirement of subsidised affordable housing under Policy H6 of the adopted Local Plan and the Affordable Housing SPD. 33.33% of the proposed development should be affordable housing. The Council's Housing Enabling Officer has confirmed that based on the Strategic Housing Market Assessment 2009 the developer should provide the following mix of affordable housing:

- 2no. x 3 bed houses (social rent)
- 4no. x 1 bed flats (social rent)
- 1no. x 2 bed flat (shared ownership)

3. *Community Services*

As the housing development is intended to finance the upgrading of the sports centre, and construction of a new changing facility the Council would not request a formal landscape contribution / open spaces contribution. However a legal agreement is required to ensure that the enhancement to the sports facility takes place.

Notwithstanding this it has been identified that Policy LC1 of the SGLP seeks provision of community facilities in scale and kind to meet the needs of future residents. This may include provision of new library facilities or the upgrading or enhancement of existing facilities and stock to offset the increased demand on facilities. On this basis a contribution of £2992.97 has been requested towards library provision.

5.21 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.

5.22 Use of Energy and Sustainability

The proposed development would meet Code for Sustainable Homes Level 3.

5.23 Improvements Achieved to the Scheme

None.

5.24 Other Issues Raised

Some residents expressed concern about the clarity of number of dwellings and it is recognised that the mix of housing did need to be clarified during the planning process. It is as set out in paragraph 1.3 of the report and consultations on this basis were undertaken.

5.25 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, both planning conditions and a Section 106 Agreement are necessary. The obligations are set out below and are considered to meet the tests of Circular 05/05.

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.
- a) The proposed development would result in the loss of playing fields. Nevertheless the limited development would enable enhanced outdoor sport facilities elsewhere on the site. This is considered to be satisfactory compensation for the loss of a small area of playing field. The development therefore accords with policies LC9 of the South Gloucestershire Local Plan (adopted) January 2006.
 - b) The proposed layout has been designed to be informed by, respect and enhance the character of the site and locality. In reaching this conclusion the character and appearance of the existing site and surrounding area have been considered. The development therefore accords with policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.
 - c) The applicant's noise survey has demonstrated an appropriate noise mitigation strategy. It is therefore considered that subject to a condition ensuring the development is implemented in accordance with the noise survey, the proposed development would accord with PPG24 and policy EP1 and EP4 of the South Gloucestershire Local Plan (adopted) January 2006.
 - d) Through careful design the proposals will not harm the amenities of the proposed development or neighbouring properties by reason of loss of privacy or natural light. The development therefore accords with policies H2, H4 and D1 of the South Gloucestershire Local Plan (adopted) January 2006.
 - e) The proposed development equates to a density of approximately 95 dwellings per hectare. This density is acceptable given its location in a sustainable location that is well served by public transport. The development therefore accords with policy H2 of the South Gloucestershire Local Plan (adopted) January 2006.
 - f) The concerns of local residents in relation to the effect on the proposal on highway safety and on-street parking have been fully considered. The proposed development has been designed with careful regard to Transportation. Parking, congestion and access issues have been considered and addressed sufficiently in the design. The development therefore accords to policies D1, H2, H4 and T12 of the South Gloucestershire Local Plan (adopted) 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 authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

a) A financial contribution of £21,494 towards providing Primary school places.

Reason

To provide an acceptable level of education provision in accordance with Policy LC2 of the South Gloucestershire Local Plan (Adopted) January 2006

b) The provision of a mix of 7 units (2 x 3 bed houses; 4 x 1 bed flats; 1 x 2 bed flats) to be used for subsidised affordable housing, 6 for rent, with 1 shared ownership unit.

Reason

In accordance with Policy H6 of the South Gloucestershire Local Plan (Adopted) January 2006 which seeks to provide a mix of house tenures.

c) A financial contribution of £2992.97 towards improvements to library facilities.

