



**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. 28/11

Date to Members: 22/07/11

Member's Deadline: 28/07/11 (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 your request, please contact 01454 863518, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

CIRCULATED SCHEDULE – 22 JULY 2011

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/2935/F	Approved Subject to	Wilson And Sons Ltd Morley Road Staple Hill South Gloucestershire BS16 4QT	Staple Hill	None
2	PK11/1350/F	Refusal	1 Coombes Way North Common South Gloucestershire BS30 8YW	Oldland	Bitton Parish Council
3	PK11/1553/F	Approve with Conditions	37 Counterpool Road Kingswood South Gloucestershire BS15 8DQ	Woodstock	None
4	PK11/1659/R3F	Deemed Consent	Alexander Hosea Primary School Honeyborne Way Wickwar Wotton Under Edge South Gloucestershire GL12 8PF	Ladden Brook	Wickwar Parish Council
5	PK11/1697/F	Approve with Conditions	2 Gleneagles Road Warmley South Gloucestershire	Parkwall	Oldland Parish Council
6	PK11/1779/F	Approve with Conditions	98 Church Farm Road Emersons Green South Gloucestershire BS16 7BE	Emersons	Mangotsfield Rural Parish Council
7	PK11/1954/TCA	No Objection	4 Tayman Ridge Bitton South Gloucestershire BS30 6HY	Bitton	Bitton Parish Council
8	PK11/2006/TCA	No Objection	Springfield Villa Brewery Hill Upton Cheyney South Gloucestershire BS30 6LY	Bitton	Bitton Parish Council
9	PT10/2630/O	Approved Subject to	Astra Zeneca Avlon Works Severn Road Hallen South Gloucestershire BS10 7ZE	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
10	PT11/0646/F	Approve with Conditions	Hambrook Grove Hotel Bristol Road Hambrook South Gloucestershire BS16 1RY	Winterbourne	Winterbourne Parish Council
11	PT11/1116/CLE	Approve with Conditions	61 Bury Hill Winterbourne Down South Gloucestershire BS36 1AD	Winterbourne	Winterbourne Parish Council
12	PT11/1506/F	Approve with Conditions	19 The Park Bradley Stoke Bristol South Gloucestershire BS32 0AP	Bradley Stoke North	Bradley Stoke Town Council
13	PT11/1729/LB	Refusal	Silverhill School Swan Lane Winterbourne South Gloucestershire BS36 1RL	Winterbourne	Winterbourne Parish Council
14	PT11/1734/F	Refusal	Silverhill School Swan Lane Winterbourne South Gloucestershire BS36 1RL	Winterbourne	Winterbourne Parish Council
15	PT11/1753/F	Approve with Conditions	20 Beaufort Crescent Stoke Gifford South Gloucestershire BS34 8QX	Stoke Gifford	Stoke Gifford Parish Council
16	PT11/1809/F	Approve with Conditions	17 Southlands Tytherington Wotton Under Edge South Gloucestershire GL12 8QF	Ladden Brook	Tytherington Parish Council
17	PT11/1846/F	Approve with Conditions	10 Buckingham Drive Stoke Gifford South Gloucestershire BS34 8LN	Stoke Gifford	Stoke Gifford Parish Council
18	PT11/1860/TRE	Refusal	39 Meadow View Frampton Cotterell South Gloucestershire BS36 2NF	Frampton Cotterell	Frampton Cotterell Parish Council
19	PT11/1880/F	Approve with Conditions	46 Stean Bridge Road Bradley Stoke South Gloucestershire BS32 8AH	Stoke Gifford	Bradley Stoke Town Council

CIRCULATED SCHEDULE NO. 28/11 – 22 JULY 2011

App No.:	PK10/2935/F	Applicant:	Newland Homes Ltd
Site:	Wilson And Sons Ltd Morley Road Staple Hill South Gloucestershire	Date Reg:	29th October 2010
Proposal:	Demolition of existing factory to facilitate the erection of 32no. dwellings with parking, landscaping and associated works.	Parish:	None
Map Ref:	364983 175364	Ward:	Staple Hill
Application Category:	Major	Target Date:	27th January 2011



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100023410, 2008. **N.T.S.** **PK10/2935/F**

INTRODUCTION

This application is referred to the Circulated Schedule in accordance with the scheme of delegation (Section 5.2) given that a Section 106 Legal Agreement is required.

The application and report have previously been referred to the DC Spokes (January) who indicated that they did not wish to refer the matter to the DC Committee.

