



**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. 03/11

Date to Members: 21/01/11

Member's Deadline: 27/01/11 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

- a) Any application submitted by or on behalf of the Council.
- b) Any application requiring either new or a modification to an existing planning agreement, provided that the application is not required to be determined by Committee.
- c) Any footpath diversion required to implement an approved scheme.
- d) Applications, except those where approval is deemed to be granted upon the expiry of a defined period, where a representation contrary to the Officers recommendation are received.
- e) Applications for Certificates of Appropriate Alternative Development where a representation contrary to the Officer's recommendation is received.
- f) Applications for Certificates of Lawful Use of Development

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Services Support Team. If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863518, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

CIRCULATED SCHEDULE – 21 JANUARY 2011

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/2919/F	Refusal	Marshfield Farm Gloucester Road Cold Ashton Chippenham South Gloucestershire SN14 8LE	Boyd Valley	Marshfield Parish Council
2	PK10/2966/R3F	Deemed Consent	Yate International Academy Sundridge Park Yate South Gloucestershire BS37 4DX	Yate Central	Yate Town
3	PK10/3119/CLP	Refusal	20 Fouracre Crescent Downend South Gloucestershire BS16 6PS	Emersons	Downend And Bromley Heath Parish Council
4	PK10/3301/F	Approve with Conditions	Fleur De Lys 12 Shortwood Road Pucklechurch South Gloucestershire BS16 9RA	Boyd Valley	Pucklechurch Parish Council
5	PK10/3365/F	Approve with Conditions	91 Alma Road Kingswood South Gloucestershire BS15 4EG	Kings Chase	None
6	PT10/2934/RVC	Approve with Conditions	Land At Parkway North Stoke Gifford I South Gloucestershire BS34 8RG	Stoke Gifford	Stoke Gifford Parish Council
7	PT10/3011/EXT	Approve with Conditions	24 Church Road Stoke Gifford South Gloucestershire BS34 8QA	Frenchay And Stoke Park	Stoke Gifford Parish Council
8	PT10/3149/TRE	Approve with Conditions	Land At Hickory Lane/Dogwood Road Almondsbury I South Gloucestershire BS32 4FN	Almondsbury	Almondsbury Parish Council
9	PT10/3228/CLE	Approve with Conditions	Awkley Farm Bungalow Hardy Lane Tockington South Gloucestershire BS32 4LW	Severn	Olveston Parish Council
10	PT10/3356/F	Approve with Conditions	White Lion High Street Thornbury South Gloucestershire BS35 2AQ	Thornbury North	Thornbury Town Council
11	PT10/3357/LB	Approve with Conditions	White Lion High Street Thornbury South Gloucestershire BS35 2AQ	Thornbury North	Thornbury Town Council
12	PT10/3408/F	Approve with Conditions	139 Bradley Avenue Winterbourne South Gloucestershire BS36 1HW	Winterbourne	Winterbourne Parish Council
13	PT10/3420/EXT	Approve with Conditions	29 Cabot Court Gloucester Road North Filton South Gloucestershire BS7 0SH	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 03/11 – 21 JANUARY 2011

App No.:	PK10/2919/F	Applicant:	Marshfield Ice Cream Ltd
Site:	Marshfield Farm Gloucester Road Cold Ashton Chippenham South Gloucestershire	Date Reg:	29th October 2010
Proposal:	Installation of 1no. 37m high Wind Turbine with associated works. (Resubmission of PK10/0965/F).	Parish:	Marshfield Parish Council
Map Ref:	375845 173848	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	21st December 2010



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N.T.S.

PK10/2919/F

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to receipt of 38 letters of support contrary to the officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a wind turbine on agricultural land. The proposed turbine would consist of a single 330kw turbine mounted on a mast 37m high. The top of the turbine will have three blades forming a 16.7 metre radius. The turbine will therefore have a maximum height to the tip of its blade at 53.7 metres.
- 1.2 The turbine would serve Marshfield Ice Cream Ltd. Supporting information submitted with the application states that the proposed turbine is seeking to address underlying economic pressures that the business has to contend with – in particular the anticipated rise in commercial energy cost. The wind turbine is seen as a way of future proofing the business by reducing the farms dependency on non-renewable sources of energy and to protect the company's spend on buying electricity.
- 1.3 Marshfield Farm Ice Cream Ltd currently employs 15 people with additional workers at the associated Dairy Farm - Oldfield Farm. The site (both dairy and ice cream farm) currently uses about 630,00 kWh of electricity per annum which equates to approximately 343 tonnes/year CO2. The Ice Cream farm is expected to grow by 20% this year and therefore its electricity demands are expected to grow in parallel. On this basis, 79% of the turbines total production is expected to be used immediately with the remaining 21% being used over the following 2-5 years.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Development in the Green Belt
PPS5	Planning for the Historic Environment
PPS7	Sustainable Development in Rural Areas
PPS22	Renewable Energy

2.2 Development Plans

South Gloucestershire Core Strategy (Publication Draft) Dec 2010

CS1	Design
CS3	Renewable and Low Carbon Energy Generation

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L2	Cotswolds Area of Outstanding Natural Beauty
L9	Species Protection
L12	Conservation Areas

L13	Listed Buildings
GB1	Green Belt
EP5	Renewable Energy Installations
T12	Transportation Development control

- 2.3 Supplementary Planning Guidance
 South Gloucestershire Design Checklist.
 South Gloucestershire Council Landscape Character Assessment – Adopted
 August 2005

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/0965/F Installation of 1 no. 37m high Wind Turbine with associated works.
 Withdrawn June 2010 upon officer advice to avoid the receipt of a refusal.

4. CONSULTATION RESPONSES

- 4.1 Cold Ashton Parish Council
 Cold Ashton Parish Council object to this application due to the fact that it will be sited in an Area of Outstanding Beauty. It could also set a precedent for similar applications.
- 4.2 Marshfield Parish Council
 Objects to the application on the grounds of detrimental impact on the AONB and potential precedent for similar proposals
- 4.3 Councils Ecologist
 No objection subject to the attachment of conditions
- 4.4 Councils Landscape Architect
 Objects on the basis that the argument put forward by the applicant is not of sufficient weight to outweigh the harm to the Green Belt and AONB
- 4.5 Councils Conservation Officer
 Objects on the basis that the proposal would have an adverse impact on the setting of Oldfield Farm – a grade II listed building.
- 4.6 Cotswolds Conservation Board
 The Board has the following concern regarding this proposal: That the landscape and visual impact assessment submitted with the application does not adequately describe the nature and significance of the impacts of the proposal.
- 4.7 Councils Environmental Protection Team
 No objection
- 4.8 Council for the Protection of Rural England
 Objects on the grounds that the erection of wind turbines in a nationally designated area of landscape value is unacceptable.

4.9 Councils Highways Engineer

No Objection

4.10 NATS (Air Traffic Management)

No Objection

4.11 Bath Preservation Trust

Objects on the basis that a 37m high wind turbine high is proposed. The siting of this wind turbine would be visually intrusive in the landscape and would have a detrimental visual impact on the rural character of Cotswold AONB, the setting of listed building, the setting of three rural conservation areas (Marshfield, Cold Ashton and West Littleton) and thus the wider landscape setting of the City of Bath World Heritage Site.

4.12 Climate Friendly Bradford on Avon

Supports well thought out schemes which reduce carbon emissions

Other Representations

4.13 Local Residents

Support. 38 letters of support have been received. A summary of the main points raised is as follows:

- Well researched – no expected problems from noise or effect on wildlife
- No significant extra infrastructure is required
- Once the turbine is removed the small area of concrete left would have minimal environmental impact
- The small local business deserved full support
- Marshfield Ice Cream is a substantial contributor to the local economy
- It is an elegant structure that will contribute to the visual diversity of the area
- The structure is smaller than the pylons
- The AONB remains a working landscape that must adapt to current economic concerns and developments
- Support the provision of sustainable power
- In times of diminishing energy resources scheme such as these should be adopted wherever possible
- It would encourage one writer to visit and provide a positive illustration of a community keen to sensitively contribute to a more sustainable future
- Environmental benefits are significant
- Carbon saving benefits are huge
- Not embracing such technologies will have a far more catastrophic effect on the AONB and beyond
- Wind turbines are structures of beauty
- It would provide a valuable landmark and air walkers with navigation
- Will support sustainable farm diversification
- The site is very sandy and so therefore suitable for a turbine
- The government is asking planners to look favourably on responsible applications such as this.

4.14 Objection. 19 letters of objection have been received. A summary of the main points raised is as follows:

- The turbine will be equivalent to an 18 storey block of flats – out of proportion and dominate the landscape
- The benefits would be for a limited number of people
- Very sensitive site
- Alternative scheme could have a similar effect whilst preserving the local landscape
- Set a precedent
- Could a more appropriate site be found?
- Sites in an AONB and will be very visible from the Cotswold Way
- May increase the risk of accidents for drivers on A46 and A420
- The turbine is simply a business opportunity for the developer
- Will adversely affect the Green Belt and the AONB
- The turbine is not needed for the continued prosperity of the business
- Issues raised with previous application have not been overcome.
- Noise issues
- Ecological issues
- The letters of support are written largely by people who live far away
- ‘why can’t solar power be used?’
- Do special circumstances exist?

4.15 Petition. One petition has been received with 61 signatures on it. The title of the petition is:

“We, the undersigned, object to the proposed .33MW wind turbine at Marshfield Ice Cream Farm Ltd, Marshfield SN14 8LE (planning application no. PK10/2919/F), as we live within 2km of the proposed development”

(It is noted that some of the signatories on the petition have also sent in personal letters of objection.)

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site lies in the Green Belt, in the Cotswold’s Area of Outstanding Natural Beauty and outside of any defined settlement boundary. Policy EP5 of the South Gloucestershire Local plan specifically relates to installations for renewable energy and confirms that such proposals will be acceptable providing it will not have any unacceptable environmental or transportation effects, and would not prejudice residential amenity. The application stand to be assessed against all of the policies listed above as discussed below.

5.2 Green Belt, AONB and Impact on Landscape

Paragraph 11 of PPS22 says that in sites with nationally recognised designations (including AONBs), planning permission for renewable energy projects should only be granted where it can be demonstrated that the objectives of the area will not be compromised by the development and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the environmental, social and economic

benefits. Policy L2 of the Adopted South Gloucestershire Local Plan confirms that within the AONB, where development is to proceed, measures will be required to conserve and enhance the natural beauty of the landscape.

- 5.3 Paragraph 13 of PPS22 goes on to discuss the impact of renewable energy installations on the green belt. It states that *'when located in the green belt, elements of many renewable energy projects will comprise inappropriate development, which may impact on the openness of the green belt. Careful consideration will therefore need to be given to the visual impact of projects, and developers will need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed.'* It is accepted within the PPS that very special circumstances may include the wider environmental benefits associated with the production of energy from renewable sources. Policy GB1 of the Adopted Local Plan and PPG2 identify the five limited types of development that may be considered acceptable in the green belt – renewable energy installations is not one of these limited classes.
- 5.4 The application contains no mention of the South Gloucestershire Landscape Character Assessment but instead concentrates on broader, nationally derived landscape assessments. Whilst this is an acceptable line of reasoning, the South Gloucestershire assessment being locally derived through extensive public consultation and local knowledge is consequently very pertinent to the case.
- 5.5 The site is located within a landscape character area that is described in the South Gloucestershire Landscape Character Assessment as having, *'three principal landform elements which influence its character. These comprise the open plateau/dip slope landscape, the broad shallow and largely open valleys of the upper Broadmead Brook and the smaller scale enclosed lower Broadmead Brook valley to the east of the area'*. The site is located at an elevation of approx 200m AOD on the northern edge of one of the valleys of the upper Broadmead Brook. The highest point of the dip slope at 220m AOD lies approx 2.5km to the west of the site and the dip slope falls generally north eastwards to a low point of approx 155m AOD on the South Gloucestershire border approx 4.5 km from the site.
- 5.6 The fall however, is not even and the site is located on a plateau visually contained by a localised increase in height generally along the line of the A46 to the west and West Littleton Down to the north and an increase in the general gradient beyond the Tormarton Road to the east. To the south the plateau ends abruptly in a steep fall into St Catherine's Valley. For these reasons the Zone of Visual Influence (ZVI) is constrained and for an open plateaux location longer views of the turbine will actually be quite limited. However, within the ZVI the views will be confined, at close range and visually dominant.
- 5.7 In respect of the Green Belt, the proposal does not fall within one of the five limited categories of development that can normally be considered acceptable within the Green Belt and the proposal, is therefore by definition, harmful. The proposal will affect the visual amenity of the Green Belt and its openness and as such is contrary to PPG2 and Policy GB1 of the adopted local plan.

Openness however, is considered the '*most important attribute*' of the Green Belts (PPG2). The South Gloucestershire Landscape Character Assessment reinforces the issue of openness in this landscape character area and repeatedly mentions the significant characteristic of its openness.

- 5.8 In addition to the above, it is not considered that any very special circumstances have been demonstrated that outweigh the impact of the turbine on the openness of the green belt. It is accepted that in accordance with PPS22, the wider environmental benefits associated with increased production of energy may be considered as very special circumstances but this has not been demonstrated in this case. Rather than having wider environmental impacts, the benefits of the turbine will be focused entirely in Marshfield Ice Cream Ltd. In accordance with the supporting information, it is anticipated that within the next 2-5 years, all of the energy produced by the turbine will be used on the farm. Although this does mean that some energy may be sold back to the grid for the next 2-5 years, this would be a small amount of energy and only for a very short timeframe. It is also accepted that policy seeks to support businesses and promote economic development. Information submitted in support of the application claims that the business is anticipated to expand by 20% over the forthcoming years and it is not claimed that the business will not survive if the turbine is not erected. It is not therefore considered that the application will benefit the wider environment and that all benefits will be solely focused on the farm.
- 5.9 The assessment also considers the impact that any development could have on the openness as follows; '*The open and exposed character of the plateau/dip slope ensures that it is highly sensitive to change. Any vertical built forms would be visible, not just from within the plateau, but from the surrounding wider landscape. Any vertical built forms which 'breaks' the skyline, such as housing, 'sheds', communication masts or traffic on roads etc, has the potential to be visually prominent and introduce discordant elements within the open plateau, which could erode its distinctive character*'. The assessment therefore considers that built forms of a much smaller scale than the proposed turbine would have a significant and discordant impact upon the landscape character of the plateau.
- 5.10 In a slightly different dimension, the issue of movement in the landscape is considered in the assessment with reference to the road network; '*The tranquillity and rural character evident over much of the character area is, in the south western part, affected by the main roads,*' and with particular reference to the M4, '*the high traffic levels are an audible and sometimes visually prominent feature of the landscape along those lengths running at grade*'. The stillness of the landscape is considered to add to the tranquillity of the area but the turbine will introduce a large moving element into that landscape.
- 5.11 The assessment also acknowledges the harm that existing built forms have on the landscape namely, '*The rural character of the plateau/dip slope landscape has been eroded in places through the visual intrusion of major roads, traffic, powerlines and masts. The audible intrusion from traffic levels adds to this erosion of rural character*'. The reference to noise is of some interest for although any noise generated by the turbine will seemingly be confined to a

small area, it is nevertheless a feature of the proposal that would have an impact upon the tranquillity of the area.

- 5.12 With reference to renewable energy developments, PPS 22 states at Para 12 that *'Small scale developments should be permitted within areas such as National Parks, Areas of Outstanding Natural Beauty and Heritage Coasts provided there is no significant environmental detriment to the area concerned'*. However, it is considered this proposal does not represent a small scale development as in this locality it is considered a turbine of this size will visually dominate the landscape.
- 5.13 Whilst the argument for the turbine is understood it is considered the case is not of sufficient weight to overcome the harm that would occur to the combination of Green Belt and a nationally designated landscape. It is accepted the visual impact of the proposed turbine will be limited to a comparatively small Zone of Visual Influence, it would nevertheless have a considerable visual impact within the zone and adversely affect the visual amenity of the landscape contrary to Policy L1 of the adopted local plan. The proposal will also adversely affect the visual amenity and the openness of the Green Belt contrary to PPG2 and Policy GB1 and will adversely affect the natural beauty of the AONB contrary to Policy L2.
- 5.14 Heritage Asset/Listed Building
Climate change is addressed in PPS5 under Policy HE1 although the focus of this is more on the modification and adaptation of heritage assets than energy generation in the rural environment. The accompanying Practice Guide considers the use of alternative power generation as a means of improving the energy performance of a building providing it does not cause harm to the significance of the heritage asset. Policy HE6.1 of PPS5 states that *'Local Planning Authorities should require an applicant to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance.'* Policy HE1 within PPS5 relates specifically to development affecting heritage assets and climate change.
- 5.15 Policy HE1.3 states: *"Where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change should be weighed against any harm to the significance of heritage assets in accordance with the development management principles in this PPS and national planning policy on climate change."*
- 5.16 The previously submitted application (reference in paragraph 3.1) did not include the full baseline information about what heritage assets would be affected and what this affect would be. This new application shows all designated heritage assets within the predicted Zone of Visual Influence, which includes a number of listed buildings as well as three conservation areas – Marshfield, West Littleton and Cold Ashton. The registered park and garden at Dyrham is also considered. The application site is identified as Marshfield Farm, also known as Oldfield Farm. Oldfield Farm and attached barns are grade II listed buildings.

- 5.17 The proposed turbine will introduce an alien and prominent feature in to the landscape. At only 100m away from Oldfield Farmhouse and attached barns, the turbine will appear entirely out of scale with these listed buildings, and the nearby structures within the landscape. The open and attractive landscape contributes to the significance of the listed farm buildings and their setting. The introduction of the turbine will have a detrimental impact on the quality of the landscape and the contribution that it makes to the setting of the listed buildings. The existing large modern agricultural buildings have undoubtedly already caused a degree of harm to the historic setting of the traditional buildings. While these large structures would serve to separate the listed buildings from the turbine, and limit views from immediately outside the house to some degree, from more distant views the turbine will add increased visual obstacles in to the landscape, and further detract from the landscape setting.
- 5.18 The Councils conservation officer has assessed views from the three conservation areas (Marshfield, Cold Ashton and West Littleton), as well as the registered garden at Dyrham. It is considered that the turbine will not have any significant impact on the setting of the registered park and garden at Dyrham due to the topography of the land and the distance between the asset and the site. The turbine will be prominent from certain points at the northern edge of the Cold Ashton conservation area, the western edge of Marshfield conservation area, and from the southern side of West Littleton conservation area. Tree screening along the A420 will limit views from Cold Ashton conservation area. From West Littleton there are clear views over the level ground, up towards the turbine site, which lies at a higher level. At this distance from the conservation area the turbine would appear in close association with building groups, within the wider landscape. It is considered that the turbine will impact negatively on the wider landscape setting of these conservation areas, which currently contributes to their overall character as historic rural settlements. However, it is recognised that views from the conservation areas are limited to particular edges of each conservation area, and the impact is therefore relatively limited when considering these assets as a whole.
- 5.19 In conclusion it is considered that the development is likely to have an adverse impact on the setting of the designated assets at Oldfield Farm due to the scale and proximity of the turbine. Other listed buildings identified as within the ZVI are likely to be at a sufficient distance from the turbine for it to not have a significant effect on their setting. The development will fail to preserve or enhance the existing character or appearance of the landscape setting of the three conservation areas, however the impact is deemed to affect the setting of quite limited areas of each conservation area. It is therefore not considered to be a significant level of harm. Any harm caused to heritage assets will need to be balanced against the benefits of the renewable energy potential. It is also recognised that the degree of harm is also a highly subjective matter. However I consider that by virtue of the scale and proximity to the listed buildings at Oldfield Farm, their setting will be harmed, and therefore recommend that the application is refused for this reason.

5.20 Transportation

The proposed turbine, after erection would require very little maintenance. The few additional vehicular movements associated with the turbine would have no detrimental effect on highway safety.

5.21 Ecology

The environmental survey found no signs of badgers within 100m of the application site.

5.22 The environmental survey includes the findings of an emergence survey of the buildings at Oldfield Farm; a walkover activity survey (transects); and a survey of the application site using a fixed anabat recorder left on the stone wall closest to the turbine site. The survey recorded little bat activity within the vicinity of the application site.

5.23 One noctule and three pipistrelles were recorded commuting along the eastern boundary of the field close to the proposed turbine site. Three pipistrelle bats were also recorded emerging from the Oldfield Farm buildings, but these flew west or south instead of towards the application site. The overall low-level activity along the field boundary where the turbine is intended to be sited is probably a reflection of what is sub-optimal and poor feeding habitat there – specifically, improved grassland and a stone wall.

5.24 Recent research in other countries has shown that wind farms are linked to bat mortality as a result of 'barotrauma' or a rapid reduction in air pressure, particularly in regard to migratory routes, where bats tend to fly at a higher level than when foraging. However, given the low-level activity recorded in the ES in the vicinity of the application site and the poor bat feeding habitat offered therein; plus the fact that only a single turbine is to be installed, at such a height that the blade rotation is likely to be above the level of commuting pipistrelle bats, the likelihood of significant bat fatalities is considered to be low. Notwithstanding the above, should the officer recommendation be for that of approval, a condition requiring the seasonal monitoring of the operational phase of the wind turbine for bat fatalities would be attached to planning permission.

5.25 Whilst no specific survey was carried out for reptiles, the statement implies that the application site includes patches of habitat suitable for use by slowworms. Accordingly, in line with the approach suggested in 4.2.1 of the ES, should the recommendation be for that of approval, a destructive search of any suitable habitat within the application site for reptiles (slow-worms) should be carried out immediately ahead of development.