Reason

To offset the increased demand on library facilities and to accord to Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006

d) To provide new changing room facilities on land at the northern side of the existing sports centre at Elm Park, Filton, within 3 years of the date of the legal transfer of land at the Elm Park playing field adjacent to Shellard road and Station Road Junction Filton.

Reason

In accordance with policy LC9 of the South Gloucestershire Local Plan (Adopted) January 2006 which seeks to promote and enhance playing fields, and to mitigate against the loss of playing fields arising from this development.

7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the Agreement.

7.3 This Section 106 Agreement should be signed within 6 months of the date of the resolution to approve this scheme otherwise the proposal will be refused for the failure to secure the planning obligations identified, or alternatively the application be referred back to the Circulated schedule.

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

5. No development shall take place until a scheme for protecting the dwellings hereby approved from traffic noise from Station Road has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and shall be completed prior to the first occupation of any part of the residential development hereby permitted.

Reason

To minimise disturbance to the occupiers of the development and to accord to Policy EP4 of the South Gloucestershire Local Plan (adopted) January 2006.

6. No development shall commence until drainage details have been submitted to and approved in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details. For the avoidance of doubt, the details shall incorporate Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development. Where SUDS are not practicable it must be demonstrated that an acceptable alternative means of surface water disposal is incorporated.

Reason

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

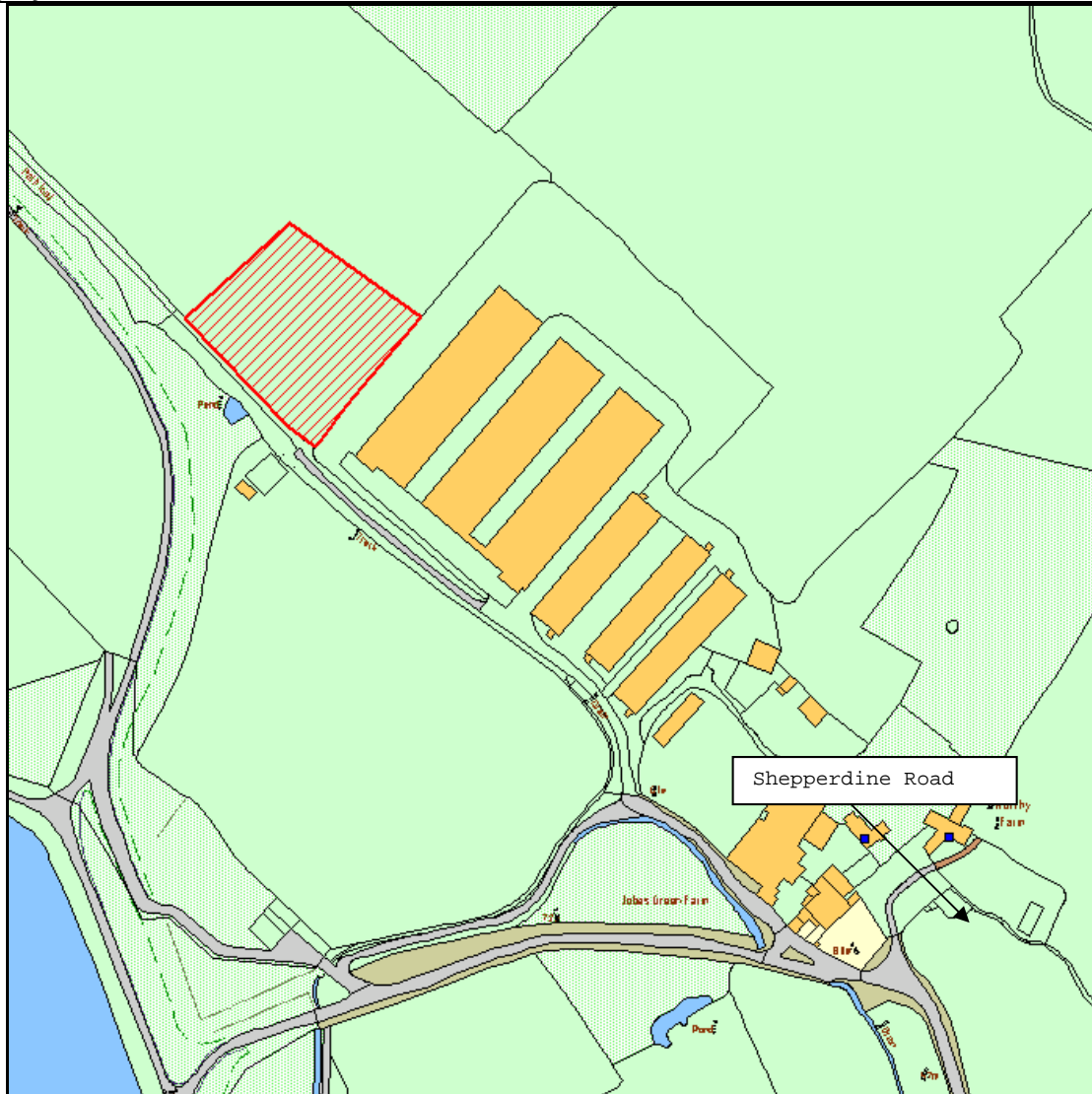
7. No development shall take place until the Local Planning Authority has been provided with, and has approved in writing, a Pre-Assessment of the development carried out by a BRE Licensed Code for Sustainable Homes Assessor, proving CSH Level 3 achievement for each dwelling. Each residential building shall then be subject to a post completion check by the BRE Licensed CSH Assessor (after the Design Stage Report has been carried out and an interim certificate obtained) and a final Code Certificate of compliance for each dwelling shall be submitted to, and confirmed in writing by, the local planning authority prior to first occupation of the dwelling or building to which the certificate relates.