1. THE PROPOSAL

- 1.1 The applicant proposes the erection of 32 dwellings with parking and associated works. The development would consist of a mix of 20 houses (12no. 2 bed, 8no. 3 bed) and 12no. apartments (all 1 bed). Access to the site would be located centrally onto Morley Road and as part of the development a total of 52 parking spaces will be provided. Cycle and refuse bin storage (for the flats) is to be provided. A central courtyard will be interspersed with soft landscaping to include a larger landscaped focal point opposite the entrance. In terms of scale the development comprises two-storey dwellings (that have additional room within the roofspace), and apartments of a similar scale. In terms of materials, across the site, walls are finished in reconstructed stone to match local stone, with some use of render. Terracotta colour roof tiles will be used. Deep sash style windows will be used. A natural stone “dwarf” wall to the front of the site along Morley Road will be provided.
- 1.2 The site comprises an engineering works on a 0.4 hectare site that is vacant, the company having relocated to Warmley. The site is generally level, with palisade fencing and some landscape screening (in particular at the north-west corner and along part of the northern boundary) providing the existing boundary treatments. There is a retaining wall at the south-west corner along the boundary with Beazer Close. In policy terms the site itself is not an allocated employment site within the South Gloucestershire Local Plan (Adopted January 2006) but is identified within Policy CS12 as a safeguarded area for economic development (this issue is discussed in detail in Section 5.1 of the report below).
- 1.3 Within context to the north, north-east, south and west of the site there are residential properties, with more modern properties to the rear and more traditional Victorian terraced properties along both sides of Morley Road. Immediately to the south-east there are 4 no. industrial units with a large associated parking area that lies immediately along this boundary of the site. It should be noted that beyond these units lies the “Power Electrics” site that has outline consent for 14 no. dwellings (PK05/1350/O). The site lies approximately 450 to 500 metres from shopping facilities in Staple Hill and there are bus stops along Morley Road and nearby Soundwell Road giving access to wider areas including Bristol City Centre and Kingswood High Street.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport

2.2 Development Plans

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
L1 Landscape Protection and Enhancement
L18 The Water Environment
EP1 Environmental Pollution
EP6 Contaminated Land
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control Policy
H2 Proposals for Residential Development within the Existing Urban Areas
H6 Affordable Housing
LC1 Provision for Built Sport, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2 Provision for Education Facilities (Site Allocations and Developer Contributions)
LC8 Open Space and Children's Play in Conjunction with New Residential Development

2.4 South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002

Policy 37 Waste Reduction and Re-Use

2.5 West of England Joint Waste Core Strategy March 2011

Policy 1 Waste Prevention

2.6 South Gloucestershire Council Core Strategy Submission Draft December 2010

CS1 High Quality Design
CS5 Location of Development
CS12 Safeguarded Areas for Economic Development
CS13 Non-Safeguarded economic development sites
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS24 Open Space Standards

2.7 Supplementary Planning Guidance

South Gloucestershire Design Checklist 2007
Affordable Housing SPD September 2008

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/2726/F Demolition of existing factory to facilitate the erection of 43 no. dwellings with parking and associated works. Amendments to design and layout to include 52 parking spaces, additional amenity space/landscaping and changes to the design of plots 10-20 and 21-31.
Approved February 2008

4. CONSULTATION RESPONSES

4.1 Parish/Town Council

The area is unparished

4.2 Other Consultees [including internal consultees of the Council]

4.3 Sustainable Transport

Planning permission for residential development on the site was granted by the Council by planning application no. PK07/2726/F. The approval was conditional to the completion of a s106 legal agreement and that was signed and sealed on 19th January 2009. The scale /size of the current proposal is lower by comparison to that previous approved scheme on the same site.

A new access would be constructed to serve the development and the existing site access would be closed off. The new site access has adequate visibility onto the public highway and this road would be constructed to adoptable standards. The proposal includes parking provision for all units to an average of at least one parking space per unit but some units would have access to two parking spaces. The new access road (i.e. scheme layout) includes a suitable turning area on the site for service vehicles and it complies with the design guidance. It will be necessary to secure some financial contribution to mitigate the impact of the development traffic. The contribution will be used towards improved traffic management/road safety including pedestrian and disabled access as well as improved access to the public transport facilities in the area. Financial contribution is to be secured under an appropriate legal agreement. In view of all the above therefore, there are no highway objections subject to the following.