5.26 The environmental statement includes a survey of the overall farm holding for wintering and summer birds. The winter survey regularly recorded flocks of starlings within the site (farm) boundary foraging within the improved and arable fields, although the majority of flights were below the proposed turbine height. Large flocks of golden plover were also recorded within 500m of the application site, with the majority of flights being above the turbine sweep. Several species of raptor - buzzard, sparrowhawk and kestrel – were recorded in winter and summer, primarily associated with the woodlands surrounding the

- site. A variety of notable farmland birds, including skylark, linnet and corn bunting, were also recorded during the winter or summer surveys.
- 5.27 The environmental statement attempts to predict likely collision rates for particular species, with a 1% increase in baseline mortality being the threshold for a more detailed examination of impacts.
- 5.28 Notwithstanding the results of the calculations in the ES, it should be noted that most of the quoted research on bird mortalities relates to wind ‘farms’ – i.e. numerous turbines - as opposed to single installations. Furthermore, the habitat in the immediate vicinity is closely grazed and unsuitable for use by many if not all of the recorded species of birds which will be more closely associated with habitat (rank grassland, arable fields and/or hedges) elsewhere within Oldfield Farm. For example, the closely grazed sward is unsuitable for use by skylark: and linnet and corn bunting which were recorded within the farm holding and for which the Marshfield area is a stronghold (BTO), are more likely to be associated with the fields and boundaries to the south. The environmental statement indicates that there are only two records of golden plover collision casualties in relation to wind farms in European papers: and that a recent review concluded that waders have a ‘low susceptibility’ to collisions due to their tendency to be displaced. Lapwing has a similar tendency - the statement recorded small flocks of the species using the site intermittently during the winter, flying through the site below the blade sweep. Of the raptors, kestrels are most likely to be affected, being recorded close to the proposed site of the turbine. However, the threat to the birds is considered to be very low, particularly if the grazing and a short sward is maintained in the environs of the turbine to discourage use of the application site.
- 5.29 Maintaining the quality of habitat elsewhere within the Oldfield Farm landholding through existing and future Stewardship schemes, in combination with the continued grazing of the application site field is likely to reduce the likelihood of collision mortalities by attracting the aforementioned species away from the turbine. Notwithstanding the above, should the officer recommendation be for that of approval, a Condition requiring the monitoring of the operational phase of the wind turbine for bird fatalities would be attached to planning permission.
- 5.30 Residential Amenity
Given the isolated location of the site and the distance to any neighbouring residential properties, it is not considered that existing levels of residential amenity will be unduly affected by the proposed turbine. The Councils environmental protection scheme have assessed the application and raise no objection to the proposal in terms of noise or disturbance.
- 5.31 Other Issues
Whilst it is noted that concern has been raised that the approval of this application could set a precedent, given that no two sites are the same and that each application must be determined on its own merits, it is not considered that the determination of this application sets a planning precedent.

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 wind turbine in this location would be harmful to the distinctly rural attributes of the landscape that characterises this very distinctive and sensitive part of the Area of Outstanding Natural Beauty. It is accepted the visual impact of the proposed turbine will be limited to a comparatively small Zone of Visual Influence; it would nevertheless have a considerable visual impact within the zone and adversely affect the visual amenity of the landscape contrary to PPS22, PPS5 and Policies L1, L2 and EP5 of the South Gloucestershire Local Plan (Adopted).
- 6.3 The proposed wind turbine is not one of the five limited categories of development that may be considered acceptable in the green belt and would have a detrimental impact on its openness. Very special circumstances have not been demonstrated as the application fails to demonstrate that the benefits associated with the production of energy from the turbine outweighs the detrimental impact on its openness. The application is therefore contrary to the requirements of PPS22, PPG2, and Policy GB1 of the South Gloucestershire Local Plan (Adopted).
- 6.4 Oldfield Farmhouse and the attached traditional barns are grade II listed buildings, the architectural and historic interest and setting of which it is desirable to preserve. The proposed wind turbine, by virtue of its scale and proximity to the listed buildings will harm their setting, contrary to section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPS5 and accompanying practice guide and policy L13 of the Adopted South Gloucestershire Local Plan.
- 6.5 The recommendation to refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the application be refused for the following reasons;

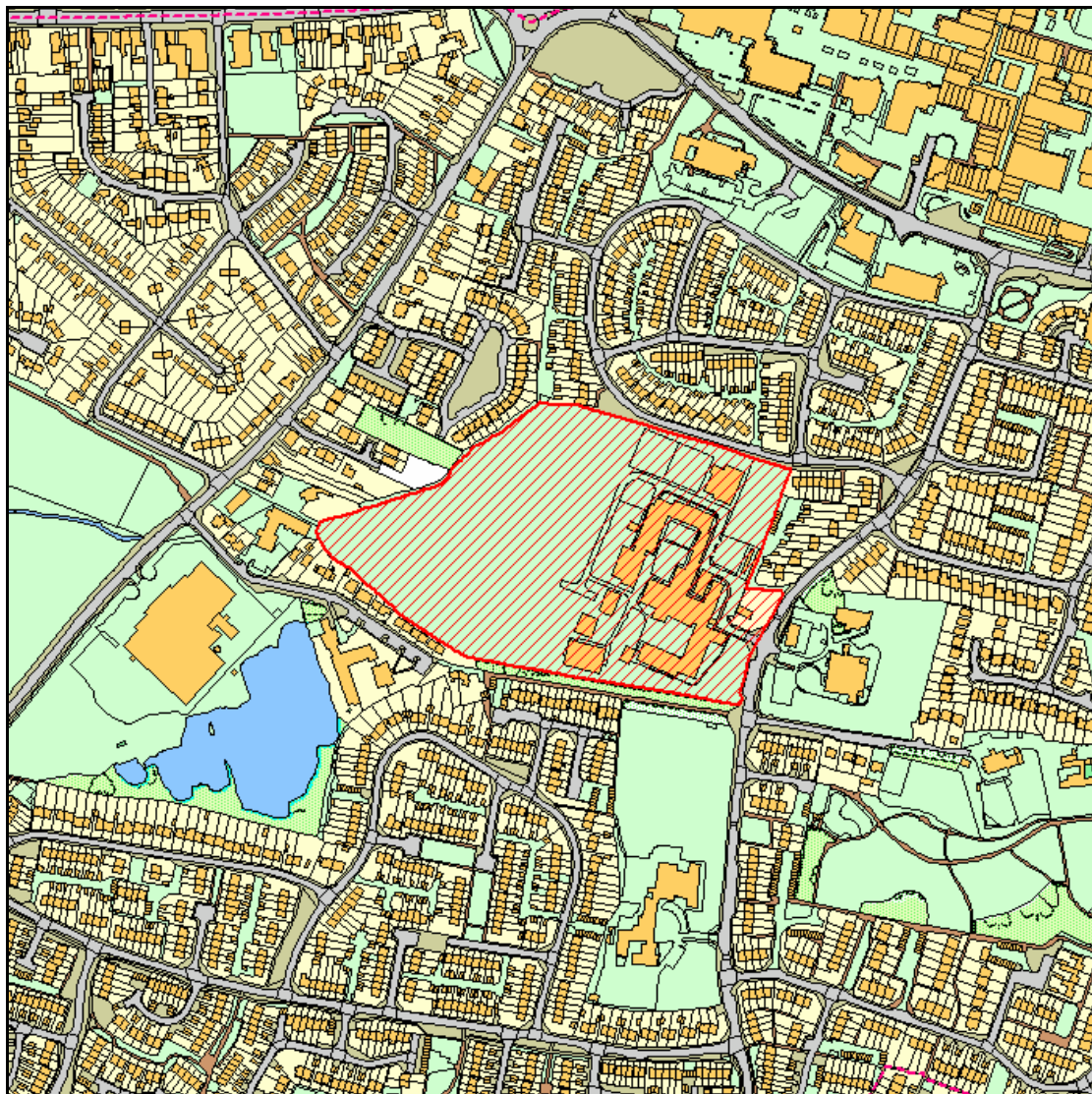
Contact Officer: Marie Bath
Tel. No. 01454 864769

REASONS FOR REFUSAL

1. The proposed wind turbine in this location would be harmful to the distinctly rural attributes of the landscape that characterises this very distinctive and sensitive part of the Area of Outstanding Natural Beauty. It is accepted the visual impact of the proposed turbine will be limited to a comparatively small Zone of Visual Influence; it would nevertheless have a considerable visual impact within the zone and adversely affect the visual amenity of the landscape contrary to PPS22, PPS5 and Policies L1, L2 and EP5 of the South Gloucestershire Local Plan (Adopted).
2. The proposed wind turbine is not one of the five limited categories of development that may be considered acceptable in the green belt and would have a detrimental impact on its openness. Very special circumstances have not been demonstrated as the application fails to demonstrate that the benefits associated with the production of energy from the turbine outweighs the detrimental impact on its openness. The application is therefore contrary to the requirements of PPS22, PPG2, and Policy GB1 of the South Gloucestershire Local Plan (Adopted).
3. Oldfield Farmhouse and the attached traditional barns are grade II listed buildings, the architectural and historic interest and setting of which it is desirable to preserve. The proposed wind turbine, by virtue of its scale and proximity to the listed buildings will harm their setting, contrary to section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPS5 and accompanying practice guide and policy L13 of the Adopted South Gloucestershire Local Plan.

CIRCULATED SCHEDULE NO. 03/11 – 21 JANUARY 2011

App No.:	PK10/2966/R3F	Applicant:	South Gloucestershire Council
Site:	Yate International Academy Sundridge Park Yate South Gloucestershire	Date Reg:	4th November 2010
Proposal:	Redevelopment of site to include a replacement school building, landscaping, new parking facilities and hard court multi use games area and floodlight artificial turf games pitch.	Parish:	Yate Town Council
Map Ref:	371158 182011	Ward:	Yate Central
Application Category:	Major	Target Date:	2nd February 2011



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100023410, 2008.

N.T.S.

PK10/2966/R3F

INTRODUCTION

This application is referred to the Circulated Schedule to Members in accordance with procedure as the applicant is South Gloucestershire Council. In addition a letter has been received that is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application proposes the erection of a new secondary school on the site of the existing King Edmund Community School. The proposals will include the construction of a 8495 sq.m school building (incorporating the existing science block – with all other existing buildings to be demolished). The development will also include the erection of a new sports hall and changing rooms. In addition site works include the construction of a 400m running track, artificial grass pitch and multi-use games area, the creation of ecology areas and a landscaped entrance to the site. The remainder of the site will be left as existing sports playing fields. Landscaping is proposed with existing trees largely retained, with new fencing within the site and existing boundary fencing to be replaced where needed.
- 1.2 Parking spaces for 103 cars are proposed (to include 6 disabled spaces) with in addition 140 cycle spaces and a drop-off space for 2 coaches/buses. The main entrance onto Sundridge Park will be retained with an additional pedestrian access nearby along the southern boundary. Within context the site is bounded to the north and west by residential development that on the southern boundary includes sheltered accommodation and a residential home for the elderly.
- 1.3 Yate Academy (as per the current school), will be a 11-18 co-educational comprehensive of nearly 1000 students. The Academy forms part of the Ridings Federation of Academies in partnership with The Ridings High School Winterbourne.
- 1.4 In support of the proposal the applicant has submitted with the Design and Access Statement the following documents: Acoustic Survey/Noise Survey, Archaeological Report, Ecology Report, Tree Report incorporating Arboricultural Implications Assessment and Arboricultural Method Statement, Energy Statement/Sustainability Report, Sustainable Drainage Report and Flood Risk Assessment, Geophysical Survey, Green Travel Plan and Site Access Method Statement and details of external lighting. This information has been assessed by officers and is discussed in the body of the report below.
- 1.5 The submitted scheme also includes details of a temporary access from Stanshawe Crescent during the construction phase.

2. POLICY CONTEXT

2.1 National Guidance

PPS 1	Delivering Sustainable Development
PPS5	Planning for the Historic Environment
PPG17	Planning for Open Space, Sport & Recreation
PPS25	Flood Risk and Development

2.2 South Gloucestershire Local Plan (Adopted January 2006)

- D1 Design
- EP1 Environmental Pollution
- EP2 Flood Risk and Development
- L1 Landscape Protection and Enhancement
- L5 Open Areas with the Existing Urban Area
- L9 Species Protection
- L11 Archaeology
- LC4 Proposals for Education and Community Facilities
- T8 Parking Standards
- T12 Transportation
- LC9 Protection of Open Space and Playing Fields
- LC13 Public Art

2.3 South Gloucestershire Core Strategy Publication Draft (Dec 2010)

- CS1 High Quality Design
- CS8 Improving Accessibility

2.4 Supplementary Planning Guidance

- South Gloucestershire Character Assessment Character Area – Yate Vale (Adopted August 2005).
- Trees on Development Sites (Adopted November 2005)
- South Gloucestershire Design Checklist (Adopted August 2007)

3. **RELEVANT PLANNING HISTORY**

- 3.1 The site has a long history in association with its use as a School. There is no history relevant to this proposal for the comprehensive re-development of the site.

4. **CONSULTATION RESPONSES**

4.1 Yate Town Council

No objection subject to provisional parking for residents of Stanshawe Crescent being provided while construction in progress

4.2 Other Consultees [including internal consultees of the Council]

4.3 Sport England

Sport England is very supportive in principal of the proposed school redevelopment, as the new educational campus will provide a wide range of high quality sports facilities including: Retained playing field for winter sport including football and rugby pitches, retained playing field for summer sport including a cricket pitch and 400m running track, a new unlit hard four court / multi use games area, a new artificial grass pitch with floodlighting (to a specification favourable to hockey), an indoor four court sports hall with storage and changing.

No objection is therefore raised

4.4 Drainage Engineers

No objection is raised to the proposal with the surface water drainage acceptable. It is noted that a full Flood Risk Assessment has been submitted with the application (given the size of the site which is greater than 1 hectare). It is for the Environment Agency to confirm their approval of this document.

4.5 Environment Agency

Subject to conditions, the Environment Agency raises no objections to the proposed development (withdrawing an earlier objection following the submission of further information by the applicant).

4.6 Sustainable Transport

The proposals for the future development of the Yate Academy School site, includes the construction of a new secondary school, demolition of the existing school buildings and the creation of new parking, landscaping etc on the site. In essence, this is a replacement of like with like. The proposal retains the existing vehicular entrance from Sundridge Park. The existing access is shared access between pedestrian and vehicles. To address pedestrian safety, the site is organised so that pedestrians/cycle and vehicular traffic are separated before entering the site. In this context, it is proposed to create two pedestrian entrances to the site; one would be from Sundridge Park and the second from the existing cycle-path that runs east/west along the southern edge the site.

For highway safety reasons and during the construction period only, a new temporary vehicular access, (self imposed one-way system for vehicles entering and leaving the site), is proposed from Stanshawe Crescent. This access would be used by the construction traffic during construction period only. Once, the construction of the new school is over then this access will be permanently closed off.

Parking for 97 cars is proposed on the site plus an additional six disabled parking spaces. It is further proposed to provide two coach/ bus pick up /drop off area on the site plus suitable turning facilities. Currently, there are no facilities on site for coach/buses. Provision of this facility on site would be beneficial. The new parking area on site has also been designed so as to enable pedestrians to be segregated from vehicle movement with designated pathways connecting back along the main arrival route. In line with the Council's requirement on sustainability, it is proposed that total of 140 cycle spaces would be created on the site.

In view of the above therefore, there are no highway objections to this application but the following planning conditions are recommended. 1) Prior to occupation of the new school provide all car/cycle parking on site and maintain these facilities satisfactory thereafter. 2) Prior to the contractor vacating the site, the temporary access shall be closed off permanently and the area of verge in front of this access would be reinstated to its original status.

4.7 Public Rights of Way Team

There is no objection to the proposed development. It is noted that two public footpaths lie adjacent to the site (to south and east). An informative should be added to the decision notice to remind the applicant of their duties and responsibilities in relation to these footpaths (ie to avoid any obstruction during construction)

4.8 Landscape Officer

It is considered that there is no landscape character or visual amenity objection to the proposal having regard to Policies D1, L1 and L5 of the South Gloucestershire Local Plan Adopted January 2006. A condition should however be attached to the decision notice requiring the submission and approval of a fully detailed landscape scheme to include all hard and soft works, planting specification, and a maintenance specification for a period of 5 years following completion. The planting scheme shall include a replacement for the tree, Ref: T31 which is to be removed in order to create the construction access.

4.9 Avon and Somerset Police

No objection to the proposed development

4.10 Lighting Engineer

I'd like to confirm that the submitted additional information is satisfactory, therefore the Council would approve the proposed lighting for the above mentioned planning application with the condition of the outstanding Source Intensity calculations to be submitted and that these figures will be according to ILE's guidance, as agreed with the Applicant.

Other Representations

4.11 Local Residents

One letter has been received, which is not a formal objection but sought clarification of aspects of the proposal and a response to this letter has been sent. The issues raised relate to the position of the entrance/exit during the construction phase and the protection of trees and hedges during construction and thereafter.

One letter of objection has been raised and the grounds of objection can be summarised as follows:

- The position of the new build will have a severe impact on the currently uninterrupted view across the school playing fields for the residents of Birkdale (numbers 11, 10, 9, 8 and 7) and the layout and build of the scheme should be redesigned in order to protect the sight lines of neighbouring occupiers.
- The proposed side entrance to the school off the lane adjacent to the school, would greatly increase the already congested lane on school mornings and

afternoons to the detriment of neighbouring occupiers. This entrance should be re-positioned

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposed development will involve the re-development of an existing school site (full details set out in Section 1 above).

- 5.2 PPG17 – Planning for Open Spaces, Sport & Recreation (July 2002) – includes advice on maintaining an adequate supply of playing fields. It states that where a robust assessment of need in accordance with this guidance has not been undertaken, planning permission for such development should not be allowed unless a number of criteria are met. In this case the area of the existing playing field is approximately 34,500 sq.m and the proposed area of outdoor sports is 37,904 sq.m. As has been set out above the proposal will also improve the quality of provision.

Proposals for the redevelopment of playing fields or land used as playing fields are subject to consultation with Sport England South West, whose primary objective is to ensure the retention of this space and thus meet the objectives of PPG17. A detailed submission has been made to Sport England and in this case no objection has been raised by that body.

The relevant policy in the South Gloucestershire Local Plan (Adopted January 2006) is LC9 that relates to the protection of open space and playing fields. The policy sets out various criteria and requires compliance with **one** of these, with the overriding requirement that development ‘in all circumstances would not have an unacceptable environmental effect and would not prejudice residential amenity’ (Criteria E).

Criteria A of Policy LC9 states that ‘*the development should not result in or add to a deficiency of public open space or the loss of space performing a significant recreational function*’

In this case while some existing playing field space will be lost (to accommodate the new building), this is more than compensated for by a new area of playing field comprising a floodlit all-weather surface towards the north-eastern corner of the site. A multi-use games area (Muga) will be built at the north-eastern corner. Overall it is considered that in terms of both the quality and quantity of the open space there will be an improvement rather than the creation of “a deficiency” and it is therefore considered that the proposal accords with Criteria A of Policy LC9 of the South Gloucestershire Local Plan Adopted January 2006.

Criteria B states that ‘*the proposal should include the provision of a replacement facility of at least equivalent benefit to existing users, at an alternative site which is accessible by public transport, on foot and by bicycle*’.

Given that this the proposal is fully in accord with Criteria A this is not required and therefore it is not considered that Criteria B is relevant in this case.

Criteria C states that development will be permitted if the scheme provides an 'overriding community need, other than for housing, employment or shopping facilities, which cannot be met on any other site'. The text of the policy indicates that the partial use of open space for education, emergency and social services will be permitted.

Again, in this case given that there is an overall gain in playing space and facilities this criteria does not apply.

Criteria D states that development will be permitted that results in enhanced outdoor sports facilities and recreational facilities at the site. It is considered that the facilities provided would be of a better quality as well as having a larger area. In addition changing facilities are located close to the play area in the new school building. Fencing/security of the site will be improved as part of the proposals and the latest sustainable drainage systems will be employed. This has been commented upon by Sport England who are fully supportive of the proposal.

It is therefore considered that the proposal is fully in accord with criteria D.

In addition any development must be compliant with **Criteria E** and as such must not have an unacceptable environmental effect and would not prejudice residential amenity. These issues are discussed below in detail.

In summary therefore, in relation to Policy LC9, it is considered that the proposal is in accord with Criteria A and D. As the policy requires any development to be in accord with one of the criteria, it is therefore considered that the proposal is in accord with Policy LC9 of the South Gloucestershire Local Plan Adopted January 2006.

- 5.3 South Gloucestershire Local Plan (Adopted January 2006) Policy LC4 relates to the expansion of education facilities within the existing urban area. While this application relates to the replacement of a school it is considered relevant to assess the proposal against the criteria that repeat those of Criteria E of Policy LC9 relating to residential and visual amenity. It states that such proposals will be permitted provided the following criteria are satisfied:

A. Proposals are located on sites which are highly accessible on foot and by bicycle.

The site is located in the centre of a densely populated residential area with many dwellings within easy walking/cycling distance of the school. A travel plan has been included with the submission and this reveals that 75% of students travel on foot, 16% by car with the remainder by bus, taxi and bike. The site is within close proximity to bus services that run along Sundridge Park. This criterion is therefore complied with.

B. Development would not unacceptably prejudice residential amenities.

The proposed new school building would be located at the closest point approximately 35 metres from the nearest dwellings in Stanshawes Drive and Birkdale (the existing science block will be retained in its current location). Some landscape planting will be located along this southern boundary. The building in this location is two-storey in height (with flat roof) to reduce the visual impact upon neighbouring occupiers. The three storey elements are located facing into the site on the northern elevation of the building where any impact would be less. It is considered that this relationship is acceptable and that the building would not appear oppressive or overbearing or affect

light or outlook to a significant extent such as would justify the refusal of the application.

A letter has been received raising concern that the building would adversely affect views that are currently uninterrupted across the site and suggesting how the building and other elements could be re-sited or re-considered to reflect this concern. This concern is noted and it is acknowledged that this would be the case for some neighbouring occupiers however the loss of a view is not a material planning consideration. Furthermore it should be noted that the current location of the building would have an impact upon some neighbouring occupiers. It is considered that the current building is "sprawling" in character being spread over a far greater area than the more compact structure that is currently proposed. The proposed position of the school has regard for the need to maximise the amount of effective playing field space and allow continuing educational delivery on the site during construction.

It should be noted that the proposal will secure some improved boundary fencing and a comprehensive landscaping scheme which it is considered will improve security between the school and adjoining properties and would also protect the privacy of the surrounding houses.