Reason

To ensure the development minimises the use of energy and natural resources as required by PPS1 and its draft supplement Planning and Climate Change, Policy D1 of the South Gloucestershire Local Plan (adopted) January 2006, the South Gloucestershire Design Checklist.

CIRCULATED SCHEDULE NO. 10/10 – 12 MARCH 2010

App No.:	PT09/5240/F	Applicant:	Mr T Proudler E.ON UK Plc
Site:	Land Adj. Jobs Green Farm Shepperdine Road Oldbury On Severn South Gloucestershire	Date Reg:	8th September 2009
Proposal:	Retention and continued use of contractors compound including the stationing of single storey cabin accommodation, storage of plant, ancillary parking, security fencing and permeable hard standing (constructed under permitted development rights) for a temporary period of up to four years.	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	361416 194833	Ward:	Severn
Application Category:	Minor	Target Date:	27th October 2009



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 100023410, 2008. **N.T.S.** **PT09/5240/F**

INTRODUCTION

This application appears on the Circulated Schedule due to the receipt of objections from consultees.

1. THE PROPOSAL

- 1.1 Temporary consent, for a period of four years, is sought for the retention and continued use of a contractor's compound that was originally constructed under permitted development rights. The reason for the application is due to the permitted development rights being conditional upon the clearance of the site once site investigations have ceased. Even though ground investigation works have currently ceased, the applicant considers it likely that further site studies and surveys will be required in the future. Hence, the application seeks to avoid the need to remove the compound in between times of activity on site.
- 1.2 For Members' background information, the compound lies within the 150 hectare site nominated by Horizon for a potential new nuclear power station, and has been used for ground investigation works, including a seismic survey and borehole survey, associated with this potential future development. The site was included in the Government's draft list of sites suitable for new nuclear power stations in the recent Nuclear National Policy Statement consultation. At present however, although it has not been formally designated, (and this will not be known for some time due to the impending General election), due to the long lead in time necessary for the environmental studies associated with a new nuclear power station, the applicant wishes to continue with these preliminary studies.
- 1.3 The application site extends to approximately 0.5 hectares of open land situated some 600 metres back from the river bank, and immediately north west of three large modern sheds used for rearing chickens.
- 1.4 A section of field 50m by 50m has been stripped of topsoil and given a gravel finish. The topsoil forms a low bund to the edges of the hard standing. The area has an assortment of cabins (single storey), materials storage, plant storage and parking associated with the ground investigation works. 2.5metre high steel weld mesh security fencing surrounds the site. The site is accessed via a single-track lane off Shepperdine Road, which has recently been resurfaced in the vicinity of the site.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS7 Sustainable Development in Rural Areas
PPG20 Coastal Planning
PPS25 Development and Flood Risk
- 2.2 Development Plans
RPG 10 Regional Planning Guidance for the South West
Joint Replacement Structure Plan (saved policies)