- a) A financial contribution of £16,000 towards traffic management /road safety scheme in the area and,
- b) A financial contribution of £10,000 towards improvement to the public transport facilities in the area including improvement to access for the disabled.

Other planning conditions: 1) The new access road shall be constructed to the Council's adoptable standards. 2) The developer shall set up a management company (all details to be submitted for approved by the Council) to maintain any private areas within the site boundary. 3) The existing vehicular access shall be stopped up and the footway surfacing along the site frontage would be completed to the full satisfaction of the Council.

4.4 Ecologist

No objection raised.

4.5 Drainage Engineers

No objection to the proposal is raised subject to a condition being attached to secure sustainable urban drainage systems and the submission of a mining report (given the location within a former mining area)

4.6 Landscape Officer

There is no objection raised to the landscape proposals.

4.7 Housing Enabling (summary)

A full summary of the Affordable Housing requirements are set out in Section 5.11 of this report below, but briefly can be summarised as follows:

With the provision of HCA grant there will be a requirement for 33.3% affordable housing to be provided on site in line with Local Plan Policy H6 and the findings of the Strategic Housing Market Assessment (SHMA). As the current scheme proposal shows the provision of 32 units, 11 should be provided for affordable housing. Housing need is identified by the Strategic Housing Market Assessment (SHMA), and this demonstrates a tenure split of 80% social rent /20% intermediate affordable housing in order to meet housing need. Therefore, 9 of the units should be provided for social rent and 2 units should be provided for shared ownership. The scheme proposes a unit mix of 12no 1 bed 2 person flats, 12no. 2 bed 4 person houses and 8no. 3 bed 5 person houses. The applicant has offered for social rent 6no. 1 bedroom 2 person flats, 3no. 2 bedroom 4 person houses, and 2no. 3 bedroom 5 person houses for shared ownership under Policy H6 for this proposed scheme. The housing shall be provided fully in accord with the detailed requirements as set out in the Affordable Housing SPD September 2008 (ie room sizes, housing standards etc). Delivery is preferred through an Approved RSL.

A viability assessment has been submitted to the Council by the applicant for the proposed scheme at Morley Road and followed the guidance set out in the Affordable Housing Supplementary Planning Document. The viability assessment for the proposed development at Morley Road was verified by the Council's appointed viability consultant on 17th May 2010. Having regard to the viability assessment and the need to secure mixed communities and subject to the same requirements of the SPD, if grant or other public subsidy can not be obtained to deliver either all or part of the 33.3% affordable housing as stated above, then the Council shall require 2 affordable housing units for Shared Ownership with an initial equity purchase of 50% and a residual rent of 1% to be provided on site as an affordable housing contribution in line with Local Plan Policy H6 and the findings of the Strategic Housing Market Assessment (SHMA) without use of public subsidy.

Housing need is identified by the Strategic Housing Market Assessment (SHMA), and this demonstrates a tenure split of 80% social rent /20% intermediate affordable housing in order to meet housing need. However, as the scheme is unviable and providing intermediate units will have the most positive impact on the viability, the provision of the two units for Shared Ownership is acceptable. As the SHMA indicates the greatest need by far for Shared Ownership is for 1 bed flats, it is welcomed that the two units for Shared ownership are offered as 1 bed ground floor flats. The affordable housing should be built at the same time as the rest of the housing on site in line with agreed triggers as per S.106 agreement. Because these terms have been provided on the basis of a viability assessment, and to ensure the affordability levels of the units remain compliant with PPS3, the units have to be delivered within 2 years of signing the s.106.

4.8 Community Services

It is calculated that this development of 32 dwellings would generate a population increase of 67 people. Having measured from the submitted details in terms of the requirement for open space there are the following requirements (maintenance requirements in brackets). Category 1 space £24,385.99 (£14,865.09), Category 2 equipped children's play space £17,135.23 (£9,022.31), Category 3 unequipped children's play space £1,883.73 (£3674.81) and Informal Open Space £1931.61 (£8953.31). This gives a total contribution requirement of £81,852.08 (£45,336.56 towards the provision of the open space and £36,515.52 towards maintenance). As a result of discussions amendments, having regards to the viability issue already discussed amendments to the usual trigger points have been negotiated and agreed. These enhancements are to be carried out within 1.2km of the development. It is likely that they will be spent at one or more of the following: Page Park, Lees Hill, Soundwell Playing Fields.