It is considered therefore that the proposal would not significantly adversely affect the residential amenity of adjacent occupants. A condition is recommended to control hours of working during the construction phase to protect the amenity of neighbouring occupiers.

Development would not have any unacceptable environmental effects.

The lighting of a scheme can potentially have an adverse impact upon neighbouring occupiers. In this case external lighting includes the floodlighting of a large sports pitch where light columns would be at their closest 40-45 metres from the nearest residential properties in Stanshawe Crescent. Lighting details were submitted with the application however at the request of the Case Officer, the applicant has submitted further detailed lighting plans which have been viewed by the Council's Lighting Engineers. The details submitted are deemed acceptable by the Lighting Engineer and a condition is recommended to require all lighting to be in accordance with the submitted details, furthermore a condition is also recommended to require the submission of Source intensity calculations (to accord with ILE guidance) prior to the commencement of any works on the site.

Concern has been raised that the entrance along the southern boundary will result in additional noise and disturbance to neighbouring occupiers by reason of congestion from children at this point. It should be noted that initial proposals were for this entrance to be located closer to properties in Birkdale however it has been moved closer to Sundridge Park such that it would be 55 metres from the nearest property, an approach supported by the Police prior to the submission of the application. As well as being way from neighbouring occupiers, the entrance has to be located so that it gives access to the front of the school but also so that there is clear separation between the vehicular and pedestrian entrance. It is considered that the position of this entrance is acceptable.

It is acknowledged that there will be some additional noise from the occupiers of the site however this will be limited to the hours of operation for the school and when

children are outside the buildings. It should also be recognised that the current use of the school will give rise to noise but importantly that there will be no increase in the number of pupils attending the school. On balance having regard to the overall benefits of the proposal and the above considerations the scheme is considered acceptable in these terms. A condition will be imposed to strictly control working hours during the construction period in the interests of residential amenity.

Development would not give rise to unacceptable levels of on-street parking to the detriment of the amenities of the surrounding area and highway network.

An assessment of the impact of the proposal upon highway safety/transportation is made below.

The proposed development is considered acceptable in principle subject to the following material considerations

5.4 Design

Policy D1 of the South Gloucestershire Local Plan Adopted January 2006 indicates that development will only be permitted where good standards of site planning and design are achieved. Policy CS1 of the Core Strategy reiterates this requirement. In terms of an assessment of the design the following issues are considered relevant:

Layout/Siting

The proposed new building essentially comprises two wings (to accommodate teaching space) located to the north and the south with a central hub that will accommodate the entrance and circulation area. The existing science block attached at the south-eastern corner will remain unaltered.

The submitted design and access statement (as required) sets out the rationale behind the chosen layout. This rationale includes among other criteria ensuring minimum impact upon sports field provision while achieving a “presence in the landscape”, preservation of existing trees and hedges, restricting vehicular movement to a small area while allowing for adequate circulation, provision of facilities to satisfy the requirements of Sport England, creation of a parkland setting at the entrance, a separate pedestrian access (and making pedestrian movement around the site the dominant means of movement). In addition the layout has been chosen to ensure that phasing of the development causes minimum disruption during the construction period allowing for a temporary access from the north. It is considered that the layout would achieve these aims. Incorporated into the layout is an area for the storage of waste accessible from a large turning area, this is considered acceptable by officers.

Scale/Heights

The building is predominantly two-storey in height with three storey elements on the northern side. This delineation reduces the impact of the building when viewed from the south. This approach is considered appropriate as is the massing which is considered to respect and enhance the character of both the site and the wider locality as required by Policy D1 of the South Gloucestershire Local Plan Adopted January 2006.

Materials

Taken within context the site is located within an area where there is a wide mix of materials used. It should be noted of course that as a modern school building within a large stand-alone site, the building will have its own identity and thus the use of a mix of brick, render and cladding throughout (the brick chosen to integrate with the existing science block is appropriate. Colour is used throughout, with the predominant use of red and blue colouring

Access

Pedestrian and vehicular areas are kept apart well in the scheme with a separate pedestrian access provided on the southern boundary but with clearly delineated walkways (through the use of surfacing materials and signage) to be provided. As required for public buildings it is stated that the design will achieve high standards for achieving access for disabled people. The use of colour and signage will provide for the visually impaired. The disabled parking and setting down point are in close proximity and the Council's lighting engineers accept that the level of lighting is satisfactory.

Safety/Security

Policy D1(F) requires that development takes into account through the overall layout and design, personal safety, security and crime prevention.

Prior to the submission of the application, the applicant undertook detailed consultation with the Architectural Liaison Officer (ALO) for Avon and Somerset Police. In response to the comments from the ALO, additional fencing is to be provided around the site, replacing existing fencing where necessary. Bike storage will be provided in highly overlooked positions and the repositioning of the pedestrian entrance closer to Sundridge Park will ensure better surveillance and supervision. Fencing will be provided internally within the site to separate the semi-secure public zone around the car parks and entrance from the secure areas around most of the school building and the playing fields. It is considered that the proposal would be fully in accord with the aims and objectives of Policy D1 (F) of the South Gloucestershire Local Plan Adopted January 2006.

Sustainability

Policy D1(G) of the South Gloucestershire Local Plan Adopted January 2006 requires energy conservation and the protection of environmental resources to be fundamental to good design. Policy CS1 also seeks to ensure that schemes can demonstrate that they will outperform statutory minima such as the building regulations. A standard of BREEAM "very good" is considered to demonstrate good design in this regard.

The applicant has submitted a "Sustainability Strategy Report" as part of the application. It is indicated that the following design features will be included: High performance building fabric; energy efficiency within fixed building services; local mechanical ventilation with heat recovery, ground source heat pump, photovoltaic

panelling within the roof, energy efficient lighting, maximum use of day-lighting and reduced consumption of water.

A condition is recommended to require the scheme to meet the BREEAM standard of very good. With the above features and subject to this condition it is considered that the proposal will meet the aims and objectives of Policy D1 of the South Gloucestershire Local Plan Adopted January 2006 and Policy CS1 of the emerging Core Strategy.

5.5 Archaeology

Policy L11 in support of PPS5 “Planning for the Historic Environment” seeks to ensure that archaeological interests are fully taken into account when determining planning applications.

The Council’s Archaeologist has viewed the Archaeological Report that was submitted with the application and has indicated that there is the potential for archaeological remains but this would have been significantly affected by previous activity on the site not least during the construction of the original school building. A condition is recommended to require the submission and approval of a programme of archaeological investigation and recording for the site and to ensure that this programme is implemented.

Subject to this condition it is considered that the proposed development is fully in accord with the aims and objectives of Policy L11 of the South Gloucestershire Local Plan Adopted January 2006.

5.6 Drainage

Policies EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) in line with PPS25 seek to ensure that any development is not adversely affected by the existing water environment or results in an impact to the surrounding area.

A full flood risk assessment and sustainable drainage plan has been submitted and assessed by the Environment Agency and the Council Drainage Engineers

The Environment Agency raised an initial objection however following the submission of further information to support the flood risk assessment, this objection has been withdrawn.

Subject to conditions to secure a scheme of surface water drainage proposals and run-off limitation as well as a strategy for the operation and maintenance of the agreed scheme’s future use it is considered that the proposal is fully in accord with the aims and objectives of Policies EP1 and EP2 of the South Gloucestershire Local Plan Adopted January 2006 and PPS5.

5.7 Transportation

Policies T7 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006 consider standards for both cycle and car parking respectively. Policy T12 indicates that new development will be permitted provided that the new development makes adequate, safe and appropriate provision for the transportation demands that it will

create with the paramount aim of preserving highway safety and minimising the impact of motorised traffic.

It is noted that the proposal retains the existing vehicular entrance from Sundridge Park. The existing access is shared access between pedestrian and vehicles. To address pedestrian safety, the site is organised so that pedestrians/cycle and vehicular traffic are separated before entering the site. In this context, it is proposed to create two pedestrian entrances to the site; one would be from Sundridge Park and the second from the existing cycle path which runs east/west along the southern edge the site. The entrance to the secondary entrance has been moved closer to Sundridge Park during the course of negotiations to accord with Police advice given the proximity of neighbouring properties.

For highway safety reasons and during the construction period only, a new temporary vehicular access (self imposed one-way system for vehicles entering and leaving the site) is proposed from Stanshawe Crescent. This access would be used by the construction traffic during construction period only. Once, the construction of the new school is over then this access will be permanently closed off. This will be secured by a condition. In addition (see para 5.8 below) a condition will require the submission of a construction method statement.

Parking for 97 cars is proposed on the site plus an additional six disabled parking spaces. It is further proposed to provide a two coach / bus pick up /drop off area on the site plus suitable turning facilities. Currently, there are no facilities on site for coach/buses. It is considered that the provision of this facility on site would be beneficial and an improvement over and above the current arrangements. The new parking area on site has also been designed so as to enable pedestrians to be segregated from the vehicle movement with designated pathways connecting back the main arrival route and as such this is a significant safety improvement.

In line with the Council's sustainability requirements and to accord with Policy T7, it is proposed that a total of 140 cycle spaces would be created on the site.

Subject to a condition to ensure that all parking facilities are provided in accordance with the approved plans and retained for that purpose thereafter and a condition to ensure that prior to the contractor vacating the site, the temporary access shall be closed off permanently and the area of verge in front of this access is reinstated to its original status there is no transportation objection to the development.

5.8 Construction Issues

No objection is raised to the proposal by Yate Town Council subject to parking being provided for the residents of Stanshawe Crescent while construction is taking place.

A temporary access will be provided to serve the development site during the construction period, with internal compound. The Council's Children's and Young People Department have strict guidance for how construction takes place. The applicant has indicated within the submitted design and access statement that they will introduce:

- A self imposed one way system around the Crescent

- A bespoke entry/exit to allow vehicles to readily leave and join the highway without disruption to other road users
- A generous pull in area with a security gate entrance manned by a gateman to ensure that no vehicle would need to wait on the carriageway
- Further security gates that will be closed at the boundary at the end of the working day
- An agreed timetable for deliveries

Notwithstanding the above details it is considered prudent to include a condition on the decision notice to ensure that prior to commencement of the development on the site, a full “method Statement” (all to be agreed with the Council’s Street-care department) with details for the operatives’ parking, delivery and storage of material on site with the aim of preventing any impact upon the travelling public and neighbouring householders. The condition will require that all works take place in accordance with the approved “Method Statement”. In addition a condition will require that the temporary access is closed up at the completion of all construction works.

5.9 Landscape/Trees

Policy L1 of the South Gloucestershire Local Plan Adopted January 2006 seeks to ensure that those attributes of the landscape that make a significant contribution to the character of the landscape are conserved and where possible enhanced.

Landscape officers consider the site to be largely devoid of any significant landscape features with the exception of two oak trees that are covered by a preservation order. These trees are to be retained (albeit following an inspection by the Council Tree Officer an application will be submitted in order to undertake work to one of these trees given that there is a health issue). Officers consider that the Arboricultural report submitted with the application is comprehensive and its findings are agreed. A condition is recommended to ensure that all works take place in accordance with the report and that inspection reports are submitted when they are completed.

It is considered that the indicative landscape proposals are acceptable in principle but fully detailed planting plans will be required and a suitable condition is therefore recommended. The surface finishes and external equipment are in indicative form and full details will be required but the boundary treatments are acceptable.

With respect to Policy L5, the site is considered to be a significant open area in that it provides a setting to surrounding development, however, whilst the character of the area will alter with a new disposition of elements, overall it is considered the setting and character the open area gives to the locality will largely remain.

The proposed development is considered acceptable in terms of Policy D1, L1 and L5 of the South Gloucestershire Local Plan Adopted January 2006.

5.10 Ecology

Policy L9 of the South Gloucestershire Local Plan Adopted January 2006 seeks to ensure the protection of the ecological interests of the site. The site is not covered by any statutory or non-statutory conservation designations.

The application site was subject to an extended Phase 1 habitat walkover survey and subsequent protected species surveys in August 2009 and April to July 2010 by Cresswell Associates Ltd. This found that the site predominantly consists of rank grassland and bare ground, with a few small hedges and specimen trees.

Having examined the submitted ecological information the Council Ecologist raises no objection to the proposal subject to conditions to secure a mitigation strategy for the existing pond fauna and flora, a mitigation strategy for hedgehogs and breeding birds (to include the provision of nesting boxes for specific species).

Subject to the above conditions it is considered that the ecological interests of the site are preserved and that the proposal is fully in accord with the aims and the objectives of Policy L9 of the South Gloucestershire Local Plan Adopted January 2006.

5.11 Public Art

Policy LC13 of the South Gloucestershire Local Plan Adopted January 2006 indicates that in determining applications for major new development the Council will seek to achieve the incorporation of art and craft works that are an integral part of the development. Policy CS1 of the Core Strategy also indicates that public art should be considered as an integral part of good design on larger schemes. Negotiations have taken place with the applicant and there is an in principle agreement to the inclusion of a scheme of public art in the development. A suitable condition is therefore recommended.

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 1) The proposal would not prejudice the amenities of neighbouring properties, taking into account their privacy, outlook and amenity to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted January 2006)

2) The scheme fully addresses the off-street parking requirements of the development, both for motor vehicles and bicycles to accord with Policies T7 and T8 of the South Gloucestershire Local Plan (Adopted January 2006)

3) Consideration has been given to the impact of the development on the character of the surrounding area which would not be adversely affected. The design of the development will also make a positive contribution to the wider locality. As such the proposal is full in accord with Policy D1, of the South Gloucestershire Local Plan (Adopted January 2006) and Policy CS1 of the Core Strategy Pre-Submission Publication Draft March 2010

4) There are no adverse impacts upon the existing landscape features and the proposal makes a positive contribution by the landscape features that it provides. The proposal is therefore in accordance with Policy L1 of the South Gloucestershire Local Plan (Adopted January 2006).

5) The proposal fully addresses the drainage requirements of the site and will not adversely affect the surrounding water environment in accordance with Policies EP1 and EP2 of the South Gloucestershire Local Plan (Adopted January 2006)

6) The development will not adversely impact upon the ecological interests and needs of the locality to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted January 2006)

7) The proposed development makes adequate, safe and appropriate provision for the transportation demands that it will create and will not adversely affect highway safety in accordance with Policy T12 of the South Gloucestershire Local Plan Adopted January 2006.

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

7. RECOMMENDATION

7.1 That planning permission be granted subject to the conditions set out in the Decision Notice.

Contact Officer: David Stockdale
Tel. No. 01454 866622

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

Reason

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

3. The hours of working on site during the period of construction shall be restricted to 0730 hours to 1800 hours Monday to Friday and 0800 hours to 1300 hours Saturdays and no working shall take place on Sundays or Public Holidays. If any variation to these hours is required, the details shall be submitted to and approved in writing by the Local Planning Authority. 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 properties and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Within 12 months of the commencement of the development, a Public Art Strategy shall be submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accordance with the approved scheme.

Reason

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

5. The off-street parking facilities (for all vehicles, including cycles) shall be provided in accordance with the plans hereby approved and thereafter retained for that purpose.

Reason

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

6. Prior to the contractor vacating the site, the temporary access from Stanshawe Crescent shall be closed off permanently and the area of verge in front of this access shall be reinstated (to its original condition).

Reason:

In the interests of the amenity of the locality and of highway safety to accord with Policy T12 and L1 of the South Gloucestershire Local Plan (Adopted)

7. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the LPA. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason:

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to accord with Policy EP1 and EP2 of the South Gloucestershire Local Plan and PPS5.

8. A scheme for the provision and implementation of a surface water run-off limitation shall be submitted to and approved in writing by the Local Planning Authority within 3 Months of the commencement of the development. The scheme shall be implemented in accordance with the approved programme and details.

Reason:

To prevent the increased risk of flooding and to accord with EP1, EP2 of the South Gloucestershire Local Plan (Adopted) and PPS5.

9. Prior to the first occupation of the development hereby approved a full operation and maintenance strategy for surface water drainage shall be

submitted to and formally approved in writing by the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme.

Reason:

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

10. No development shall take place until an amphibian mitigation strategy has been submitted to and agreed in writing by the Local Planning Authority in order to address the translocation of the existing pond fauna and flora. All works are to be carried out in accordance with the said strategy.

Reason:

To protect the ecological interests of the site and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted)

11. No development shall take place until a hedgehog mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved strategy.

Reason:

To protect the ecological interests of the site and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted)

12. No development shall take place until a mitigation strategy for breeding birds has been submitted to and agreed in writing by the Local Planning Authority. The strategy shall include details of timing, nesting locations and artificial nesting boxes for the specific species that are recorded on site. All works shall take place in accordance with the approved strategy.

Reason:

To protect the ecological interests of the site and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted)

13. All works shall take place in accordance with the submitted Tree Report (incorporating Arboricultural Implications Assessment and Arboricultural Method Statement) dated 30th July 2010. The appointed Arboricultural consultant shall submit to the Local Planning Authority the inspection reports for each of the prescribed recommendations set out in the Tree Report when they are completed.

Reason:

In the interests of the health of the trees and the visual amenity of the area and to accord with Policy D1 and L1 of the South Gloucestershire Local Plan (Adopted)

14. Prior to the commencement of landscaping works a scheme of landscaping to include all hard and soft works, planting specification and a maintenance specification for a period of 5 years shall be submitted to and approved in writing by the Local Planning Authority, (the planting scheme shall include a replacement for the tree T31 to be removed for the construction access).

Reason:

In the interests of the visual amenity of the area and to accord with Policy L1 and D1 of the South Gloucestershire Local Plan (Adopted)

15. No work shall be undertaken until a method statement to show details of operatives parking, delivery and storage of material on site shall be submitted to and approved in writing by the Local Planning Authority. All works shall take place in accordance with the Method Statement.

Reason:

In the interests of highway safety and the amenity of neighbouring occupiers and to accord with Policy LC4 and T12 of the South Gloucestershire Local Plan (Adopted)

16. No development shall take place until the Local Planning Authority has been provided with, and has approved in writing details of how the scheme will achieve a good standard of energy conservation and protection of environmental resources. Thereafter, the development shall be constructed in accordance with the details and measures so agreed.

(For the avoidance of doubt a pre-assessment report proving a standard of BREEAM "Very Good" carried out by a Building Research Establishment Licensed Assessor will be accepted as a means of evidencing good design for the purposes of discharging this condition).

Reason:

To ensure a satisfactory appearance of the building and ecological building standard and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted)

17. All external lighting shall be in accord with the External Lighting Plan (Drawing Number 60154545/E001A) received 3rd November 2010, Schedule and Lighting Plans L120108426 received 5th January 2011 and External Lighting calculations received 13th January 2011.

Reason:

In order to ensure that the proposal attains the requisite good standard of design in relation to energy conservation and the protection of resources in accordance with policy D1 of the South Gloucestershire Local Plan (adopted) January 2006; the adopted South Gloucestershire Design Checklist SPD (2007); and policy CS1 of the South Gloucestershire Core Strategy Proposed Changes Submission Draft (December 2010).

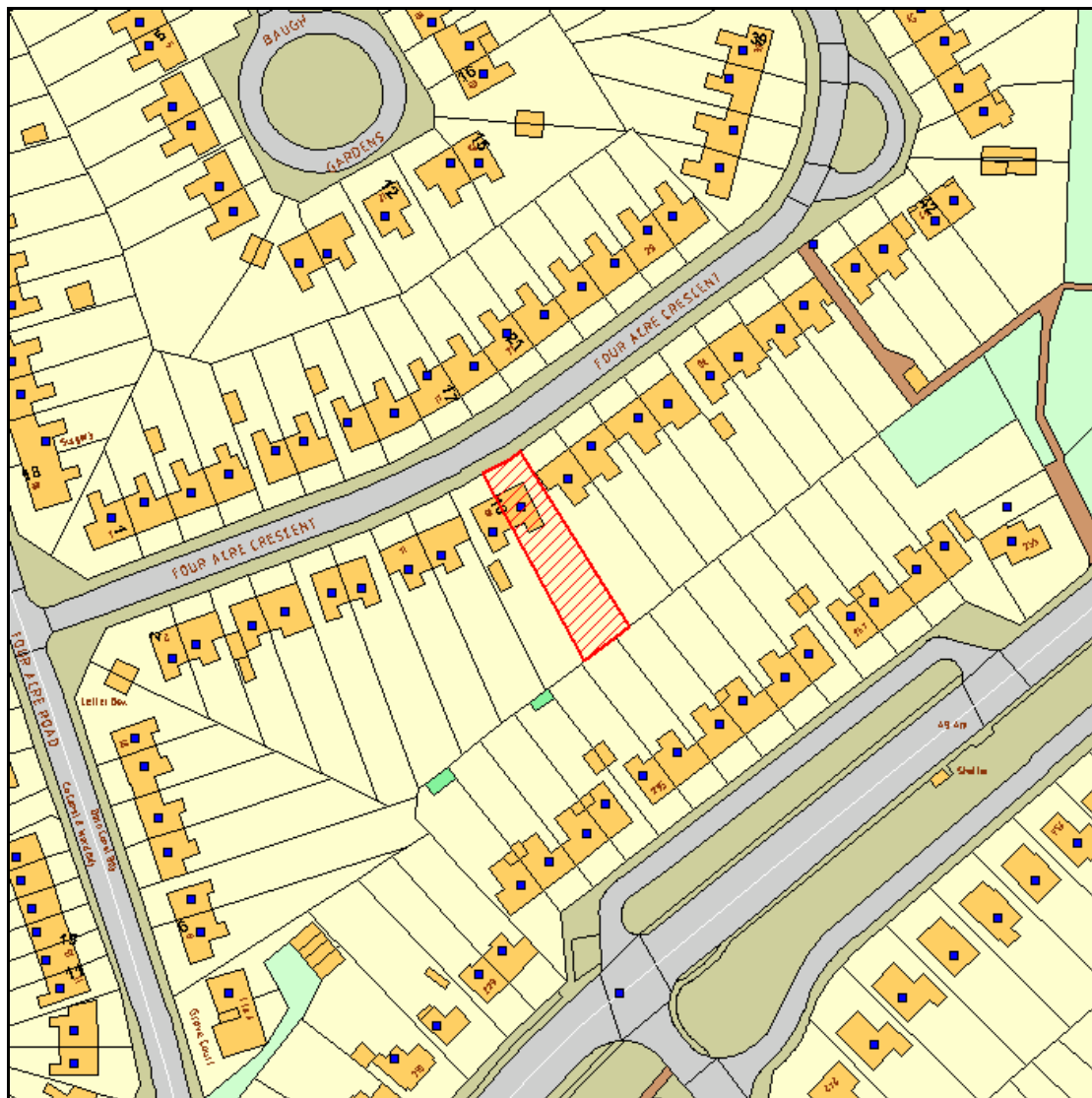
18. No development shall be undertaken until the Source Intensity calculations for the external lighting has been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of the amenity of the area and neighbouring residential amenity and to accord with Policy EP1 and LC4 of the South Gloucestershire Local Plan (Adopted)

CIRCULATED SCHEDULE NO. 03/11 – 21 JANUARY 2011

App No.:	PK10/3119/CLP	Applicant:	Mrs Pamela Tadd
Site:	20 Fouracre Crescent Downend Bristol South Gloucestershire BS16 6PS	Date Reg:	7th December 2010
Proposal:	Application for Certificate of lawfulness for the proposed erection of detached single storey outbuilding for use as a garage, store and workshop	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365513 177890	Ward:	Emersons Green
Application Category:		Target Date:	1st February 2011



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INTRODUCTION

This application appears on the Circulated Schedule in accordance with the standard procedure for the determination of such applications.