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

L1 Landscape Protection

L3 Coastal Zone

L9 Species Protection

L11 Archaeology

EP2 Flood Risk and Development

T8 Parking

T12 Transportation Development Control

L7 and L8 Sites of National, Regional and Local nature conservation Interest.

L17, L18 Water Environment

LC12 Recreational Routes

Other Material Considerations

Emerging draft Regional Spatial Strategy for the South West

- 2.3 Supplementary Planning Guidance
Biodiversity and the Planning Process

3. RELEVANT PLANNING HISTORY

- 3.1 There is no formal relevant planning history, however Members should note that the compound was originally constructed under the terms of the Town and Country Planning (General Permitted Development) Order 1995.

4. CONSULTATION RESPONSES

- 4.1 Oldbury Parish Council

Object to the proposal on the following grounds:

When in use the compound will result in a significant increase in traffic movements in Oldbury Naite and Shepperdine Road. The frequency of the contractors movements is not known, nor the type of vehicle. This will impact on road users and those dwellings close to the road from the crossroads of The Naite with Fosse Lane.

In the early stages, the applicant would not wish to create a more suitable access for the compound or the site in general, however to give carte blanche to the traffic movements for 4 years is not acceptable. There should be some conditions attached to any permission, or a limitation of timescale.

The applicant will know early in 2010 whether or not the site is still included in the NPS. At that stage steps should be taken to construct an access which avoids the need for the Naite and Shepperdine Road to be used for vehicular movements to and from the site.

- 4.2 Other Consultees
Avon Ramblers

Please ensure that the bridleway to the riverbank which passes in front of the compound remains fully passable along its length and width. (The ground is

often soft and waterlogged in winter, and heavy traffic could churn the RoW badly).

SGC Public Rights of Way

The development will effect the nearest public right of way –Ref. OOS 13, which runs immediately adjacent to the site. Although we have no objection in principle to the development, the applicants need to be aware that this bridleway is used extensively by children from the nearby riding school and that the sharing of the bridleway with industrial machinery is potentially hazardous. Should planning permission be granted a condition will be required to ensure that there is no interference with the public right of way.

SGC Community Service – Drainage

Object on the grounds of lack of drainage information relating to flooding and pollution. (This objection preceded the latest EA comments).

Environment Agency

Originally objected to the application on the grounds that an inappropriate Flood Risk Assessment had been submitted hence it failed to meet the requirements of PPS 25 Development and Flood Risk.

Since then, the applicant has submitted additional FRA information, and following a review of this, the EA have now removed their objection to the proposal, subject to a number of conditions, including the requirement for a Flood Warning and Management Plan.

Other Representations

4.3 Local Residents

One letter has been removed from a local resident, objecting to the proposal on the following grounds:

- Volume of traffic and the access route will place local residents and businesses at risk
- The narrow access road passes a riding school and is used by riders, cyclists and walkers who are in danger of the contractors vehicles travelling at unsuitable speeds.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is located in the open countryside within the coastal zone as defined by Policy L3 of the Local Plan. This policy states that development within the undeveloped coastal zone will only be permitted where the development requires a coastal location and cannot be located elsewhere. It is considered reasonable to accept that this development does indeed require a coastal location, as it is a result of the coastal location of the potential new nuclear power station. Any compound located outside the coastal zone would not be as sustainable in terms of vehicle movements, nor would it have been permitted development in the first place, as it would not be in connection with operations

being carried out on that land or adjoining land. It is considered therefore that the principle of the development is acceptable on the basis that it is a temporary consent and relates to survey work only. The other relevant issues are considered below.