1. THE PROPOSAL

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the erection of a single storey detached building for use ancillary to the main dwelling, within the curtilage of 20 Fouracre Court, Downend. The application property is a two storey semi-detached dwelling and is located within the residential area of Downend.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 This application is for a Certificate of Lawfulness for a proposed single storey detached building incidental to the enjoyment of the dwellinghouse, to be erected within the back garden of the application property.

2. POLICY CONTEXT

- 2.1 Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

- 3.1 No history

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
Object to the proposal, the application is not in keeping with the current properties and the proposed ground space is larger than the existing.

Other Representations

- 4.2 Local Residents
Two letters of representation have been received, raising the following points.
 - The building will have a bigger footprint than the house

- Possible noise pollution
- The building will block out the light to the neighbouring garden
- The equipment shown on the submitted plans raises queries as to the use of the building
- The building could be changed to residential in future due to its size

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance.

It stands to be ascertained whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

The proposed development consists of the erection of a single storey detached building. This development would fall under the criteria of Schedule 2, Part 1, Class E of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (The provision within the curtilage of the dwelling house of:- any building or enclosure...for a purpose incidental to the enjoyment of the dwelling house).

- 5.2 Schedule 2, Part 1, Class E of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 allows the provision of a building or enclosure provided that it meets the following criteria and provided that the purpose of the building is incidental to the enjoyment of the dwelling house. The applicant is proposing a single storey detached building that would be used to make homebuilt aircraft, other hobby engineering, garage and storage. The view that is taken in cases such as this, is that to quantify as permitted development under Class E, Part 1 of the General Permitted Development Order, the proposal should not include any accommodation that could be regarded as adding or extending the normal living accommodation of the dwelling house. It is not considered that something that is 'incidental' to the dwelling house can be primary living accommodation.

The purpose of the building as outlined on the plan and in supporting information, is considered to be incidental to the enjoyment of the dwellinghouse. The applicant has stated that his aim is to build 3 aircraft over a 15-year period. A period of four hours a week will be spent carrying out the hobby, possibly increasing to 8 hours a week. No profit will be made from the aircraft. As such provided that the building is used for the purposes indicated within the application it is considered that the proposed purpose of the building would comply with schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008.

5.3 There are several conditions attached to development permitted under Class E. Developments which fail any of the following criteria would not be permitted:

E.1 (a) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house);

The application property is set within a large plot of land. The proposed building in combination with all other existing structures, **excluding** the main original dwelling house would not cover a total ground area exceeding 50% of the total area of the curtilage.

(b) Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwelling house;

The proposed building would be located to the rear of the main dwelling.

(c) The building would have more than one storey;

The proposed building would be single storey.

(d) The height of the building, enclosure or container would exceed-

(i) 4 Metres in the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building or enclosure or container within 2 metres of the boundary of the curtilage of the dwelling house, or

(iii) 3 metres in any other case;

The proposed building would be situated within 2 metres of the boundary of the curtilage. The building will have a flat roof and the maximum height would be 3.0 metres. Under Part (ii) above, this would exceed the maximum height permitted of 2.5 metres.

(e) The height to eaves of the building would exceed 2.5 metres;

The eaves height of the proposed building would be at its highest point, 3.0 metres. This would therefore exceed the maximum height of 2.5 metres.

(f) The building, enclosure, pool or container would be situated within the curtilage of a listed building;

The application property is not a listed building.

(g) It would include the construction or provision of a veranda, balcony or raised platform;

The proposal would not include any of the above

(h) It relates to a dwelling or microwave antenna; or

The proposal is for detached building, but not for a new dwelling or microwave antenna

(i) The capacity of the container would exceed 3,500 litres.

Not applicable.

E.2 In the case of any land within the curtilage of the dwelling house which is within-

- (a) A world Heritage Site,**
- (b) A National Park,**
- (c) An area of outstanding natural beauty, or**
- (d) The Broads,**

Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwelling house would exceed 10 square metres.

The application site is not located within any of the above.

E.3 In the case of any land within the curtilage of the dwelling house which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwelling house and the boundary of the curtilage of the dwelling house.

The application site is not located on article 1(5) land.

5.4 Other issues

This application is a formal way of establishing whether or not the proposal requires planning permission. Accordingly there is no consideration of planning merit and the Local Plan is not of relevance in the determination of this application, as such concern raised over the size of the proposal, the possible loss of light or any future planning application for the use of the site cannot be taken into consideration.

5.5 Conclusion

The purpose of the building is considered to be incidental to the enjoyment of the dwelling house, however, the proposed building in terms of height and positioning does not meet the criteria set out in the Class E of the General Permitted Development Order and as such the proposal does not comply with schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and is not permitted development.

6. RECOMMENDATION

6.1 That a Certificate of Lawfulness for Proposed Development is refused for the following reason;

The proposed building in terms of height and positioning does not meet the criteria set out in the Class E of the General Permitted Development Order and as such the proposal does not comply with schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and is not permitted development.

Contact Officer: Elizabeth Dowse
Tel. No. 01454 862217

REASONS FOR REFUSAL

1. The proposed building in terms of height and positioning does not meet the criteria set out in the Class E of the General Permitted Development Order and as such the proposal does not comply with schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and is not permitted development.

CIRCULATED SCHEDULE NO. 03/11 – 21 JANUARY 2011

App No.: PK10/3301/F
Site: Fleur De Lys 12 Shortwood Road
 Pucklechurch South Gloucestershire
Proposal: Construction of new patio with railings,
 ballustrade and lighting. Installation of
 disabled ramp to provide access from car
 park to public house. Construction of bin
 store and propane gas tank enclosure.

Applicant: Enterprise Inns
Date Reg: 13th December
 2010
Parish: Pucklechurch Parish
 Council

Map Ref: 369923 176426
Application Category: Minor

Ward: Boyd Valley
Target Date: 3rd February 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

Two objections to the proposal has been received which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks retrospective planning permission for the construction of a new patio to the rear of the Fleur de Lys public house in the centre of Pucklechurch, together with the retention of railings, balustrade, lighting, bin store, propane gas tank enclosure and a disabled ramp providing access from the rear car park to the pub. The pub lies within the Pucklechurch Conservation Area, but the works proposed to be retained are all situated behind the pub, in an area enclosed by a conifer screen to the north and a 2 metre high close boarded fence to the east. The land to the rear of the public house is higher than the pub itself and the Shortwood Road frontage.
- 1.2 Although not part of this application, two trees were removed to facilitate this development and since they were situated in the Conservation Area this measure required Conservation Area Consent, which was not applied for. This issue is also dealt with in the following analysis.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS5 Heritage
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
L12 Conservation Areas
T12 Highway Safety
- South Gloucestershire Core Strategy Pre-submission Publication Draft (March 2010)
CS1 High Quality Design
CS9 Built Heritage
- 2.3 Supplementary Planning Guidance
Pucklechurch Conservation Area Guidance Note

3. RELEVANT PLANNING HISTORY

- 3.1 N8336 Construction of car park Approved

4. CONSULTATION RESPONSES

- 4.1 Pucklechurch Parish Council
Councillors do not object to the application but are concerned that the applicant is applying for permission retrospectively. We trust that the applicant has been made aware of what they can and cannot do without permission in a Conservation Area.

The Parish Council objects to the replacement of light fittings in the car park with high energy and poorly shielded fittings causing light pollution and light trespass. We are in the process of reducing carbon emissions and light pollution in the parish through the adoption of part night lighting. Local business are also supporting this by switching to low energy lighting with fittings that reduce light pollution and light trespass. Had the installation of these fittings been subject to a planning application we would have been able to advise the applicant of this. We would like to see these fittings replaced by suitable low energy fittings that are also shielded to minimise light pollution and trespass.

4.2 Other Consultees [including internal consultees of the Council]

Tree Officer

The two trees which were on the site were removed without consent as part of the initial works. Following inspection of the tree stems it was found that they were in a poor condition and would not have been worthy of retention. To mitigate the loss of the original trees it was agreed that a Liquidambar tree would be planted in the same location once the works are completed. Consequently there are no tree issues relating to this application.

Conservation Officer

The Fleur de Lys public house is prominently sited at the back edge of the pavement, within the Pucklechurch conservation area. The works relate to alterations to the external landscaping at the rear of the property. In my view the works at the rear of the property are acceptable and do not have a detrimental impact, with the exception of the visible gas tank. This would benefit from planting to provide a more effective screen. If the gas tank as well as the enclosure forms part of the application I would recommend a condition for planting to this area. I consider that the works proposed preserve the character and appearance of the conservation area and I therefore recommend approval.

A condition relating to planting to screen the gas tank would be appropriate if this forms part of the application.

Approval reason: The proposed development will preserve the character and appearance of the conservation area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPS5 and policy L12 of the Adopted South Gloucestershire Local Plan.

Transportation

No objection

Environmental Protection

No objection in principle but with to see the lighting located where it will not harm residential amenity.

Other Representations

4.3 Local Residents

One objection was received, citing the following concerns:

- disappointed that the trees have been removed
- light pollution from light fittings – too high and too bright

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above in the light of all material considerations. The issues to be resolved are the impact of the retention of the elements applied for on the Conservation Area, highway safety in the car park and the impact of the lighting, principally upon residential amenity. Since a number of individual elements require planning permission, they will be assessed in terms of the policies. In addition to this, although not part of this application, is proposed mitigation measures for the felling of two trees within the site and Pucklechurch Conservation Area.

5.2 Construction of new patio, railings, balustrade and disabled access ramp

The patio area has been constructed to the rear of the site and does not extend beyond the side building line of the public house itself. It is bounded by a black painted railing to 1.3metres height above ground level and the new ramp marks its eastern edge. A balustrade prevents people falling from the patio area down towards the pub itself, on lower ground. Due to the location of the patio, it is not readily evident from outside the site, although the change in level can be appreciated from Shortwood Road. It is considered that the proposal does not harm visual amenity in a general sense and accords with policy D1. In regard to any impact on residential amenity, it should be noted that the site as a whole, including the grounds, is a public house. While the patio area is considered to encourage outside use of the premises, this could equally occur without the patio and therefore it is not considered that the proposal would harm residential amenity.

With regard to the impact of this part of the proposal on the Conservation Area, the Conservation Officer's comments appear at 4.2 above. The proposed retention of the patio is considered to enhance the Conservation Area in visual terms.

5.3 Bin store and gas tank enclosure

The bin store and gas tank enclosure are taken together as they stand at the eastern edge of the site, at the end of the car park, up against a tall stone boundary wall. The propane gas container is freestanding and is visible through black railings which match the height of the boundary wall. The bin store, in contrast, is a close-boarded wooden enclosure of a similar height to the boundary treatment. Both elements are situated well inside the site and are only visible from the car park and longer views from outside the site over the boundary treatments to the rear. It is considered that these features do not harm general visual amenity and accord with policy D1 in this regard.

With regard to the impact of this part of the proposal on the Conservation Area, the gas tank does not form part of this application, but the fence around it does. However, the screening effect of the fence is considered to be ineffective in visual terms and therefore a condition has been appended to ensure that a planting scheme is submitted for this part of the site would allow the scheme to demonstrate that it enhances or at least preserves the Conservation Area.

5.4 Lighting

The consultation process has raised issues over the lighting. It comprises of a series of eight 1 metre high bollards, four each side, six of them guiding the route from the car park, through the patio and down a staircase into the pub at the rear. In terms of legibility, it is considered that these lights perform a necessary function. Five further, shorter bollards are situated in a raised bed next to the car park. All the bollards are relatively low to the ground and each has a light in the top. The Parish Council would like to see less intensive lighting used, but this is not a matter that can be conditioned. However, the impact of the lighting on residential amenity needs to be assessed, taking into account the relatively low level it is situated at and the height of the boundary treatments. The lack of suitable shielding for the lights has also been identified as a concern. An evening site visit has revealed that the lights which form part of this application are very dim and adequately shielded to have no effect outside the site and barely be visible from Shortwood Road. There are stronger floodlights on poles illuminating the car park, but these do not form part of this application. For the lights which are part of the proposal, it is not considered that any further measures to control their impact are required.

5.5 Tree Issues

The Tree Officer's comments appear at 4.2 above. The removal of trees in a Conservation Area requires Conservation Area consent, however, this application is for planning permission. In granting consent for the removal of trees, it is not possible to impose conditions and therefore this application offers the opportunity to require a replacement tree by condition. The sycamore tree which has been felled without consent has been examined by the Tree Officer and it is considered that it was not in a condition where it is worthy of retention. While not part of this planning application, the submitted plans show its replacement with a *liquidambar* tree, which would then benefit from protection due to its location within the Conservation Area. As the tree would occupy a position between the patio area and the two stores referred to in the previous paragraph, it is considered to be justified to require the replacement tree to be planted within the current planting season (November to March) in the benefit of the setting of the development and the Conservation Area generally. This condition is shown below. While being more decorative than the sycamore, the liquidambar would grow to a height where there will be views of it from outside the site and therefore it is considered that it would also benefit the Conservation Area visually.

5.6 Transportation

It is considered that the proposed retention of these works would not result in manoeuvring being compromised within the pub car park. No harm to highway safety has been identified and it is considered that the proposal accords with policy T12 of the adopted Local Plan.

6. CONCLUSION

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

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

- 6.2 The proposed development will preserve the character and appearance of the conservation area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPS5 and policy L12 of the Adopted South Gloucestershire Local Plan, without having any adverse impact on residential amenity.
- 6.3 The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

1. A replacement liquidambar tree, the size and location of which is to be approved in writing by the Local Planning Authority, shall be planted in the current planting season.

Reason

To mitigate for the loss of the original tree and to protect the character and appearance of the Conservation Area and locality generally to accord with Policies D1, L1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

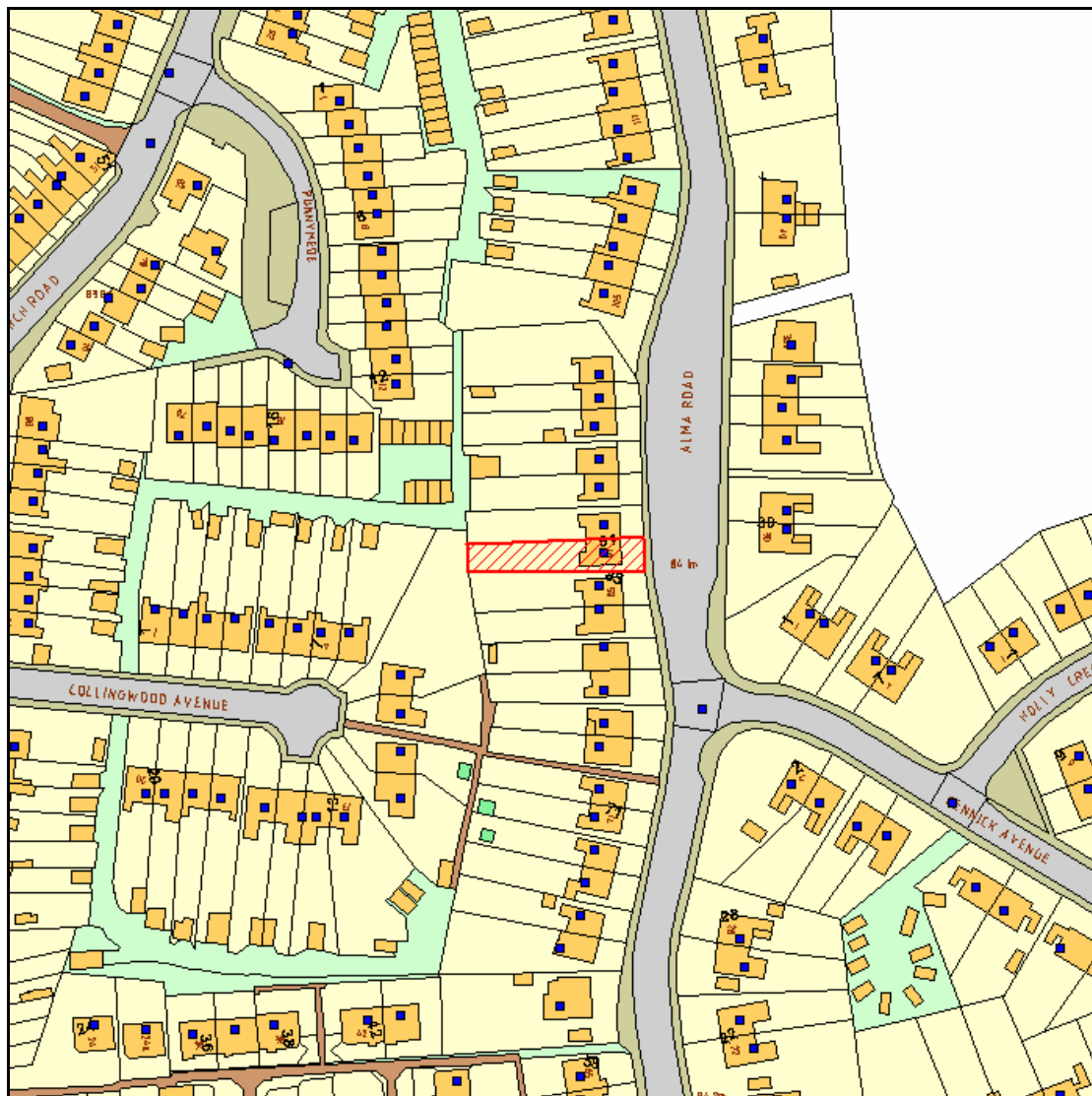
2. Prior to the commencement of development a scheme of landscaping to screen the gas tank, including proposed planting (and times of planting) shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details within the current planting season

Reason

To protect the character and appearance of the area and enhance the Conservation Area and to accord with Policies D1, L1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 03/11 – 21 JANUARY 2011

App No.:	PK10/3365/F	Applicant:	Mr And Mrs S Lewis
Site:	91 Alma Road Kingswood South Gloucestershire BS15 4EG	Date Reg:	13th December 2010
Proposal:	Erection of rear conservatory (Resubmission of PK10/2591/F).	Parish:	None
Map Ref:	365364 174119	Ward:	Kings Chase
Application Category:	Householder	Target Date:	3rd February 2011



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 100023410, 2008. **N.T.S.** **PK10/3365/F**

REASON FOR APPEARING ON THE CIRCULATED SCHEDULE

The application appears on the Circulated schedule as representations have been received contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 Planning Permission is sought for the erection of a rear conservatory at 91 Alma Road, Kingswood. This application is a resubmission of a previously withdrawn application (Ref: PK10/2591/F). Due to Officer concern, the revised application shows the conservatory to be reduced in width and sited away from the boundary with the adjoining semi-detached property to the north (No. 93 Alma Road). The proposed conservatory will measure 2.5 metres in width (compared to the previous application width of 4.5 metres) by 3.0 metres in depth (which remains the same as the previous application) and will have an overall height of 2.5 metres, again remaining the same as the previous application.
- 1.2 The application property is a painted spar-rendered semi-detached dwelling and is sited on a steep hill and is higher than the adjoining semi-detached property to the north. It is located in the established residential area of Kingswood. The application property has an existing single storey rear extension that has a depth of 2.4 metres.

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
- South Gloucestershire Council Core Strategy (Submission Draft) (December 2010)
CS1 Good Quality Design
- Supplementary Planning Guidance
South Gloucestershire Council Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/2591/F Erection of rear conservatory
Withdrawn 17 November 2010.

4. CONSULTATION RESPONSES

- 4.1 Parish Council

The area does not lie within a Parished area.

4.2 Local Residents

One letter has been received, raising the following points:

- The width of the proposed conservatory across the back wall of the existing rear extension is not clearly stated in the dimensions on any of the plans or drawings and It is not possible to be sure of the proposed width by taking measurements from the drawings.
- If there is to be a distance of 3 metres between the boundary wall and the proposed conservatory, and if the external dimensions of the conservatory are to be 2.5 metres wide across the back wall and projecting out 3 metres from it then we would have no further objections to the proposed development

The dimensions have been taken from the submitted scaled plans and are as stated in paragraph 1.1 above. The submitted plans are therefore considered to be of sufficient quality to assess the application.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows for the principle of development within residential curtilages providing it is within keeping with the character of the area and subject to considerations of design, residential amenity and highway safety. Policy D1 permits development where good standards of design are achieved. This is reflected in Policy CS1 of the South Gloucestershire Core Strategy Submission Draft. The principle of development is therefore acceptable subject to the following detailed assessment.

5.2 Design/Visual Amenity

This application seeks permission for the erection of a rear conservatory at 91 Alma Road, Kingswood. The dwelling is situated on a steep slope that runs down from the south side of the house to the north side. The proposed conservatory will measure 2.5 metres in width (compared to the previous application width of 4.5 metres) by 3.0 metres in depth (which remains the same as the previous application) and will have an overall height of 2.5 metres. The materials used in the low walls of the conservatory will match the host dwelling. In respect of the design of the conservatory, with the chosen construction materials and its location at the rear of the property, it is considered it is an appropriate addition to the streetscene.

5.3 Residential Amenity

Overbearing Analysis

The proposed conservatory is to be sited at the rear of the dwelling and will measure 3.0 metres in depth. The application dwelling has an existing single storey rear extension with a depth of 2.4 metres. Due to Officer concern, the width of the proposed conservatory has been reduced in this revised application from 4.5 metres to 2.5 metres, and will be sited 3 metres away from

the boundary with the adjoining semi-detached dwelling to the north (No. 93 Alma Road). The existing rear extension will thus screen the proposed conservatory from the dining room window of the adjoining dwelling. Due to the existing boundary treatments and the siting of the conservatory, it is considered that the conservatory will not create an overbearing impact on the adjoining neighbours.

5.4 Privacy Analysis

The current boundary treatment in the rear garden of the application site consists of a mature hedge and a 1.8 metre close boarded fence. The conservatory will have a door to the rear elevation and to protect the privacy of the adjoining dwelling to the north side (due to the steep hill) the windows to the north side will be conditioned to be obscure glazed. Accordingly, it is considered that no loss of privacy will occur

5.5 Amenity Space

The property has a substantial rear garden and it is therefore considered that sufficient garden space will remain to serve the occupiers of the dwelling.

5.6 Highway Safety Analysis

As the conservatory is located at the rear of the property it will not impact on the property's parking arrangements, located at the front of the house, nor will it prejudice highway safety.

6. CONCLUSION

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

6.2 It has been assessed that the proposed extension has been designed to respect and maintain the materials and design and character of the dwelling streetscene. The development therefore accords with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

It is not considered that the proposal would cause any significant adverse impact in residential amenity. The development is therefore considered to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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

7. RECOMMENDATION

7.1 That planning permission be **GRANTED** subject to the conditions as set out on the decision notice.

Contact Officer: Elizabeth Dowse
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

2. The colour, type and texture of the rendered finish to the external walls of the proposed extension shall match that of the existing building.

Reason

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

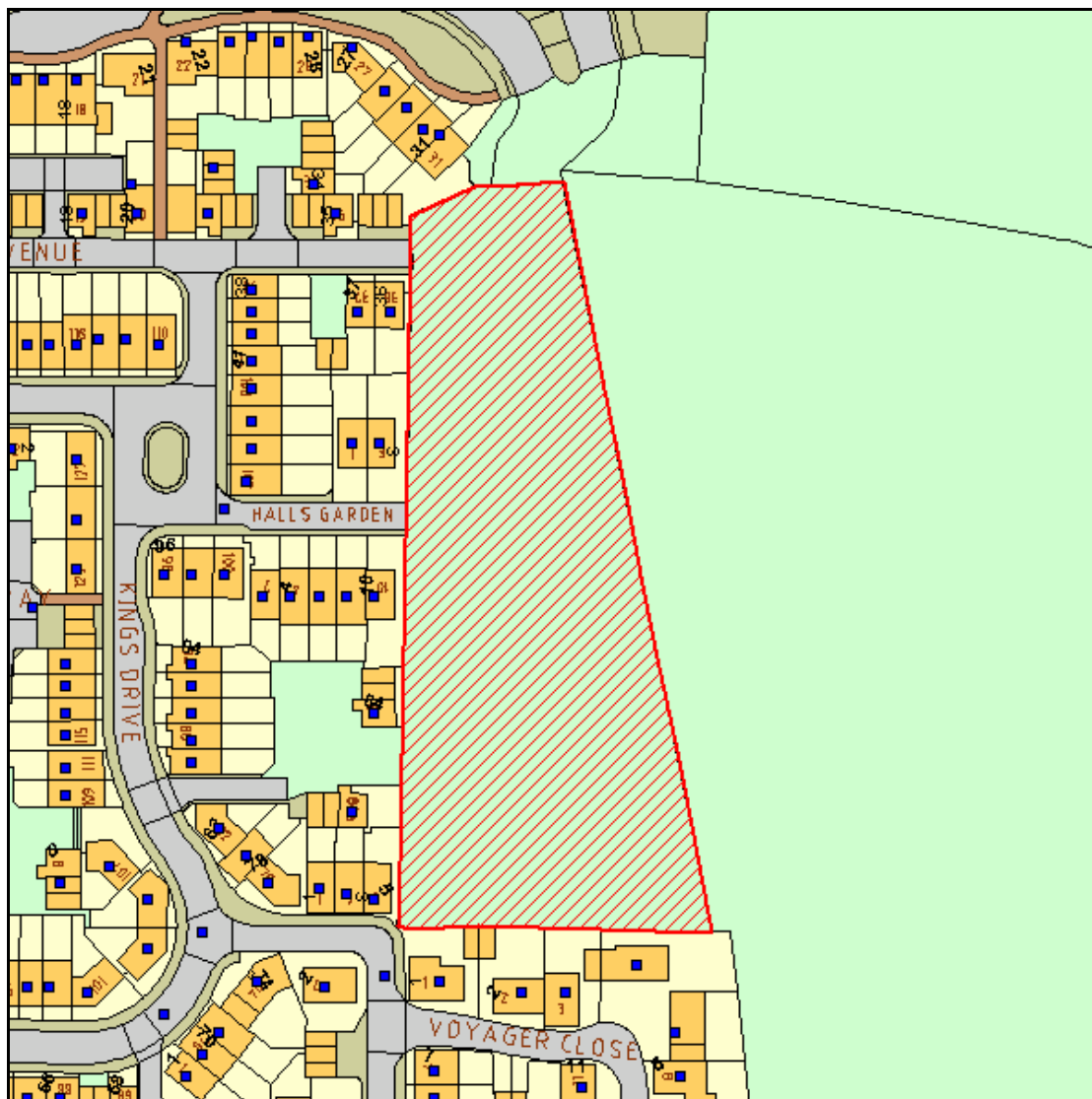
3. The glazing on the north side elevation shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

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

CIRCULATED SCHEDULE NO. 03/11 – 21 JANUARY 2011

App No.:	PT10/2934/RVC	Applicant:	Crest Nicholson (South West)Ltd
Site:	Land At Parkway North Stoke Gifford South Gloucestershire BS34 8RG	Date Reg:	2nd November 2010
Proposal:	Removal of condition 2 attached to planning permission PT09/5495/F to omit the requirement for Code Level 3 for Open Market Housing.	Parish:	Stoke Gifford Parish Council
Map Ref:	363169 179857	Ward:	Stoke Gifford
Application Category:	Major	Target Date:	28th January 2011



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 100023410, 2008. **N.T.S.** **PT10/2934/RVC**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as there have been objections received to the proposed application where the officer recommendation is approval.

1. THE PROPOSAL

- 1.1 The site is located off Great Stoke Way and is immediately to the East of existing residential development associated with Kings Drive, Star Avenue and Halls Drive.
- 1.2 The site benefits from planning permission for 34 dwellings and associated access as detailed in section 3 of this report. This planning permission was issued on 5th October 2010 and is subject to conditions and a section 106 legal agreement.

- 1.3 Condition 2 of PT09/5495/F reads;

The development hereby approved shall be constructed to Code for Sustainable Homes Level 3 (CSH3). The development shall not be occupied until a formal assessment demonstrating that CSH3 has been achieved shall be undertaken by a licensed Code Assessor and a copy of the assessors report and the certificate shall be submitted to and approved by the Local Planning Authority.

Reason

To ensure the development minimises the use of energy and natural resources in accordance with Policy D1 of the South Gloucestershire Local Plan (adopted) January 2006; The Adopted South Gloucestershire Design Checklist; PPS1 and its supplement Planning and Climate Change.

- 1.4 This application seeks to vary planning permission PT09/2934/RVC such that Condition 2 as set out above is revised; so that the approved development can proceed without providing the approved open market housing to the Code For Sustainable Housing Level 3. The applicant has proposed the following wording;

The affordable housing units (units 1-2: 12-13,; 23-25 and 28-31) hereby approved shall be constructed to Code for Sustainable Homes Level 3 (CSH3). The development shall not be occupied until a formal assessment demonstrating that CSH3 has been achieved shall be undertaken by a licensed Code Assessor and a copy of the Assessor's Report and the Certificate shall be submitted to and approved by the Local Planning Authority.

- 1.5 No suggested wording of the reason for this condition is suggested. It is assumed the wording of the reason for the current condition is acceptable to the applicant.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS1 Supplement	Climate Change
Draft PPS1	Climate Change
PPS3	Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
H2	New Housing Development in the Urban Areas and Settlement Boundaries.

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

2.4 South Gloucestershire Core Strategy – Proposed Changes Submission Draft December 2010

CS1	High Quality Design
CS25	Communities of the North Fringe of Bristol Urban Area

3. RELEVANT PLANNING HISTORY

- 3.1 P99/2180 Development of land for residential purposes, and erection of school site (outline).
Approved 3rd May 2000
- 3.2 PT99/0270/RM Erection of 83 dwellings and associated works.
Approved 14th July 2000
- 3.3 PT00/2213/RM Erection of 234 dwellings and associated works.
Approved 14th December 2000
- 3.4 PT10/5495/F Erection of 34 no. one, two and three bedroom dwellings with associated parking, landscaping and works. New access.
Approved 5th October 2010

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish/Town Council

Object to the removal of the Code Level 3 Condition. No specific reason is given.

4.2 Other Consultees

Sustainable Transport

No Objection

Other Representations

4.3 Local Residents

Two emails have been received and raise objection to the proposal as follows;

The requirement to provide housing to meet the Code for Sustainable Homes should be retained on the grounds that it should be a minimum standard for any new housing construction.

The proposal would contradict the zero carbon construction aims set out by Crest Nicholson.

South Gloucestershire Council would be negligent in its duty to secure sustainable development if it allowed this condition to be removed.

If the condition is removed, it would make a farce of the planning process, as it would appear that a developer can negotiate away any conditions that might be imposition to it.

5. ANALYSIS OF PROPOSAL

5.1 The application relates to Condition 2 of Planning Permission PT09/5495/F. This was granted on 5th October 2010. The condition requires construction of the development to Code for Sustainable Homes Level 3 (CSH Level 3). It is proposed to alter the wording of the planning condition such that the only the affordable housing is constructed to CSH Level 3.

5.2 The principle of the proposed amendment.
The development consists of 34 dwellings and associated works. Development has commenced on site. The principle of the development on the site is established. The matter for consideration with this application relates purely to the principle of providing the whole development in accordance with the Code for Sustainable Homes Level 3.

5.3 Essentially, the applicant has requested that Condition 2 of planning permission PT09/5495/F is varied such that only the affordable housing units need to comply with the Code for Sustainable Homes Level 3. However, it should be noted that in respect of affordable housing alone, this is required through other legal means, to comply with and achieve Code for Sustainable Homes Level 3, and as such need not itself be subject of a planning condition.

5.4 The applicant argues that the requirement to specifically meet the CSH Level 3 is unreasonable as there is no policy justification for the development. The applicant argues that the most relevant policy context is in the form of Policy D1 (G) of the South Gloucestershire Local Plan (adopted) January 2006. In addition, the applicant argues that the approved development performs well in respect of 'Building for Life Assessment' (which covers construction design, movement, proximity to local facilities) and that it can be demonstrated (through the submitted Sustainability Statement) that the open market housing will

perform very well providing an average reduction in carbon emissions of 17% over and above current building regulations.

5.5 Essentially, the Code for Sustainable Homes is a methodology for assessing the sustainable construction credentials of individual dwellings. It is not design guidance. Government policy regarding the use of the Code is set out in 'Greener Homes for the Future' (CLG May 2008). This document is explicit that the Code is voluntary for privately built housing. All new social housing in receipt of Homes and Community Agency (HCA) grant must however be built to a minimum of Code level 3.

5.6 Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this issue. Part G of the policy seeks to ensure that new development 'achieves energy conservation and protection of environmental resources'. This is broadly consistent with PPS1 (Delivering Sustainable Development). The South Gloucestershire Design Checklist (Adopted SPD) also encourages energy conservation and sustainable methods of construction. Question 22 of the South Gloucestershire Design Checklist reads as follows;

'Are the proposals a major development and, if so, does it have on-site energy production from renewable sources, that will reduce CO2 emissions from energy use by users of the buildings?'

The supporting foot-note sets out that the standards will be set in the Regional Spatial Strategy (RSS) for the South West of England. Until such time the RSS is adopted, the minimum standards will be; 10% for on-site energy production from renewable sources; and BREEAM 'Very Good'/Level 3 of the Code for Sustainable Homes.

5.7 PPS1 - Climate Change Supplement (2007) – is an important material consideration in addressing this planning application. The document sets out the intention to progressively tighten the Building Regulations to 2016 eventually requiring 'zero carbon' dwellings. There is no reference to the Code for Sustainable Homes in the document. However the guidance sets out in paragraph 33, that

'Any policy relating to local requirements for decentralised energy supply to new development or for sustainable buildings should be set out in a DPD, not a supplementary planning document, so as to ensure examination by an independent Inspector.'

Clearly, the South Gloucestershire Design Checklist is a Supplementary Planning Document and having regards to the advice within PPS1 supplement the prescription of the Code for Sustainable Homes Level 3 is not appropriate

5.8 The emerging South Gloucestershire Core Strategy (Policy CS1 (8)) sets out that;

'Major residential development (10 or more dwellings) and mixed use schemes will be required to achieve Code for Sustainable Homes level 3 (level 4 from 2013) or above, and /or BREEAM 'very good' or other equivalent standard.'

- 5.9 However, the South Gloucestershire Core Strategy is at its consultation stages. At this stage the document carries some weight, but the final document may be subject to change in this respect. However, it is very likely that a measure for achieving high standards of design and sustainable construction in new residential development will form part of Policy CS1 of the South Gloucestershire Core Strategy.
- 5.10 Clearly, there remains a strong policy basis for requiring new housing development to achieve a high standard of design. The policy direction is further supported by the recent statement made by RtHon Grant Shapps (Housing Minister) in respect of the revised Code for Sustainable Homes. Mr Shapps has acknowledged that compliance with the existing Code is a complicated process that is in need of simplification. Essentially, the code now takes account of the latest building regulations. (Code Level 3 is an 'equivalent' level in respect of the 2010 Building Regulations) and it is to become more streamlined so as to encourage high standards of design and construction. The implementation of the Code for Sustainable Homes remains a voluntary approach, however, the Ministerial Statement continues to put strong emphasis on the need to reduce carbon emissions through 'greener homes' and good building standards.
- 5.11 In this instance, officers would agree with the submission that the direct requirement to achieve the Code for Sustainable Homes Level 3 by condition is over prescriptive given the recent national guidance and Ministerial Statement. The Code for Sustainable Homes is essentially a nationally recognised assessment standard for sustainable construction. It is not necessarily the only measure of achieving this objective. Currently the 2010 building regulations are consistent with CSH Level 3 in respect of the performance of the fabric and construction of new dwellings. On this basis, officers have considered the re-wording of the subject condition such that the requirement to specifically meet CSH Level 3 is omitted. This would allow the developer some flexibility over the method of achieving a high standard of design and specifically sustainable construction is achieved. The following wording is suggested;

'Within three months of the date of this Planning Permission the developer shall provide the Local Planning Authority with details of how the scheme will achieve a good standard of energy conservation and protection of environmental resources; which shall be agreed in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the details and measures so agreed.'

(For the avoidance of doubt a pre-assessment certificate proving Code for Sustainable Homes Level 3 achievement for each dwelling carried out by a Building Research Establishment Licensed Code for Sustainable Homes Assessor will be accepted as evidence of attaining good design for the purposes of discharging this condition)'

Reason

In order to ensure that the proposal attains the requisite good standard of design in relation to energy conservation and the protection of resources in

accordance with policy D1 of the South Gloucestershire Local Plan (adopted) January 2006; the adopted South Gloucestershire Design Checklist SPD (2007); and policy CS1 of the South Gloucestershire Core Strategy Proposed Changes Submission Draft (December 2010).'

- 5.12 It is considered that the condition would allow a high standard of design whilst being consistent with the adopted local planning policy and national guidance.
- 5.13 Notwithstanding the above, the applicant has submitted information which argues that the approved development would achieve, on average, 17% improvement over and above the current Building Regulation Standards. In fact, this argument relates back to 2006 Building Regulations, which have now been superseded by the 2010 Building Regulations which impose a much higher standard (equivalent in building performance terms to CSH Level 3). When assessing the submitted improvements against the 2010 Building Regulations, the development would be sub-standard.
- 5.14 This report clarifies that the emphasis remains with the need to achieve a high standard of design and construction in the interests of reducing CO2 emissions in new development. There is now a clear correlation between minimum 2010 Building Regulations standards and Code for Sustainable Homes Level 3. In effect, meeting the current building regulations would achieve an appropriate standard and as such the assessment of this development should meet the current building regulations at the very least.
- 5.15 Indeed, should the developer submit that the development would comply with 2010 Building Regulations then the subject condition could be removed as requested. However, as set out above, this is not the case. On this basis, there is not sufficient justification for the total relaxation of the subject condition in relation to the market housing on this development. However, the condition proposed by officers (as set out above) would allow a more flexible and pragmatic approach to achieving a standard which is considered to be acceptable; and not necessarily confined to the standards set out in the Code For Sustainable Homes Level 3. In any case this should exceed the suggested level made in support of this application. In imposing the suggested condition, officers would then be in a position to negotiate appropriate standards as part of the application to discharge it.
- 5.16 Conditions and Planning Obligations
The previous planning permission (PT09/5495/F) has now been implemented and was subject to various conditions requiring additional information prior to the commencement of the development; as well as a Section 106 Legal Agreement which secured Affordable Housing provision and financial contributions for Primary School Places and improvements to the local Transport network. In this instance the conditions have been discharged and the Section 106 Legal Agreement has been signed and continues to bind this development. However, there are compliance conditions associated with the previous planning permission which remain relevant and as such should be added to any approval of this application.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 It is concluded that the amended condition would enable sufficient means by which to achieve good design in new residential development such that it would meet the objectives of Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 6.3 The recommendation to vary the condition 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 condition 2 of Planning Permission PT10/5495/F is varied to read as follows;

'Within three months of the date of this Planning Permission the developer shall provide the Local Planning Authority with details of how the scheme will achieve a good standard of energy conservation and protection of environmental resources; which shall be agreed in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the details and measures so agreed.'

(For the avoidance of doubt a pre-assessment certificate proving Code for Sustainable Homes Level 3 achievement for each dwelling carried out by a Building Research Establishment Licensed Code for Sustainable Homes Assessor will be accepted as evidence of attaining good design for the purposes of discharging this condition)

Reason

In order to ensure that the proposal attains the requisite good standard of design in relation to energy conservation and the protection of resources in accordance with policy D1 of the South Gloucestershire Local Plan (adopted) January 2006; the adopted South Gloucestershire Design Checklist SPD (2007); and policy CS1 of the South Gloucestershire Core Strategy Proposed Changes Submission Draft (December 2010).'

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

1. Within three months of the date of this Planning Permission the developer shall provide the Local Planning Authority with details of how the scheme will achieve a good standard of energy conservation and protection of environmental resources; which shall be agreed in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the details and measures so agreed.

(For the avoidance of doubt a pre-assessment certificate proving Code for Sustainable Homes Level 3 achievement for each dwelling carried out by a Building Research Establishment Licensed Code for Sustainable Homes Assessor will be accepted as evidence of attaining good design for the purposes of discharging this condition)

Reason

In order to ensure that the proposal attains the requisite good standard of design in relation to energy conservation and the protection of resources in accordance with policy D1 of the South Gloucestershire Local Plan (adopted) January 2006; the adopted South Gloucestershire Design Checklist SPD (2007); and policy CS1 of the South Gloucestershire Core Strategy Proposed Changes Submission Draft (December 2010).

2. Access to the site during the construction of the development hereby approved shall not make use of Kings Drive, Star Avenue or Halls Gardens within the existing residential development to the West of the site.