5.2 Flooding and Drainage

The site is within Flood Zone 3 as designated on Environment Agency flood zone maps. As all surrounding land is designated as Flood Zone 3 and there is no alternative location for the temporary facilities that would be at a lower risk of flooding, it is concluded that the proposed development meets the requirements of the Sequential Test as defined in PPS25. Hence there is no requirement to consider the exception test.

Flood studies have indicated that the risk of flooding in the area relates to the risk of tidal flooding from the Severn Estuary and the existing flood defences along the estuary boundary provide protection against tidal flooding of 1 in 200 years frequency. Assessments have indicated that in the event of a major breach in flood defences, floodwater may accumulate up to a depth of 1.6m. The submitted FRA demonstrates that the existing coastal defences provide an adequate standard of protection against direct tidal inundation, but that the compound could be vulnerable to flooding as a consequence of a breach in defences. The FRA concludes that the development has low vulnerability to the effects of flooding and therefore no specific flood protection measures are proposed.

As stated in the consultation section above, the Environment Agency originally objected to the application and requested additional information in respect of provision of safe access/egress to and from the site during flood conditions, and preparation of an emergency evacuation plan for the site. The EA have reviewed the additional FRA information provided by the applicant and have removed their objection, subject to a number of conditions. These include a requirement to submit for LA approval, a Flood Warning and Management Plan. This should take into account that fact that it is very likely that in a breach scenario, torrential rain will have already created surface water problems on the main access roads. It would be wise therefore to consider early triggers for action on the ground to ensure that operators at the compound are not cut off.

Subject to the inclusion of this condition, and other drainage conditions therefore, it is considered that the proposal is satisfactory in terms of flood risk.

In terms of surface water drainage, the proposal consists of an area of permeable hardstanding, which includes a number of shallow soakaway trenches to promote infiltration of surface water. It is considered that this will result in no increase in the rate of surface water discharge when compared to the current greenfield condition of the area. Hence the proposed development will not result in unacceptable risk of flooding to the surrounding area. It is considered therefore that Policies L17 and L18 of the SGLP are complied with.

5.3 Transportation

Access to the site is via an adopted single-track lane from Shepperdine Road which passes a riding school, several derelict buildings at Worthy Farm and Jobes Green Farm, and substantial chicken farm buildings which lie to the south east of the site. Following discussions with the Council's highway engineers, it was concluded that the section of highway between the chicken farm and the entrance to the compound needed improving, and this has now been re-surfaced.

The Council's Transportation DC Engineer is satisfied that the existing roads serving the site can accommodate the type and volume of traffic associated with the ground investigation and other survey work. Further that a condition limiting the amount of traffic using the site is not necessary and would be difficult to enforce. However, should a more intense use of the site be proposed in the future, i.e. the construction or site preparation works for a nuclear power station, then an alternative means of access will need to be agreed. The concerns of the Parish Council have been taken into account and officers agree that the current access would not be suitable for these possible future construction works due to concerns over the minor nature of the approach roads, the conflict with pedestrians and riders and residential amenity. Hence a condition restricting the use of the construction compound to that associated with survey work only will be necessary. It is noted that in the scoping report for the potential nuclear power station, the red line on the site location plan includes a strip of land from the existing power station access road into the new power station site, and it is anticipated that this would be used for future vehicular access.

In terms of parking and turning facilities, the site is acceptable in these respects.