Reason

To minimise disturbance to occupiers of Kings Drive, Star Avenue and Halls Gardens and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The hours of working on site during the period of construction shall be restricted to 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturday; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

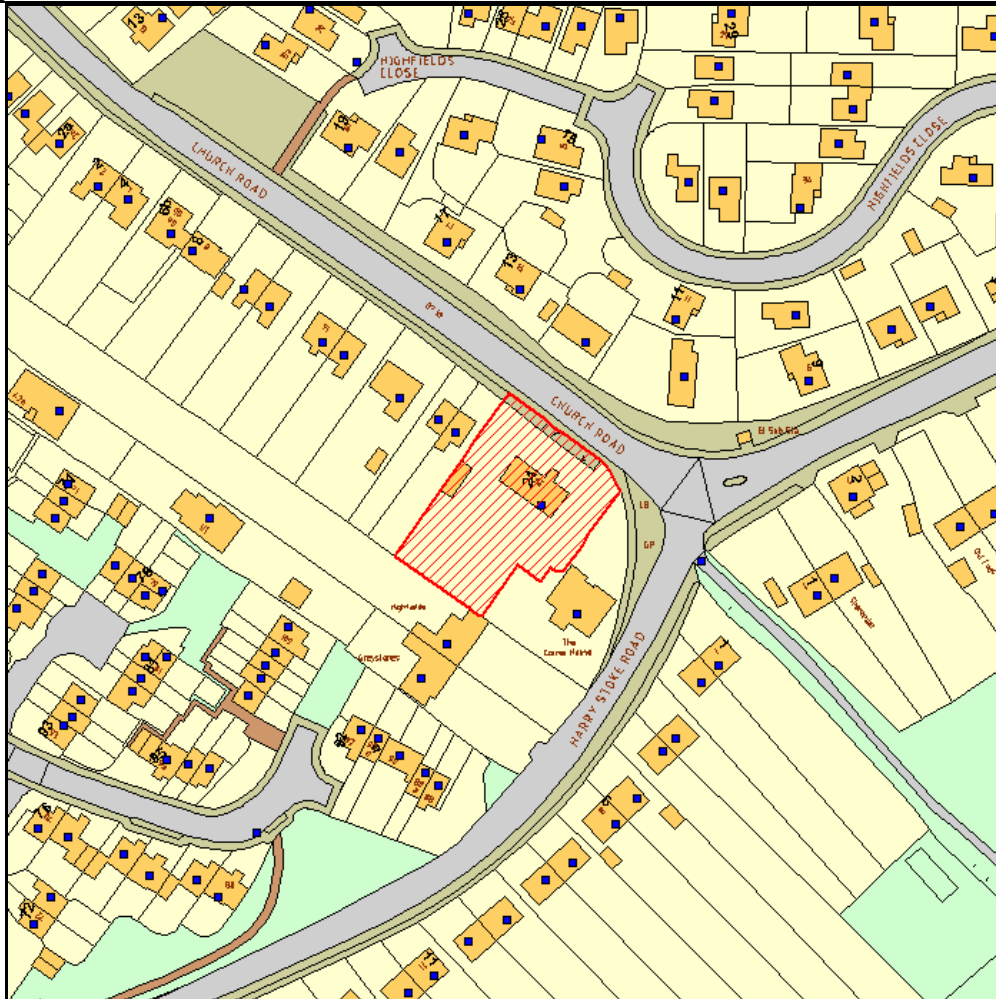
Reason

To minimise disturbance to occupiers of Kings Drive, Star Avenue and Halls Gardens and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 03/11 – 21 JANUARY 2011

App No.: PT10/3011/EXT
Site: 24 Church Road Stoke Gifford Bristol
 South Gloucestershire BS34 8QA
Proposal: Demolition of existing dwelling to facilitate
 erection of 8 no. 2 bedroom flats and 2 no. 1
 bedroom flats with associated works.
 Construction of new vehicular and pedestrian
 access (in accordance with amended plans
 received on 18 February 2008).(Consent to
 extend time limit implementation for
 PT08/0136/F) Renewal of Planning Permission
 PT08/0136/F.
Map Ref: 362515 179366
Application Category: Major

Applicant: Mr A Brookes
Date Reg: 8th November 2010
Parish: Stoke Gifford Parish
 Council
Ward: Frenchay and Stoke
 Park
Target Date: 3rd February 2011



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 100023410, 2008. **N.T.S.** **PT10/3011/EXT**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to letters of objection received from local residents and the requirement of a Section 106 Agreement.

1. THE PROPOSAL

- 1.1 This application seeks an extension of time limit for the previously approved permission granted under planning reference PT08/0136/F for the demolition of existing dwelling to facilitate the erection of 8 no. two bedroom flats and 2 no. 1 bedroom flats with associated works and the construction of new vehicular and pedestrian access at 24 Church Road, Stoke Gifford. The previous application does not expire until 11 April 2011.
- 1.2 The application site currently consists of a detached dwelling. It occupies an elevated position and has an area of 0.14 hectares. It lies within the urban area of Stoke Gifford.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
H2	Proposals for Residential Development Within the Existing Urban Area and Defined Settlement Boundaries
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
LC2	Provision for Education Facilities (Site Allocations and Developer Contributions)
L11	Archaeology
L15	Buildings and Structures Which Make a Significant Contribution to the Character and Distinctiveness of the Locality
L18	The Water Environment

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

2.4 South Gloucestershire Core Strategy – Proposed Changes Submission Draft December 2010

CS1	High Quality Design
CS5	Location of Development
CS16	Housing Density
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol Urban Area

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT08/0136/F Demolition of existing dwelling to facilitate erection of 8 no. 2 bedroom flats and 2 no. 1 bedroom flats with associated works. Construction of new vehicular and pedestrian access
- Approved 11 April 2008.
- 3.2 PT07/2417/F Demolition of 24 Church Road to facilitate erection of 14 no. one and two bedroom apartments with associated parking, access and amenity space.
- Refused 2 November 2007.
- 3.3 PT06/2066/F Demolition of 24 Church Road and erection of 14 no. one and two bedroom apartments with 14 no. car parking spaces, associated access and amenity space.
- Withdrawn 22 August 2006.
- 3.4 PT04/2560/TMP Change of use of part of residential dwelling to surveying business (Class B1)
- Approved 31 August 2004.
- 3.5 PT01/0215/F Erection of two garages (retrospective).
- Approved 27 February 2001.
- 3.6 P96/1336 Erection of single dwelling and demolition of existing garage and outbuilding (outline).
- Refused 24 April 1996.
Dismissed on appeal 19 November 1996
- 3.7 P96/1335 Erection of 3 dwellings. Demolition of existing garage and outbuilding (outline).
- Refused 24 April 1996.
Dismissed on appeal 19 November 1996

4. **CONSULTATION RESPONSES**

4.1 Stoke Gifford Parish Council

The Parish Council is concerned and has reservation with the issues over parking and pedestrian access especially given that the Highway Authority is undertaking an investigation into these issues.

4.2 Sustainable Transport

Given that road conditions have not changed significantly since the previously approved planning application, PT08/0136/F, there is no transportation objection raised. It should, however, be noted that a contribution towards the North Fringe scheme (transport matters) is no longer applicable for developments of this size and so is not requested.

4.3 Highways Agency

No objection.

4.4 Environmental Services

No objection.

4.5 Community Services

Street Lighting

An existing street lighting column is positioned in conflict with the proposed common access associated with the proposed development. The need for street lighting within the site itself is questioned.

Waste and Recycling

The proposed bin store is inadequate. The developer is referred to the South Gloucestershire Council guidance for developers on waste and recycling.

4.6 Department for Children and Young People (Education requirement)

Request is made £10,747 towards the provision of Primary School Places in the local area and to offset the impact of the proposed development in respect of the current deficit of primary school places in the area.

Other Representations

4.7 Local Residents

3 letters have been received objecting to the proposal on the following grounds:

The development would result in an increased volume of traffic to the detriment of highway safety.

There is not sufficient parking provided within the site. This will lead to increased on street parking close to a busy road junction which is already causing grid lock on Church Road.

The development will result in an increased level of waste bins being left in the street.

There is already rented properties in the locality. There is concern that the introduction of more rented properties will cause further problems with parking, waste bins, abandoned supermarket trolleys and anti-social behaviour.

5. ANALYSIS OF PROPOSAL

- 5.1 The proposal consists of new residential development within the Urban Area associated with the Bristol North Fringe. The application seeks consent to extend the time period by which an existing planning permission (PT08/0136/F) can be implemented. The existing Planning Permission expires on 11th April 2011 and is subject to a Section 106 Legal Agreement requiring financial contributions towards transport improvements and provision of primary school places.
- 5.2 Principle of Development
The principle of the proposed development is established by virtue of the extant planning permission (PT08/0136/F). Therefore, the main consideration in this instance is whether there have been any material changes to policy since the original grant of planning permission.
- 5.3 Since the application was decided in 2008, the South Gloucestershire Core Strategy (Proposed Changes Submission Draft December 2010) has become a material consideration in determining planning applications in South Gloucestershire. In addition, PPS3 has been revised such that the indicative minimum density target has been omitted and the definition of 'previously developed land' now excludes private residential gardens.
- 5.4 The previous application was assessed against Policies H2 and H4 of the South Gloucestershire Local Plan (adopted) 2006. The South Gloucestershire Local Plan remains the current adopted development plan for South Gloucestershire. Those policies remain relevant and carry more weight than the emerging South Gloucestershire Core Strategy in determining this planning application. Nonetheless, the thrust of the policies contained in the Core Strategy would continue to support the principle of the development of this site for new residential dwellings (including flats). On this basis, it is considered that there is no material change in respect of the principle of the proposed development as a result of the changes to planning policy since the original approval.
- 5.5 Physical Characteristics
Officers are satisfied that there has been no material change in respect of the physical characteristics and planning constraints of the site and its context since the original approval of this development. In particular, the characteristics of the highway have not changed to the extent that the development would now result in a detrimental impact in highway safety and amenity terms. This conclusion is reached having regards to the continued local residents concerns over parking on Church Road itself, and the proximity of the site to the junction with Church Road and Harry Stoke Road. The proposed access would remain the same as originally approved. The available visibility from the site access has not changed whilst the nature of parking and vehicular movements in the

- locality remains materially the same as that occurring when the proposed development was originally considered.
- 5.6 Similarly, the visual characteristics of the surrounding locality of the site has not materially changed. The design of the approved development is considered to remain acceptable within this context. On this basis, it is considered that there are no material changes to the physical characteristics affecting this development and that the development remains acceptable.
- 5.7 Notwithstanding the above, it is considered that the conditions of approval previously applied remain relevant and can be applied to any approval of this application to extend the existing planning permission.
- 5.8 Planning Obligations
The extant planning permission is subject to a legal agreement securing financial contributions for Transportation Improvements and the Provision of Primary School Places. This is £7,200 towards the North Fringe Major Scheme (Transport Matters) and £8,861.43 towards additional Primary School Provision.
- 5.9 Since the determination of the extant planning permission (PT08/0136/F) and as a result of appeal decisions the requirement for a financial contribution towards the North Fringe Major Scheme (Transportation Matters) has fallen away as it was not deemed to meet the tests of Circular 05/2005. Accordingly, such a contribution is no longer being requested as part of planning permissions in the Bristol North Fringe generally unless a specific highway safety improvement generated by the development is justified. This is a material consideration in respect of the application to renew the extant planning permission. On this basis, any approval of this application should not now include this financial obligation as it is no longer required.
- 5.10 In respect of the education requirement for a financial contribution towards the provision of primary school places, the Department for Children and Young People have increased their requirement having regards to revised values for the Department for Education cost calculator up to 2009. The requirement is increased from £8,861.43 to £10,747. Again, this is a material consideration in respect of the application to renew the extant planning permission. On this basis, any approval of this application should now include the requirement for £10,747 towards Primary School Places in the locality.
- 5.11 On this basis, in the event that the application is approved, a new Section 106 legal agreement or Unilateral Undertaking will be required to account for the above.
- 5.12 Sustainability Issues
The extant planning consent is conditioned such that the development should achieve Level 3 of the Code for Sustainable Homes (CSH Level 3). Where it continues to be appropriate to achieve the high standards of design that would meet the requirements of or are equivalent to CSH Level 3, it is appropriate to revise the wording of the condition to reflect changing Planning Policy and allow a more flexible approach to providing new development to a high

standard of energy conservation and sustainability. Accordingly, the wording of the condition should be amended.

5.13 Other Matters

Street Lighting and Telegraph Pole

Given the scale of the proposed development, it is not considered that on-site lighting is required as part of the planning application. However there is a lighting column and telegraph pole located such that they would interfere with the implementation of the proposed shared access onto the site and the adjacent dwelling. However, it would be possible to move the lighting column and telegraph pole to account for this. Accordingly, a Grampian Style condition can be applied, in the event that this application is approved, to secure the removal of the column and pole prior to the first occupation of the dwellings. It is the responsibility of the developer to liaise with the owners of the equipment in respect of its relocation.

Bins and Recycling

Since the original approval (PT10/0136/F) South Gloucestershire Council has adopted various recycling schemes, which would require appropriate onsite storage. The original proposal does not include such measures and it is appropriate for these measures to be accommodated on site given the new waste collection regimes. This is appropriately the subject of a planning condition, which can be used to secure the provision of appropriate bin storage prior to the first occupation of the development.

Occupation type

Local residents have expressed concern that there are already rented residential dwellings in the locality and that there is no requirement for more dwellings on this basis. Whether particular dwellings are rented or privately owned is a matter for the developer/owner. Such an issue would carry limited weight in respect of the assessment of this planning application given that tenure is not something that can be controlled in this scale of development. Moreover, it cannot be reasonably assumed that the additional rented accommodation directly leads to an increase in anti-social behaviour.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 It is concluded that there are no material changes in respect of planning policy or the physical characteristics of the site and its context such that the proposed development has become unacceptable. The proposed development. Subject to the conditions (with necessary amendments) of the originally approved development and additional conditions relating to the removal of a lighting column and detail bin store provision; and a revised Section 106 legal agreement to secure a financial contribution for Primary School Provision

continues to comply with Policy D1, H2, H4, T7, T12 and LC2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

7. RECOMMENDATION

- 7.1 (1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an appropriate legal agreement within 6 months of this determination to secure the following:

- (i) A financial contribution of £10,747 towards additional primary school provision.

Reason: There is a projected deficit at primary level in the local area and to comply with Policy LC2 of the South Gloucestershire Local Plan (Adopted) January 2006.

- (2) If the Legal Agreement is not signed and sealed within 6 months of this determination then, in view of the length of time that has elapsed, the application should either:

(a) Return to the Circulated Schedule for reconsideration or alternatively;

(b) The application should be refused due to the failure to secure the Heads of Terms listed above under a legal agreement, for the reasons listed in section 1.

Background Papers **PT08/0136/F**

Contact Officer: **Simon Penketh**
Tel. No. **01454 863433**

CONDITIONS

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

Reason

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

2. No development shall take place until the Local Planning Authority has been provided with, and has approved in writing details of how the scheme will achieve a good standard of energy conservation and protection of environmental resources. Thereafter, the development shall be constructed in accordance with the details and measures so agreed.

(For the avoidance of doubt a pre-assessment certificate proving Code for Sustainable Homes Level 3 achievement for each dwelling carried out by a Building Research Establishment Licensed Code for Sustainable Homes Assessor will be accepted as evidence of attaining good design for the purposes of discharging this condition)

Reason

In order to ensure that the proposal attains the requisite good standard of design in relation to energy conservation and the protection of resources in accordance with policy D1 of the South Gloucestershire Local Plan (adopted) January 2006; the adopted South Gloucestershire Design Checklist SPD (2007); and policy CS1 of the South Gloucestershire Core Strategy Proposed Changes Submission Draft (December 2010).

3. The residential units hereby approved shall not be occupied until a scheme for the management of the communal areas of the development (both internal and external) for the first 2 years of occupation has been submitted to and agreed in writing by the Local Planning Authority. The scheme should include management responsibilities and maintenance schedules. The scheme for the management of communal areas shall be carried out as approved.

Reason

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

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

Reason

To minimise disturbance to occupiers of neighbouring dwellings and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Development shall be carried out in accordance with the approved details.

Reason

To minimise disturbance to occupiers of surrounding dwellings and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting) and areas of hardsurfacing. Development shall be carried out in accordance with the agreed details.

Reason

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

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason

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

8. No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

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

Reason

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

10. No development shall take place until details of the cycle store has been submitted to and agreed in writing by the Local Planning Authority and the residential units hereby approved shall not be occupied until the cycle store has been provided in accordance with the agreed details. For the avoidance of doubt, the cycle parking shall be covered, secure and lit.

Reason

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

11. The glazing on the side elevations of the building hereby permitted shall at all times be of obscured glass and permanently fixed in a closed position. The obscure glazing to be used shall be at least level 3 obscure glazing.

Reason

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

12. No development shall take place until there has been submitted to and approved by the Local Planning Authority a programme of archaeological investigation and recording for the air raid shelter on the site. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

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

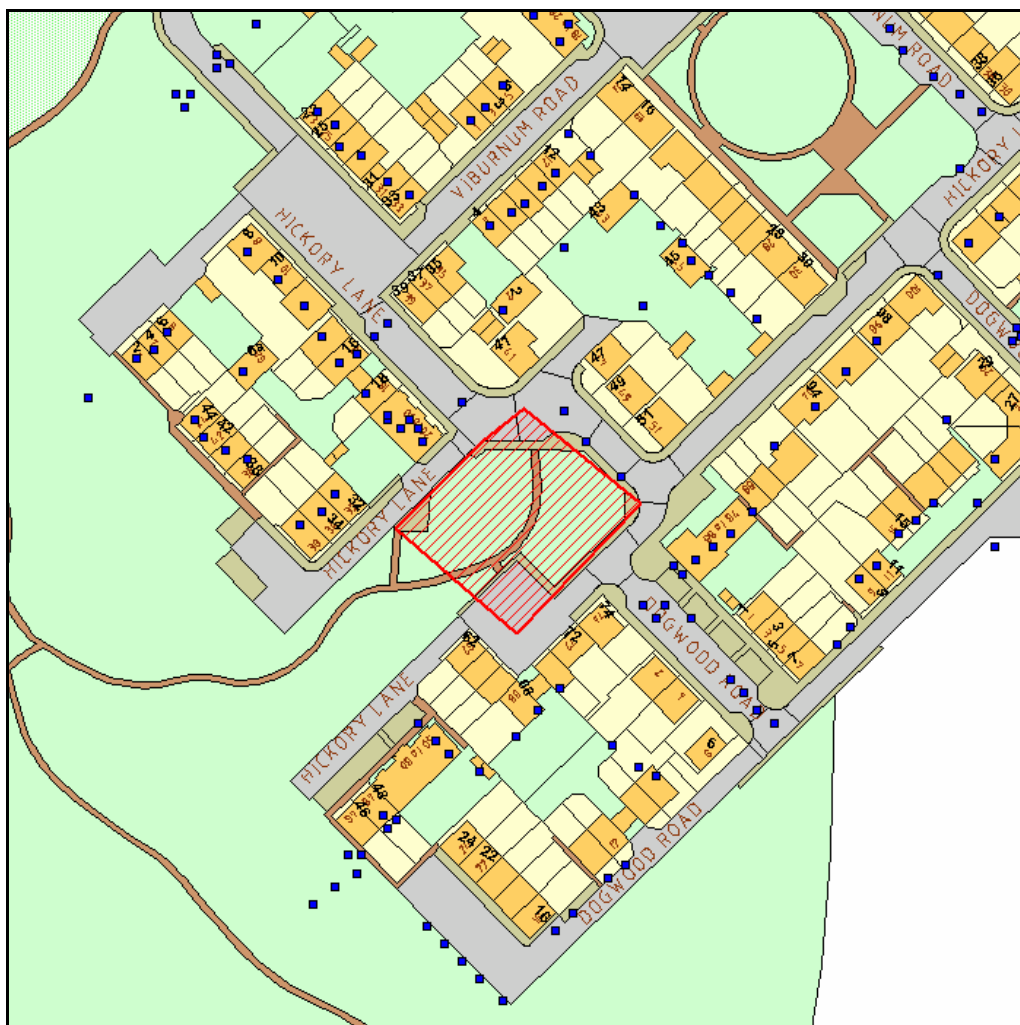
13. Prior to the first occupation of the development hereby approved, the existing lighting column and telegraph pole situated immediately to the Northeast of the proposed new access shall be removed.

Reason

In the interest of highways safety and visual amenity and to accord with Policies D1, H2 and T12 of the South Gloucestershire Local Plan (Adopted) 2006

CIRCULATED SCHEDULE NO. 03/11 – 21 JANUARY 2011

App No.:	PT10/3149/TRE	Applicant:	Mr Kevin Moore
Site:	Land At Hickory Lane/Dogwood Road Almondsbury Bristol South Gloucestershire BS32 4FN	Date Reg:	23rd November 2010
Proposal:	Works to 10no. Beech trees to crown lift to 3 metres and remove epicormic growth, and works to 3no. Sycamore trees and 1no. Horse Chestnut tree to crown lift to 3 metres all covered by Tree Preservation Order SGTPO 08/07 dated 28 November 2007.	Parish:	Almondsbury Parish Council
Map Ref:	361837 184244	Ward:	Almondsbury
Application Category:	Works to trees	Target Date:	17th January 2011



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 100023410, 2008. **N.T.S.** **PT10/3149/TRE**

This application is being circulated to Members because the Officer's recommendation is contrary a written representation received from the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks consent for works to 10no. Beech trees to crown lift to 3 metres and remove epicormic growth, and works to 3no. Sycamore trees and 1no. Horse Chestnut tree to crown lift to 3 metres covered by a Tree Preservation Order 2007.
- 1.2 The trees are growing on an area of Public Open Space adjacent to Hickory Lane/Dogwood road in a well-established residential area of Almondsbury.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
L1 Landscape Protection and Enhancement
L4 Forest of Avon
- 2.3 Emerging Policy
South Gloucestershire Council Core Strategy Proposed Changes Publication
Draft December 2010:
CS9: Environmental Resources and Built Heritage

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
Object to severe crowning; would have no objection to coppicing.
- 4.2 Tree Officer
No objection.

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

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

5.2 Consideration of Proposal

The trees are growing to in an area of public open space adjacent to Hickory Lane and Dogwood Road in Almondsbury. They appear to be in good health. A 3 metre crown lift is not in this instance considered severe crowning as it would not ultimately alter the shape of the crown. These works are ongoing management to allow access under the trees and remove any health and safety issues raised by low branches. As such coppicing is unnecessary. The proposed works are in accordance with good arboricultural practice, and should not have a detrimental affect on the health of the trees or the visual amenity they offer to the area.

6. CONCLUSION

6.1 The decision to approve consent for works to 10no. Beech trees to crown lift to 3 metres and remove epicormic growth, and works to 3no. Sycamore trees and 1no. Horse Chestnut tree to crown lift to 3 metres covered by a Tree Preservation Order 2007 has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That Consent is **GRANTED**.