Public Right of Way issues

Policy LC12 states that recreational horseriding routes will be safeguarded, and development proposals adjacent to a recreational route should provide adequate means of access to that route. As noted in the consultation section above, there is an existing bridleway that lies adjacent to the site. It runs from the south eastern corner of the field in which the compound is located, in a north westerly direction to the riverbank. Hence it lies outside of the compound area, but within the field boundary. As it is used as an extension of the lane leading to the compound site, there is the potential for conflict of use between vehicles, walkers and riders. However, there is only one point where the site access crosses the bridleway where the two uses coincide other than on the adopted highway. In this case therefore it is not considered that there are sufficient grounds for objection, subject to a condition prohibiting any interference with the bridleway. Further to the comments of Avon Ramblers, it is noted that since the first use of the compound, the vehicle routing has been changed to ensure that they are directed into the compound rather than turn immediately left along the bridleway if travelling to the west of the compound. It is considered that this is satisfactory and should be ensured through the imposition of a condition in order to comply with Policy LC12.

The proposal is therefore considered acceptable in terms of transportation issues.

5.4 Ecology

The site consists of improved, intensively-grazed pasture of low botanical interest. Because of this it is accepted that the short, heavily grazed sward would not offer any suitable habitat for reptiles (slow-worm, grass snake), birds or great crested newts, not least as none of the ponds within 250m of the application site were found to contain the species.

The Severn Estuary is notified as a Site of Special Scientific Interest (SSSI) and is protected under the Wildlife & Countryside Act 1981 (as amended) and the Countryside & Rights of Way Act 2000. It is also designated as a Special Protection Area (SPA) under EC Directive 79/409 on the Conservation of Wild Birds ('the Birds Directive') and a Ramsar site under the Ramsar Convention on the Conservation of Wetlands of Importance. Whilst the application site itself is not covered by any statutory or non-statutory nature conservation designations, the application lies in the floodplain of the Severn Estuary c.0.5km from these designated sites.

The Estuary is also a Special Area of Conservation (SAC) under European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('the Habitats Directive 1992'), implemented in Britain by the Conservation (Natural Habitats & c.) Regulations 1994 ('the Habitat Regulations').

Regulation 48 of the Habitats Regulations states that where a '*plan or project*' – for example, planning applications – is likely to have a significant effect on the European features of interest of a SPA or SAC it must be subject to an '*appropriate assessment*' by the '*competent authority*'. This is, effectively, to assess the likely impact of development on the features of interest for which the site has been designated – e.g. wildfowl in regard to the SPA. The impact has to be assessed on its own or in combination with other '*plans or projects*' and has to be carried out regardless of whether the effects are temporary, permanent, beneficial, negative, direct or indirect etc.

The wildfowl for which the Severn Estuary is designated as a SPA also use fields within the coastal floodplain alongside the Estuary and the same legislative protection applies to any land used by European wildfowl even if that land is actually outside the SPA.

The Council's ecologist has therefore assessed whether planning permission would be likely to have a significant effect on the conservation objectives of the Severn Estuary European Site (SPA/Ramsar): and whether the application will need to be subject to a full '*appropriate assessment*' under Regulation 48 of the Habitat Regulations 1994 (Habitat Regulations Assessment (HRA)) in consultation with the Government's statutory nature conservation advisors, Natural England. It is considered that the land lost (grazed pasture within the coastal floodplain of the Estuary) is relatively small and confined. It adjoins a series of intensive chicken sheds, and wildfowl are reluctant to roost or feed so close to buildings. The nearest recorded sightings of wildfowl (small numbers of shelduck and curlew) to the application site is on the adjoining land ('silt lagoon

1') which is screened by a bund and tree planting and at some distance from the compound. Further, the compound is close to the reactor at Oldbury as well as the existing intensive chicken sheds and consequently any further noise or disturbance would be relatively minor. It is also removed from the foreshore and from any wildfowl feeding/roosting there.