Contact Officer: Genevieve Tuffnell

Tel. No. 01454 863438

CONDITIONS

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

Reason

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

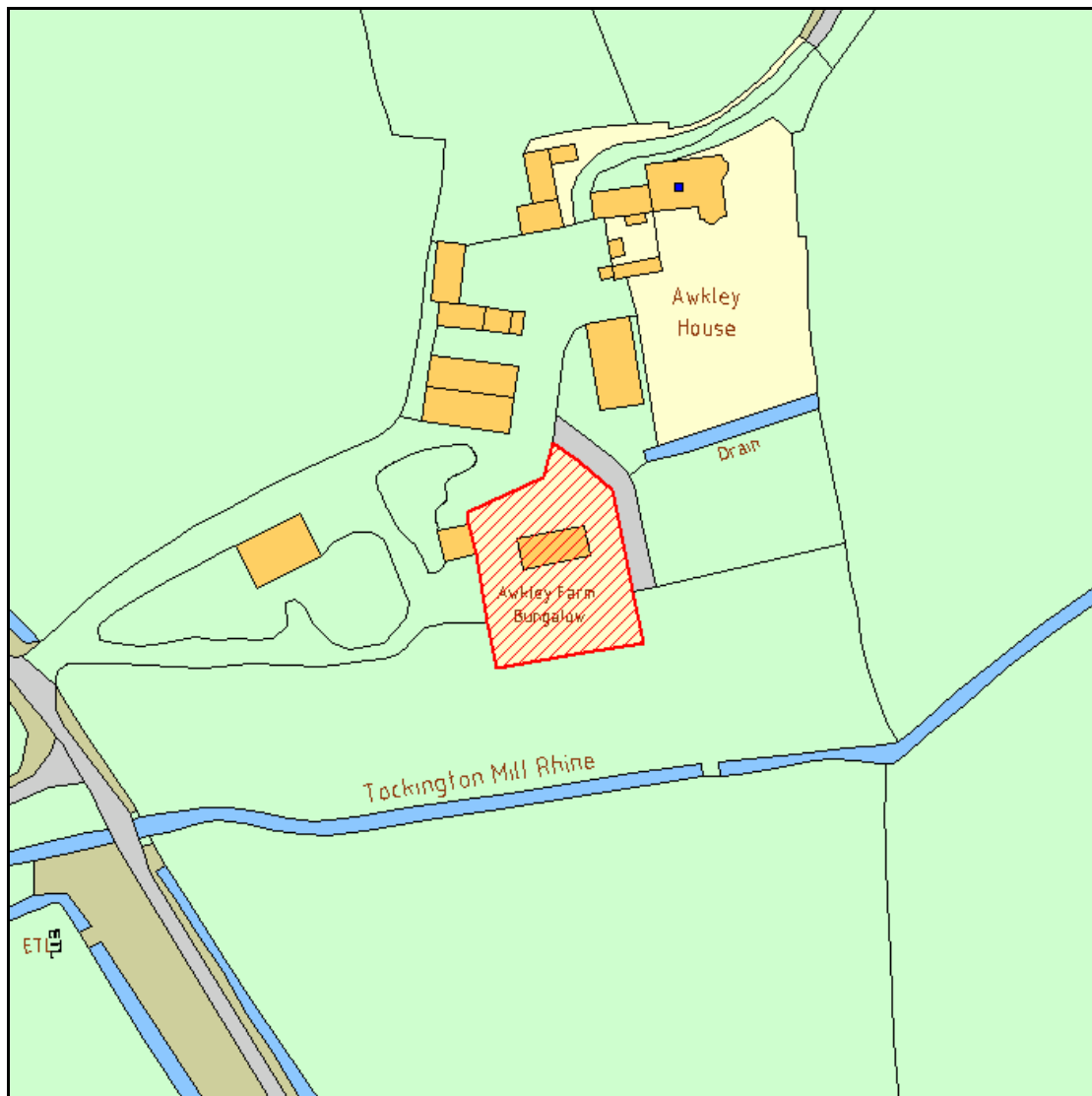
2. The works hereby authorised shall comply with British Standard 3998: 1989 – Recommendations for Tree Work.

Reason

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

CIRCULATED SCHEDULE NO. 03/11 – 21 JANUARY 2011

App No.:	PT10/3228/CLE	Applicant:	Mr Geoffrey Gingell
Site:	Awkley Farm Bungalow Hardy Lane Tockington Bristol South Gloucestershire	Date Reg:	6th December 2010
Proposal:	Application for Certificate of Lawfulness for existing use as residential without compliance with agricultural occupancy condition attached to planning permission N3285/1.	Parish:	Olveston Parish Council
Map Ref:	359671 185746	Ward:	Severn
Application Category:	Minor	Target Date:	27th January 2011



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 100023410, 2008. **N.T.S.** **PT10/3228/CLE**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule because it forms a Certificate of Lawfulness and given the comments made by the Parish Council.

1. THE PROPOSAL

- 1.1 The application submitted comprises a Certificate of Lawfulness in respect of the occupation of Awkley House Bungalow, Tockington without compliance of the agricultural occupancy condition attached to planning permission N3285/1.
- 1.2 The application site forms a detached single-storey property that sits south of Awkley House and its associated farmyard on the south side of Hardy Lane west of the M49 and M4 motorways. The application site is located beyond any settlement boundary and within the open Green Belt.
- 1.3 As submitted, the application sought to address the agricultural occupancy condition attached to N3285. However, upon consideration of the application and further to a site visit, it became apparent that this permission had not been implemented. Instead, the later permission has been implemented with the only apparent change the reorientation of the building to face the original farmhouse.

2. POLICY CONTEXT

- 2.1 Because the application is a Certificate of Lawfulness the policy context is not directly relevant and therefore the planning merits are not under consideration. The applicant need only prove that on the balance of probabilities the use has taken place for a continuous period of 10 years up to the date of this application.

3. RELEVANT PLANNING HISTORY

- 3.1 N3285: Erection of agricultural workers dwelling (Woolaway Bungalow); installation of septic tank. Permitted: 3 December 1977

Condition d:

'The dwelling hereby authorised shall be occupied by persons solely or mainly, or last so employed locally in agriculture as defined in Section 290 (1) of the Town and Country Planning Act 1971, or in forestry, and the dependents (which shall be taken to include a widow of widower) of such persons.'

Reason:

'The site is not in an area intended for general development, permission is granted to the present proposal solely because development is required to house a person (or persons) employed in agriculture.'

- 3.2 N3285/1: Erection of Woolaway bungalow (in accordance with revised plan received by the Council on 22 March 1977).

Condition c:

'The occupation of the dwelling shall be limited to a person solely or mainly, or last so employed, in the locality in agriculture as defined in S290(1) of the Town and Country Planning Act 1971, or in forestry (including any dependents of such a person residing with him) or a widow or widower of such a person.'

Reason:

'The site is not in an area intended for general development and permission is granted to the present proposal solely because the development is required to house a person (or persons) employed in agriculture.'

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council

'Whilst Olveston Parish Council is unable to object to the following application due to the time passed, Councillors feel that the dwelling should still have some agricultural tie.'

4.2 Other Consultees

Landscape Officer: no comment

Other Representations

4.3 Local Residents

No comment received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks a Certificate of Lawfulness in respect of the detached Awkley Farm Bungalow; Tockington with it claimed that this property has been occupied without compliance to the agricultural occupancy condition attached to the original planning permission.

5.2 Accordingly, the issue for consideration is whether the evidence submitted proves that on the balance of probabilities, the dwelling has been occupied for a continuous period of 10 years up to the date of this application without compliance with this condition. The application is purely an evidential test irrespective of planning merit.

5.3 History of Dwelling

The planning history of the property is limited to the two applications submitted at the time of construction. These comprise full applications for the erection of one agricultural workers dwelling in the same position but with the original facing south and the latter facing north. Occupation of this dwelling was restricted by condition as detailed above.

5.4 Evidence in Support of the Application

A short planning statement outlines the history of this property. In this regard, it is detailed that the property was originally occupied, as a farm workers dwelling

when Awkley Farm was a dairy holding. However, the farm lost a significant area of land that was acquired under a Compulsory Purchase Order with this necessary for the approach roads to the second Severn Crossing.

5.5 The submitted statement details that as a consequence of this scheme, and with diminishing returns from the farm, the holding was not viable and the applicant ceased working on the farm that, at the time belonged to his Aunt. The holding was subsequently rented out to neighbouring farmers with this arrangement remaining today whilst the applicant has worked full time since April 1998 as an HGV driver whilst remaining at the dwelling for a continuous period since it was built in 1977.

5.6 In further support of the above, a copy of employment details (P60 forms) covering the period from the year ending April 1997- April 2009 has been submitted.

5.7 Conflicting Evidence

The evidence provided is accepted as true unless contradictory evidence indicates otherwise. There is no contradictory evidence.

5.8 Analysis

The application site occupies a remote site when in planning policy terms, planning permission for an unrestricted dwelling would not generally be granted. Notwithstanding this, in view of the supporting evidence that has been received and given also the lack of any conflicting evidence, on the balance of probabilities it is considered that this dwelling has been occupied for a continuous period of ten years without compliance to the agricultural occupancy condition attached to the original permission.

5.9 Outstanding Issues

At the time of the site visit it was noted that the property has been extended with single-storey front, rear and side extensions added. The applicant confirmed that planning permission had not been sought for these extensions. Aerial photos appear to show that the front and one side extension were in place in 1999 with all of the extensions in position by 2005.

5.10 In response, the granting of this certificate would establish occupation of this building for residential purposes without compliance with the agricultural occupancy condition for the site as a whole (having regard to the site plan submitted). On this basis, these extensions would not impact on the consideration of this application. Notwithstanding this, given that the extensions would appear to have been in position for in excess of four years, these would also now be immune from enforcement action.

6. RECOMMENDATION

6.1 A Certificate of existing Lawful Use is **GRANTED**.

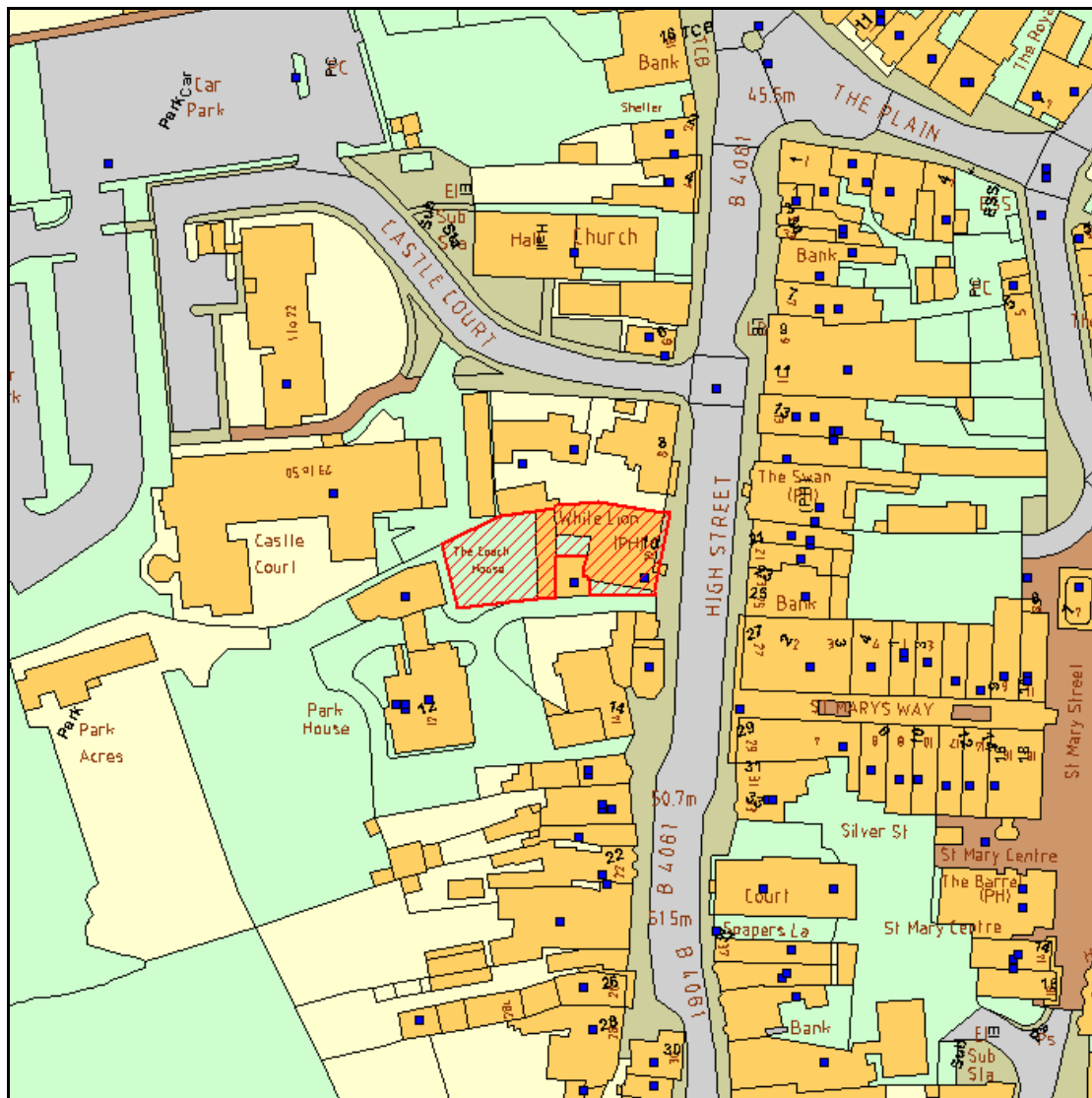
Contact Officer: Peter Burridge
Tel. No. 01454 865262

REASON

1. The applicant has demonstrated on the balance of probability that the dwelling has been occupied without compliance with the agricultural occupancy condition attached (Condition 'c' of N3285/1) for a continuous period in excess of 10 years.

CIRCULATED SCHEDULE NO. 03/11 – 21 JANUARY 2011

App No.:	PT10/3356/F	Applicant:	Marston's Inns And Taverns
Site:	White Lion High Street Thornbury Bristol South Gloucestershire	Date Reg:	7th December 2010
Proposal:	Installation of door to replace window in rear elevation and installation of 1.8m high gate in south boundary wall.	Parish:	Thornbury Town Council
Map Ref:	363656 190070	Ward:	Thornbury North
Application Category:	Minor	Target Date:	27th January 2011



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 100023410, 2008. **N.T.S.** **PT10/3356/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because objections have been received contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the installation of a 1.8 metre high gate in the south boundary wall and the installation of a pedestrian door to replace a window in the rear elevation of a single storey range.
- 1.2 The application site comprises a two-storey detached Grade II listed public house situated on the western side of Thornbury High Street. The site is located within the Thornbury Town Centre and Conservation Area.
- 1.3 Amended plans have been received, which have omitted a timber pergola in the courtyard of the building due to Officers concerns regarding the impact on the setting of the listed building.
- 1.4 A listed building application has been submitted in conjunction with this application (PT10/3357/LB).

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS5 Planning for the Historic Environment
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
T12 Transportation Development Control Policy for New Development
RT1 Development in Town Centres
L13 Listed Buildings
L12 Conservation Areas

South Gloucestershire Core Strategy Submission Draft Proposed Changes (December 2010)
CS1 High Quality Design
CS9 Managing the Environment and Heritage
CS14 Town Centres and Retail
CS32 Thornbury
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 There is an extensive history for the site stretching back over the past 30 years. The following applications are those received in the past 10 years:
- 3.2 PT04/3825/ADV, display of 3no. non-illuminated pub signs, 17/01/05, approval.

- 3.3 PT04/3826/LB, display of pub signage, approval, 17/01/05.
- 3.4 PT10/2761/ADV, display of 1no. static externally illuminated fascia sign, 3no. non-illuminated signs, 1no. static externally illuminated hanging sign and 1no. non illuminated door plaque, refusal, 24/12/10.
- 3.5 PT10/3270/LB, display of 1no. static externally illuminated fascia sign, 3no. non illuminated fascia signs, 1no. static externally illuminated hanging sign and 1no. non illuminated door plaque, undecided.

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

Objection - A polycarbonate roof seems inappropriate within the grounds of a listed building and there is concern with the proposal to make a new opening in a feature stone wall.

4.2 Conservation

Objection to timber pergola, no objection to proposed openings provided that justification is provided.

Other Representations

4.3 Local Residents

One letter of objection has been received from the owner of Park House, The Old Surgery and the Coach House for the following reasons:

They have sole right of access over the driveway;
They are the owners of the boundary wall;
The fire exit would be abused and not used merely as a fire exit;
Park House is a grade II listed building.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal is for minor cosmetic alterations to provide additional openings in the southern historic stone boundary wall and the rear elevation of a single storey outbuilding. There would be no alteration to the use of the public house or the floor area of the building. On this basis, it is considered that the proposal would not be in conflict with the main aims of policy RT1 in the South Gloucestershire Local Plan (adopted) January 2006.

The proposed alterations are required in order to comply with recommendations contained in a Fire Safety Risk report, which relate to the lack of emergency exits from the garden area. A copy of the Fire Safety Report has been provided by the applicant to justify the proposed development.

The main issues to consider are the impact of the proposed alterations on the appearance and setting of the listed buildings and the character of the Conservation Area (policies L12 and L13 of the Local Plan) and the affect on

the residential amenity of neighbouring properties (policy RT1 of the Local Plan).

5.2 Impact on Listed Buildings and Conservation Area

The concerns of the Parish Council are noted, however, provided that the design and construction of the openings are carried out sympathetically, it is considered that the health and safety implications are sufficient to outweigh the impact on the listed building. The Conservation Officer has requested larger scale details of the door, frame, ironmongery and alterations to the wall and has specified requirements with regards to the dismantling and reconstruction of the wall. If permission is granted, conditions can be applied to ensure these details are submitted before the development commences. Subject to conditions it is considered that the proposed alterations would not have an adverse impact on the character or setting of the listed buildings or Conservation Area and comply with policies L12 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

5.3 Residential Amenity

An objection has been received from the owner of the adjacent Park House, The Old Surgery and The Coach House on the basis that they have the sole right of access to the driveway on which the proposed access would open onto, and that the stone boundary wall is within their ownership. In addition, the objector is concerned that the use of the proposed fire escape could be abused if permission were granted.

The applicant has signed Certificate A in the application form to certify that they are the sole owner of the land to which the application relates. Nevertheless, planning permission does not give the applicants the right to carry out works on or over land that is not within their ownership. The right of access is considered to be a civil matter, which is outside the scope of this application.

If the proposed access through the southern boundary wall were used as a secondary means of access, it is considered that it would materially harm the amenities of the surrounding residential properties in terms of noise and disruption. In addition, it would likely lead to pressure of additional signage, which would harm the visual amenity and setting of the Thornbury Conservation Area and listed buildings. Therefore, it is considered that the proposed access should only be used as an emergency means of escape and not as a secondary entrance. The concerns received regarding possible abuse of the fire escape are noted, however, a condition can be applied if permission is granted to ensure that the door is only used in emergencies.

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 conflict with the main aims of policy RT1 of the South Gloucestershire Local Plan (adopted) January 2006.

Provided that the proposed access through the southern boundary would only be used for emergency purposes, there would be no significant adverse impact on the residential amenity of the surrounding neighbouring occupiers – policy RT1 of the South Gloucestershire Local Plan (adopted) January 2006.

Acceptable justification has been provided to demonstrate the need for the development and subject to conditions regarding the method of dismantling and reconstruction, as well as the submission of further details, it is considered that the development accords with PPS5 and policies D1, L12 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

2. The access door in the southern boundary wall shall be kept shut and only used for emergency egress.

Reason

To preserve the amenities of the area and to accord with policies RT1, L12 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

3. The section of wall proposed to be opened up to create the doorway shall be carefully dismantled by hand, setting aside all stone for use in the repair. Disc cutting equipment shall not be used to form the opening.

Reason

To preserve the character and setting of the listed buildings and Conservation Area and to accord with PPS5 and Policies L12 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

4. Prior to the relevant stage of the development, samples of the proposed mortar including colour, texture and finish, shall be approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the agreed

samples. For the avoidance of doubt, the mortar shall be a traditional lime mortar and shall not include cement.

Reason

To preserve the character and setting of the listed buildings and Conservation Area and to accord with PPS5 and policies L12 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

5. Prior to the commencement of the development, the detailed design of the following items shall be submitted to and approved in writing by the Local Planning Authority:
 - a. door joinery including frame
 - b. door ironmongery

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections. The development shall be carried out strictly in accordance with the agreed details.

Reason

To preserve the character and setting of the listed building and Conservation Area and to accord with PPS5 and policies L12 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

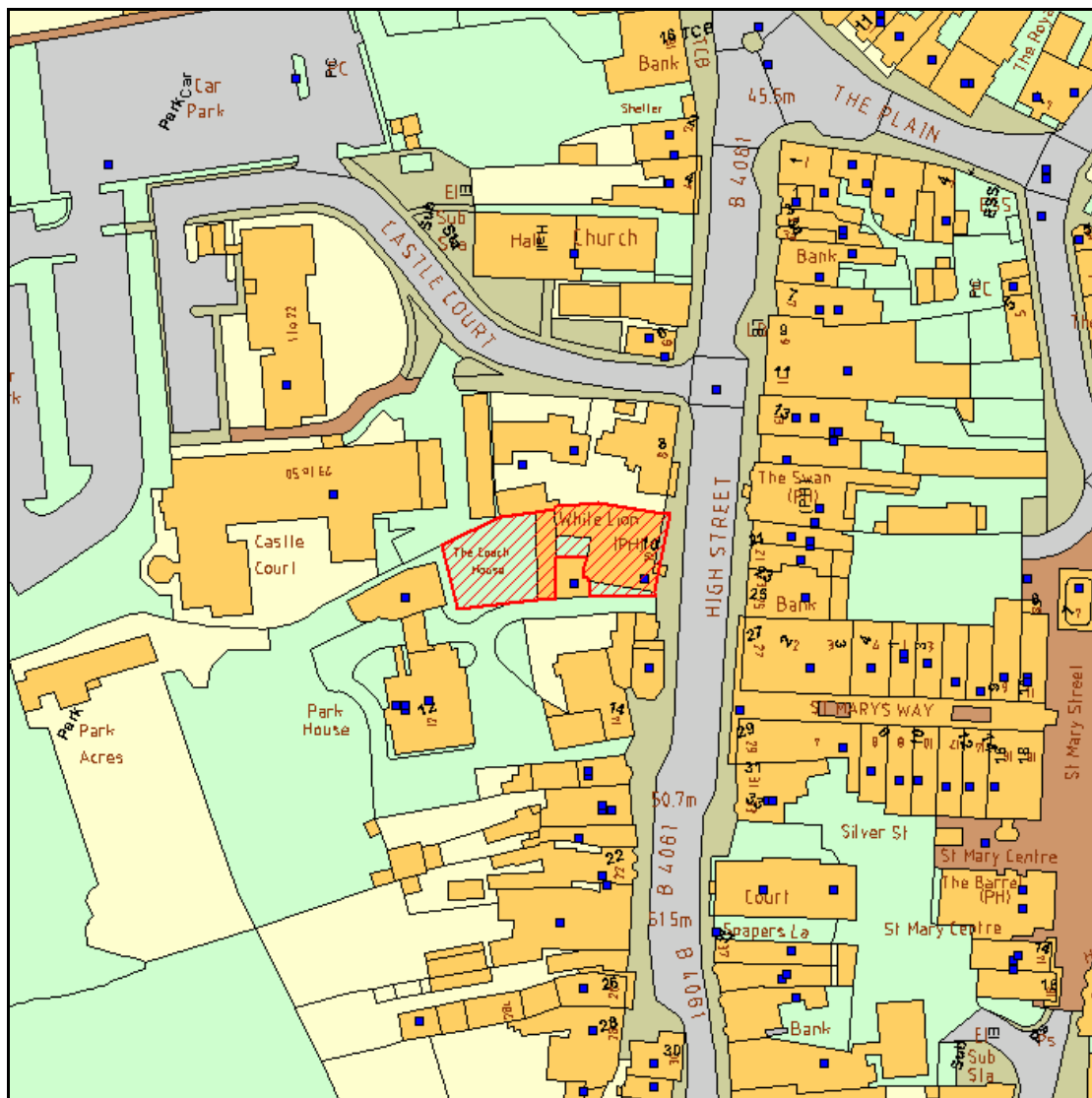
6. Prior to the commencement of the development, details of the proposed paint colour and finish shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the agreed details.