The Assessment concludes that the proposal (i.e. insofar as those issues pertaining to permission under the Town & Country Planning Act 1990 are concerned) is not likely to have a significant effect overall on the European Features of Interest within the Severn Estuary SPA/Ramsar for the following reasons: -

The compound is already in situ under PD rights. Removal and re-siting would result in greater and further disturbance (albeit temporary).

The nearest European wildfowl recorded by consultants acting for the applicant during wildfowl surveys in winter '08 found curlew and shelduck using the adjoining land (silt lagoon 1). However, these were in small numbers, at some distance from the compound and screened from it by a tree belt and the lagoon embankment. Any disturbance is thus likely to be negligible. In addition, the actual loss of habitat (grazing pasture) to the application is extremely small in the context of the overall floodplain.

Natural England has, after discussions with the Council and reviewing the data from February 2008 concluded that the application will have no significant affect. The Council therefore concludes that the proposal will not have an adverse affect on the Features of Interest of either the Severn Estuary European Site.

5.5 Visual Amenity

In views of the site from the west there is a backdrop of chicken sheds which distracts from the compound area. However in views from the bridleway along the immediate southern edge of the site, the effect is to extend the footprint of built development out into the countryside, effecting both the landscape character and visual amenity. For this reason, and the fact that there is an adjacent disused hardstanding in the farm complex, the Council's landscape architect has objected to the proposal. The applicant has advised however that this existing hardstanding is not sufficiently large enough for the required operations. It is considered that overall, the views of the compound are mainly limited to close views only due to its location, the shielding effect of the chicken sheds and the presence of vegetation at the periphery of some of the adjacent fields. On the basis that the proposal is for a temporary period only, and due to the locational requirement to be within/adjacent to the potential power station site, it is considered that the visual impact does not warrant a reason for refusal, subject to a condition requiring the full clearing and reinstatement of the land once the temporary consent has expired.

5.6 Archaeology

The site is particularly sensitive in archaeological terms, and the Council's archaeologist has been in contact with the applicant throughout the erection of the contractor's compound and the carrying out of the survey work . The site

contains well preserved earthworks remains of former agricultural activity, which are likely to be of medieval date. Due to the need to level the site, it was therefore essential that these earthworks were the subject of archaeological recording during the construction of the compound. In addition, it has been necessary to examine the results of the borehole survey, (in consultation with English Heritage) which has provided detailed archaeological information. An Archaeological brief for these works was provided by the Council's archaeologist, who is satisfied that there is no archaeology objection to the proposal. The proposal is therefore in compliance with policy L11 of the SGLP, provided a condition is imposed to ensure that the results of the recording carried out to date are included in a final publication for the site as a whole.

5.7 Residential Amenity

The closest properties to the site are business uses – the chicken farm and the riding stables. There are no residential properties in the immediate vicinity of the site although it is acknowledged that there are dwellings on the Shepperdine Road on the approach to the site and one of these residents has objected to the proposal on traffic grounds. Some of these issues have been dealt with under the transportation section of this report, however in terms of residential amenity, it is not considered that the use of the public highway by vehicles associated with the compound have or would have sufficient impact to warrant a refusal of planning permission, subject to a number of provisos. It is considered that a condition should be imposed limiting the use of the compound to that associated with survey work only, (rather than construction works), and a delivery hours condition which will have the effect of limiting the times that HGVs can visit the site.

5.8 Use of Energy and Sustainability

The approval of a construction compound within the actual site is considered a sustainable location in terms of minimising traffic movements.

5.9 Improvements Achieved to the Scheme

The proposal was originally carried out under permitted development, however the imposition of a number of conditions will ensure significant improvement in terms of highway safety, residential amenity, archaeology, visual amenity and drainage and flooding issues.

5.10 Section 106 Requirements

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in

accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

- 6.2 It is considered that the location of the construction compound has had regard to the provision of Policy L1 of the South Gloucestershire Local Plan and the need to safeguard recreational routes, in accordance with Policy LC12 of the SGLP. Furthermore, it is concluded that the amenity of local residents and highway safety will be appropriately safeguarded by the imposition of conditions, consistent with the requirements of Policy T12 of the South Gloucestershire Local Plan. In particular it is considered that the concerns of the parish Council can be satisfactorily dealt with by the imposition of a condition restricting the use of the compound to survey work only. This will ensure that if development consent is eventually granted by the IPC for a nuclear power station, an alternative site with more appropriate access is considered. The further work carried out by the applicant in terms of flooding issues has ensured that the proposal complies with policies L17, L18 and LEP2 to ensure that drainage and flooding issues have been satisfactorily dealt with, subject to the imposition of appropriate conditions, including the approval of a flood warning management plan. The interests of ecology and archaeology have been addressed and safeguarded respectively and so it is considered that the application is consistent with Policies L9, L7, L8 and L11 of the SGLP.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That temporary planning permission be GRANTED, subject to the following conditions:

Contact Officer: Helen Ainsley
Tel. No. 01454 863788

CONDITIONS

1. The use hereby permitted shall be discontinued, the land restored to its former condition (including the reinstatement of the topsoil currently stored on site) and all structures, vehicles and equipment removed from site on or before 1st November 2013; in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason:

The development lies within the Coastal Zone as defined by Policy L3 of the South Gloucestershire Local Plan, is out of character with the surrounding area and is permitted for a limited period only because of the special circumstances of the case.

2. The construction compound hereby approved shall be used only in conjunction with survey work carried out on the wider site as a whole, and for the avoidance of doubt, it

shall not be used in conjunction with, and for any construction, site preparation or site raising activities on the wider site (of the potential nuclear power station) as a whole.

Reason:

The access to the site and approach roads are not considered suitable for a greater intensity of use, in terms of highway safety and residential amenity having regard to Policies EP1 and T12 of the South Gloucestershire Local Plan.

3. The development, nor it's associated vehicles and machinery shall at no time interfere with the adjacent bridleway. Vehicles shall access the wider site through the construction compound only and shall not use the route from the south east corner of the field in which the compound is located, to the wider site to the west.

Reason:

In order to protect the adjacent recreational route, in accordance with Policy LC12 of the South Gloucestershire Local Plan.

4. A final report on the results of the archaeological investigations shall be submitted to the Council for approval within 6 months of the date of this consent and, unless otherwise agreed in writing shall be submitted for publication within 1 month of the date of approval being given by the Council. The condition shall be discharged when the report has been accepted for publication or the Council has agreed to the findings being incorporated into a larger report on the site as a whole.

Reason:

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

5. The delivery of any cabins, heavy plant and equipment to and from the site shall be limited to: between the hours of 0700 hours to 1900 hours Mondays to Fridays; 0800 hours to 12.00 noon Saturdays; with none taking place on Sundays or Bank or Public holidays.

Reason:

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

6. Any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to the Local Planning Authority prior to their first use. Development shall be carried out in accordance with the approved details.

Reason:

In the interests of the visual amenity of the area and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Any cabins or office accommodation units shall not be stacked over single storey height.

Reason:

In the interests of the visual amenity of the area and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Within two months of the date of this decision notice, a Flood Warning and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The owners/occupiers of the site shall comply with the approved Plan whilst the site remains operational or occupied unless otherwise agreed/amended in writing by the Local Planning Authority.

Reason:

To minimise danger to occupants of the site from any flood events, and to accord with Policy EP2 of the South Gloucestershire Local Plan.

9. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason:

To prevent pollution to the water environment and to accord with Policy EP1 of the South Gloucestershire Local Plan.

10. There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason:

To prevent pollution of the water environment, and to accord with Policy EP1 of the South Gloucestershire Local Plan.

11. Nothing other than uncontaminated materials shall be used in creating the permeable base to the site.

Reason:

To prevent pollution to the water environment and to accord with Policy EP1 of the South Gloucestershire Local Plan.