Reason

To preserve the character and setting of the listed building and Conservation Area and to accord with PPS5 and policies L12 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 03/11 – 21 JANUARY 2011

App No.:	PT10/3357/LB	Applicant:	Marstons's Inns And Taverns
Site:	White Lion High Street Thornbury Bristol South Gloucestershire	Date Reg:	7th December 2010
Proposal:	Installation of door to replace window in rear elevation and installation of 1.8m high gate in south boundary wall.	Parish:	Thornbury Town Council
Map Ref:	363656 190070	Ward:	Thornbury North
Application Category:	Minor	Target Date:	27th January 2011



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 100023410, 2008. **N.T.S.** **PT10/3357/LB**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because objections have been received contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks listed building consent for the formation of a pedestrian access and the installation of a 1.8 metre high gate in the southern boundary wall and the installation of a pedestrian door to replace a window in the rear elevation of a single storey range.
- 1.2 The application site comprises a grade II listed public house situated within the Thornbury Conservation Area. It is a two-storey rendered building of vernacular proportions with a slate roof, prominent brick stacks, two projecting bays and a projecting Doric porch with a lion sculpture above. To the rear, it comprises a jumble of both modern and historic outbuildings that were altered in the late 1980s and 90s.
- 1.3 Planning application no. PT10/3356/F has been submitted in conjunction with this application.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS5 Planning for the Historic Environment

3. RELEVANT PLANNING HISTORY

- 3.1 There is an extensive history for the site stretching back over the past 30 years. The following applications are those received in the past 10 years:
- 3.2 PT04/3826/LB, display of pub signage, approval, 17/01/05.
- 3.3 PT10/3270/LB, display of 1no. static externally illuminated fascia sign, 3no. non illuminated fascia signs, 1no. static externally illuminated hanging sign and 1no. non illuminated door plaque, undecided.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
Objection - A polycarbonate roof seems inappropriate within the grounds of a listed building and there is concern with the proposal to make a new opening in a feature stone wall
- 4.2 Conservation
Objection to timber pergola, no objection to proposed openings provided that justification is provided.

Other Representations

4.3 Local Residents

One letter of objection has been received from the owner of Park House, The Old Surgery and the Coach House for the following reasons:

They have sole right of access over the driveway;
They are the owners of the boundary wall;
The fire exit would be abused and not used merely as fires exit;
Park House is a grade II listed building.

These concerns have been considered in the related planning application (PT10/3356/F). The impact on the setting of the listed building is considered below.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The only issue to be considered in this application is the impact on the character and setting and special historic architecture of the listed building.

- 5.2 The application seeks permission to alter a window to a door in the rear elevation of the single storey range (formerly the skittle alley, now stores/offices) and introduce a new door into the boundary wall of the listed building. Policy HE9.1 of PPS5 states that 'significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification'. A copy of the Fire Safety Report has been provided by the applicant to justify the work in accordance with policy HE9.1 of PPS5. Given the justification provided, it is considered that the health and safety implications are sufficient to outweigh the impact on the significance of the listed building providing the design and construction are carried out sympathetically. The Conservation Officer has requested larger scale details of the door, frame, ironmongery and alterations to the wall, which can be obtained by condition. The Officer has also specified that the area of wall affected should be carefully dismantled by hand, not cut down using power tools, and any reconstruction of the wall ends should be carried out using line mortars and this can also be ensured by condition. Subject to conditions it is considered that the proposal would not adversely affect the character or setting of the host listed building or the surrounding listed buildings.

6. CONCLUSION

- 6.1 The recommendation to approve Listed Building Consent has been made having regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained in PPS5 (Planning for the Historic Environment).

7. RECOMMENDATION

7.1 Listed Building Consent is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

2. The section of wall proposed to be opened up to create the doorway shall be carefully dismantled by hand, setting aside all stone for use in the repairs. Disc cutting equipment shall not be used to form the opening.

Reason

To preserve the architectural and historic interest of the listed buildings and their setting, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at PPS5.

3. Prior to the relevant stage of the works, samples of the proposed mortar including colour, texture and finish, shall be approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed samples. For the avoidance of doubt, the mortar shall be a traditional lime mortar and shall not include cement.

Reason

To preserve the architectural and historic interest of the listed buildings and their setting, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at PPS5.

4. Prior to the commencement of the works, the detailed design of the following items shall be approved in writing by the Local Planning Authority:
 - a. Door joinery including frame
 - b. Door ironmongery

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason

To preserve the architectural and historic interest of the listed buildings and their setting, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at PPS5.

5. Prior to the commencement of the works, details of the proposed paint colour and finish shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details.

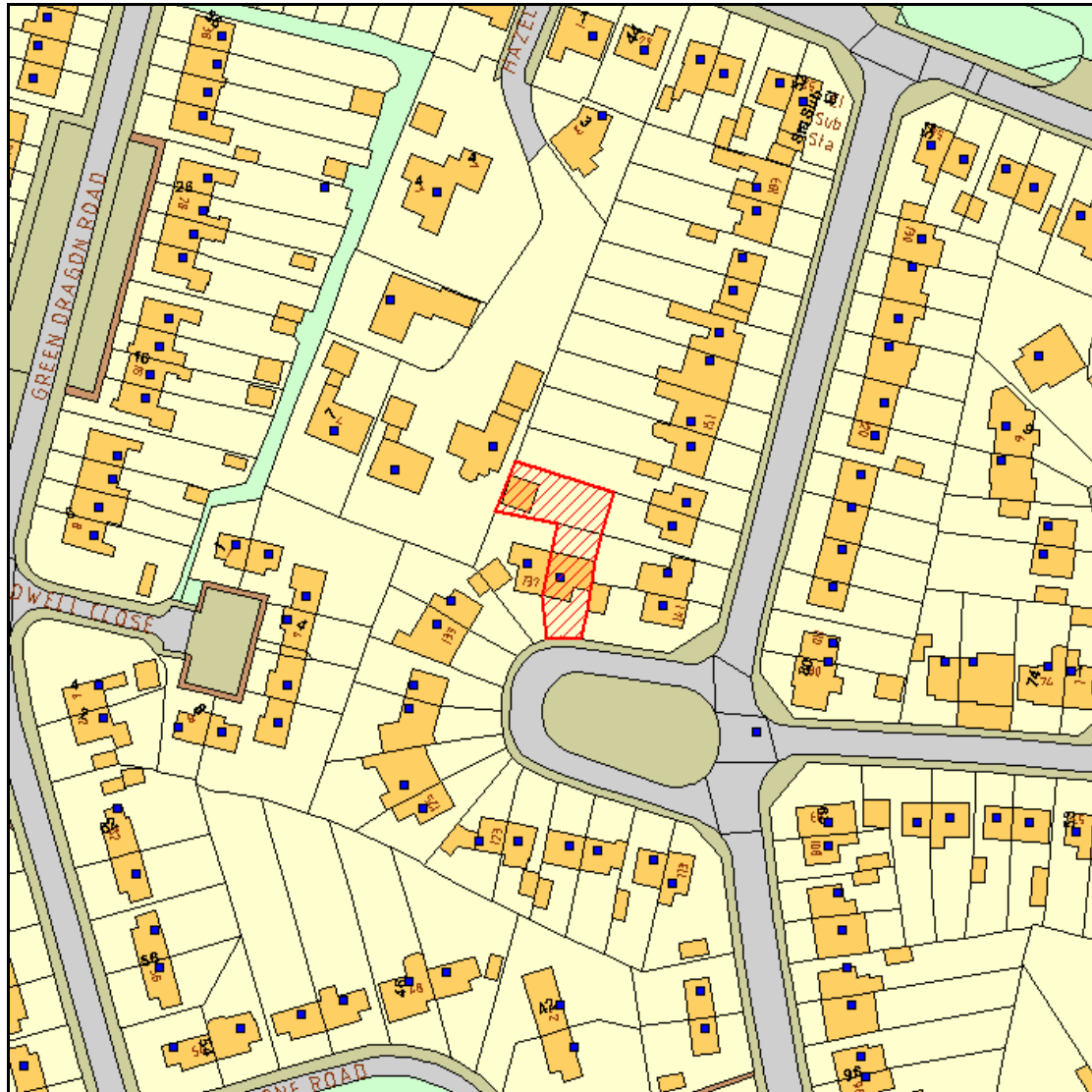
Reason

To preserve the architectural and historic interest of the listed buildings and their setting, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at PPS5.

CIRCULATED SCHEDULE NO. 03/11 – 21 JANUARY 2011

App No.: PT10/3408/F
Site: 139 Bradley Avenue Winterbourne
 South Gloucestershire BS36 1HW
Proposal: Erection of 2 metre boundary fence
Map Ref: 365020 180365
Application Category: Householder

Applicant: Mr J Liveley
Date Reg: 10th December 2010
Parish: Winterbourne Parish Council
Ward: Winterbourne
Target Date: 2nd February 2011



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 100023410, 2008. **N.T.S.** **PT10/3408/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as a representation was made contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a 2 metre high boundary fence.
- 1.2 This is a semi detached dwellinghouse located within the defined settlement boundary of Winterbourne. The proposal seeks to replace an existing 1 m high fence with a 2 m close boarded one.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPG13 Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design
H4 Development within Existing Residential Curtilage
T12 Transportation Development Control Policy for New Development

Emerging Development Plan

Core Strategy Proposed Changes Version (December 2010)

CS1 High Quality Design

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant history.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

Objection – the fence is too high, should be no higher than 1.8 metres.

4.2 Other Consultees

Highways

No objection.

Other Representations

4.3 Local Residents

One letter of objection was received raising the following concerns:

- Proposed fence would be incongruous due to its height
- Fence would obstruct visibility making it dangerous for pedestrians and vehicles
- The law says you cannot legitimately block the view of other nearby properties and this proposed structure would certainly do that

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the Local Plan states that *proposals for development within existing residential curtilages*, will be permitted subject to certain criteria. The principle of the development is therefore acceptable subject to the following detailed assessment.

5.2 Residential Amenity

Overbearing Analysis

Due to the overall scale and size of the proposed development and its location to the front of the host dwelling and adjacent to the rear parking area of no. 141 Bradley Avenue the proposal would not be overbearing on the residential amenity of neighbouring occupiers.

Privacy Analysis

The proposal is for a fence so therefore there would be no overlooking or loss of privacy as a result of the proposal.

Highway Safety Analysis

The Council's Highways engineer was consulted as a part of the application process. Provided that there is a footway acting as a buffer between the boundary and the road, a fence over 1m highway is generally permissible. There is a footway present and therefore a vehicle leaving an access adjacent to the fence would be able to achieve sightlines as it waits at the edge of the roadside. The provision of sightlines for reversing vehicles is not a highways requirement as it is assumed that a vehicle could reverse into an access.

It is considered that vehicles entering and egressing the site would be able to see pedestrians using the pavement. Consideration is also given to the slow speed nature of the adjoining residential road and consequently it is not considered that the proposal would prejudice highway safety.

5.3 Design / Visual Amenity

In situ is an existing 1 m high fence and the proposal consists of its replacement with a 2 m high close boarded fence. Many of the adjacent properties have small fences or dwarf walls to the front however it is acknowledged that none are as high as the fence proposed here. Nevertheless, the adjacent property no. 141 Bradley Avenue has boundary treatment running next to the footway consisting of a 2 m high close boarded fence. It is considered that due to this similar boundary treatment being present and the location of the proposed fence at no. 139 being so close to this, that the proposal is acceptable and would cause no harm to the visual amenity.

5.4 Other Matters

A local resident raised concern that the law says you cannot legitimately block the view of other nearby properties. It is not clear which law this refers to, but this proposal has been assessed correctly against the relevant planning policy in conjunction with the Town and Country Planning Act 1990 (as amended) in terms of design, visual amenity, highways impact and residential amenity.

6. CONCLUSION

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

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

- a) The proposed fence would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposed fence respects and maintains the character of the existing dwelling and the surrounding area and would cause no harm to visual amenity. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

- 7.1 That planning permission is **GRANTED** subject to the conditions attached to the decision notice.

Contact Officer: William Collins
Tel. No. 01454 863425

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. 03/11 – 21 JANUARY 2011

App No.:	PT10/3420/EXT	Applicant:	Signpost Homes Ltd
Site:	29 Cabot Court Gloucester Road North Filton Bristol South Gloucestershire	Date Reg:	13th December 2010
Proposal:	Erection of 9 no. self contained flats with associated works. (Consent to extend time limit implementation for PT07/1953/F.	Parish:	Filton Town Council
Map Ref:	359870 178282	Ward:	Filton
Application Category:	Minor	Target Date:	3rd February 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule list because an objection has been received contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks an extension of time limit for the previously approved permission granted under application no. PT07/1953/F for the erection of 9no. self contained flats with associated works. The planning permission was extant when the application was validated.
- 1.2 The application site comprises an area of hard standing measuring approximately 741 square metres squared situated to the west of Gloucester Road North within the established residential area of Filton.
- 1.3 The application site is set back from the street and is screened from the public realm by existing built form. The site abuts long linear garden curtilages on the north, south and western sides of dwellings along Broncksea Road and Braemar Avenue.
- 1.4 The application was recommended for approval subject to the applicant entering into a voluntary section 278 Highways Act legal agreement to provide a £8,100 financial contribution towards the North Fringe Development Major Scheme (Transport Measures). The payment was made on 12th December 2007.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transportation
Ministerial Statement on Previously Developed Land and Density and Revised PPS3 issued 9th June 2010
Removal of maximum parking standards specified on PPS3 and PPG13 issued 3rd January 2011
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
H2 Proposals for New Residential Development within Existing Urban Areas and Boundaries of Settlements
T12 Transportation Development Control Policy for New Development
T7 Cycle Parking
T8 Parking Standards

South Gloucestershire Core Strategy Submission Draft (December 2011)
CS1 High Quality Design
CS8 Improving Accessibility
CS25 Communities of the North Fringe of Bristol Urban Area

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/1953/F, erection of 9no. self contained flats with associated works, approval, 14/01/08.
- 3.2 PT08/1331/F, erection of 10no. self contained flats with associated works, withdrawn, 04/07/08.
- 3.3 PT07/0898/F, installation of 2no. dormer windows to west elevation (amendment to previously approved scheme PT06/2045/F), approval, 13/04/07.
- 3.4 PT07/0072/F, erection of 3 storey building to form 5 no. one bed flats and 2no. two bed flats with associated parking, withdrawn, 14/02/07.
- 3.5 PT06/2045/F, installation of 2no. front and 4no. rear dormer windows to facilitate conversion of loft space to form 2no. additional residential units and internal works to first and second floors to increase total of unit from 18 to 24. Alteration of existing vehicular access and car par, approval, 11/08/06.
- 3.6 PT01/0876/F, erection of two buildings to form 10 flats and associated works, refusal, 08/11/01.
- 3.7 P93/2567, erection of 3 storey building to provide 414 square metres of class A retail floorspace at ground floor with 18 2x bedroomed flats above. Alterations to existing vehicular and pedestrian access and construction of car park and servicing area, approval, 09/03/94.

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No comments received
- 4.2 Drainage
No objection
- 4.3 Transportation DC
No objection

Other Representations

- 4.3 Local Residents
One letter of objection has been received from a neighbouring occupier. The occupier objects to the development proposed for the following reasons:
- Overbearing impact on the adjacent residential occupiers;
 - Increase level of noise, including vehicular noise to the detriment of the amenity of the adjacent neighbouring occupiers;

- Access to and from the site will be difficult for future residents and emergency vehicles due to the layout of the site and small access lane;
- Overlooking issues into the neighbouring residential properties;
- The previous application was recommended for refusal by the Officer on grounds that the development does not achieve a high enough standard of design, therefore, the Planning Department will seek to recommend refusal too?

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

- Government guidance contained in 'Greater Flexibility for Planning Permissions' document states that Local Planning Authorities should take a positive and constructive approach towards extension to planning permission applications, which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. Local Planning Authorities should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change), which may have changed significantly since the original grant of permission.
- 5.2 As the objector has noted, the application to be extended (PT07/1953/F) was recommended for refusal by the Officer; however, it was subsequently approved by the Planning Committee. In accordance with government guidance the main issues to consider here are whether there have been any changes to planning policy or physical changes to the site, which would materially affect the original decision.
- 5.3 Since the application was decided in 2007, the South Gloucestershire Core Strategy Document has emerged currently in the submission draft form and is a material consideration when assessing planning applications. However, the original proposal was assessed against the policies in the South Gloucestershire Local Plan (adopted) January 2006 and this document is still the adopted Development Plan. An objection has been received from a neighbouring occupier, therefore, in addition, it is necessary to assess whether any new issues have been raised that have not been previously considered.
- 5.4 Amendments to PPS3 comprise the removal of the national indicative minimum density target and amendments to the definition of 'previously developed land' to exclude private residential gardens. These amendments do not materially affect the original decision, since the application site is not garden land and because policy H2 of the Local Plan allows for the principle of residential development within urban areas and boundaries of settlements and does not refer to whether or not the site is previously developed land. Alterations have also occurred to PPS3 and PPG13 to remove maximum parking standards to allow local authorities to decide what level of parking would be best serve the needs of the local community.

5.5 Consideration of Proposal

- The most relevant policies to consider from the emerging Core Strategy document are policies CS1 – High Quality Design, CS8 – Improving Accessibility and CS25 – Communities of the North Fringe of Bristol Urban Area. The key aims of the policies are achieving high quality design in new development, reducing the need to travel by locating development in sustainable locations and respecting the character of existing areas are not in conflict with the main aims of the adopted Local Plan. Therefore, it is considered that there are no new significant issues to consider in terms of planning policy since the previous application was decided.
- 5.6 The original consent comprises 8no. conditions. The conditions seeks further details to be submitted with regards to samples of materials, landscaping details, space for bicycle parking and evidence by an accredited assessor that each unit of accommodation has been designed to achieve Level 3 of the Code for Sustainable Homes. In addition, other conditions set hours of working and require that screens for balconies and off street parking facilities shown on the plans are provided prior to the first occupation of the units. It is considered that these conditions are still relevant in order to achieve a high quality standard of development, to preserve the amenities of the area and in the interests of highway safety. The conditions be copied over to the new consent if planning permission is granted.
- 5.7 Having visited the site, it is considered that there have been no significant physical alterations to the site, which would materially affect the assessment of the application. In addition, from looking at the consultations received in the previous application, as well as the Committee Report, it is considered that no new issues have been raised that have not been previously considered.
- 5.8 The application site is a parking area associated with the existing residential and retail building Cabot Court to the south. The Officer referred to application no. P93/2567 in the previous application and noted that condition no. 5 of P93/2567 specifies that the application parking area should be maintained as parking space for Cabot Court in the interests of highway safety. However, there was no objection to the development since it was stated that the South Gloucestershire Local Plan (adopted) January 2006 carries a maximum parking standard and the condition no longer serves a planning purposes since the emphasis is on car dependence. It is considered that the recent removal of the maximum parking standards should not be a reason to object to the proposal. Sustainable development and the encouragement of non-car travel are still objectives of national and local planning policy. Cabot Court is located in a relatively sustainable location, with a range of shops and facilities within walking distance and good public transport links. The Council's Transportation Officer is satisfied with the level of parking provided for the proposed development; it is not expected that the development would give rise to problematic overspill parking on neighbouring streets and so additional parking provision is not required. The Transportation Officer has specified that the conditions attached to PT07/1953/F should be copied over to the new consent.

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 reason:

The principle of the proposed development has been accepted by virtue of application no. PT07/1953/F and it is considered that there have been no significant alterations in terms of the physical condition of the site or planning policy, which would materially affect the original decision.

7. RECOMMENDATION

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

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

2. No development shall take place until details of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

3. The screens to the balconies shown on the submitted plans shall be erected prior to the first occupation of the units hereby permitted.

Reason

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

4. The hours of working on site during the period of construction shall be restricted to 8am to 6pm Mondays-Fridays; and 8am to 1pm on Saturdays with no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing. Development shall be carried out in accordance with the agreed details.

Reason

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

6. The off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

7. No dwelling shall be occupied until space has been laid out within the site for bicycles to be parked in accordance with the standards set out in policy T7 of the South Gloucestershire Local Plan. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to implementation.

Reason

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

8. No development shall take place until the Local Planning authority has been provided, and approved in writing, an initial design stage assessment by an accredited assessor for the Code for Sustainable Buildings and an accompanying interim certificate stating that each unit of accommodation has been designed to achieve Level 3 of the Code for Sustainable Homes (or such national measure of sustainability for house design that replaces that scheme). Each residential unit shall then be subject to a post-completion check by the assessor and issue of a final Code certificate of compliance prior to the first occupation.

Reason

To ensure the development meets the appropriate level of energy efficiency to accord with policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006; and the Design Checklist Supplementary Planning Document.