Having regard to the requirements of Policy LC1 which as stated above seeks the provision of community facilities in scale and kind to meet the needs of future residents. In this case the local library that will serve the future residents at Morley Road is Staple Hill Library. A new library was opened in January 2009 and therefore this library will not require any build contributions. The library will still require contributions towards stock and ICT equipment to meet the demands for a modern library service placed on them arising from this development. Therefore the council will require a reduced contribution of £38.85 per person. This equates to a contribution of £2,583.53. In addition a contribution of £1882.46 towards the provision of litter bins and their maintenance is requested.

4.9 Children and Young People

I note from page 10 of the Design and Access Statement submitted by Newland Homes on 28/10/2010 that they have agreed to provide an education contribution of £64,482 towards additional primary school provision.

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

This advice is valid for a period of three months from the date that it is issued by the Department for Children and Young People. Should the mix of dwelling change, or should the development not proceed in the near future, the contribution would need to be reassessed. Additionally, the final amount of contribution should be calculated using DfE cost calculators current at the time of signing a Section 106 agreement, increased in accordance with any increases in the Royal Institute of Chartered Surveyors Building Cost Index

Other Representations

4.10 Local Residents

There have been no objections received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H2 of the South Gloucestershire Local Plan Adopted January 2006 allows for residential development within existing urban areas. The policy indicates that new development is considered acceptable in principle subject to consideration of the environmental and transportation effects, impact upon residential amenity. Furthermore provision for education, leisure, recreation and community facilities should be adequate to meet the needs arising from the proposals and where this is not the case the developer shall be required to make up the shortfall. These issues are considered in detail below. There is a requirement that development makes efficient use of the land albeit specific density requirements have been removed following the recent changes to PPS3.

The development area is currently a vacant industrial plot, but was not identified as a safeguarded employment site as set out in Policy E4 of the South Gloucestershire Local Plan Adopted January 2006, however Policy CS12 of the Core Strategy (Pre-submission Publication Draft) identifies the Morley Road Area as a “safeguarded area for Economic Development”. If the site is not included as a safeguarded site it would fall within Policy CS13 as a non-safeguarded site whereby all reasonable attempts should be demonstrated that all attempts have failed to secure a suitable economic re-use. Notwithstanding the early stage that the Strategy has reached on the path to adoption and the appropriate weight that can therefore be given to it, it should be noted however that the Morley Road area shows current consents for residential development on two out of the three sites within the identified area, placing in doubt its position as a safeguarded area. Both in respect of Policy CS12 and CS13 however it is considered that the outstanding consent for 43 units (PK07/2726/F), alongside the formative status of the Core Strategy is the key material consideration.

Subject to consideration of the criteria set out below the proposed development is considered acceptable in principle.

5.2 Design Issues

Policy D1 of the South Gloucestershire Local Plan (Adopted January 2006) seeks to achieve good design in all new development. Policy H2 considers the environmental impact of new development, the density of the development and the extent to which the development takes into the account the amenity of future and neighbouring occupiers. Policy CS1 of the Core Strategy (Pre-Submission Draft) reflects Policy D1 in so far as it sets out criteria for the assessment of high quality design but is more concerned about how a place functions as well as how it looks and for this reason the Building for Life Criteria which are more “holistic” in this respect are also used. Policy CS1 reflects to a closer extent the need for sustainable development and construction and the need to minimise resources (as is also set out in the Design Checklist).

In terms of density, PPS3 (as revised June 2010) has revoked the need to achieve a density of development greater than 30 dwellings per hectare in sustainable locations however the PPS retains the requirement that development makes efficient use of land and with a density of approximately 77 dwellings per hectare this is considered to be the case.

In assessing the design it should be noted that the layout and appearance of the scheme has evolved from the previous consent PK07/2726/F and the principles established are replicated. It is considered that the scheme would score a creditable 14 out of a possible total of 20 against the building for life criteria (Environment and Community, Character, Street, Parking and Pedestrianisation, Design and Construction).

PPS1 and PPS3 emphasise the need for development to be in the right location to reduce the need to travel. The site is approximately 500 metres from facilities in Staple Hill but is located close to bus routes to this and wider areas. The scheme has a mix of unit sizes. It is considered that the development scores moderately well in terms of its impact upon the environment and community

A principle concern with the initial proposal was to ensure that that car parking across the site did not predominate. It is for this reason that urban design officers recommended the provision of a small parking court at the north-west corner of the site. In addition parking is discreetly located around the development. Areas of paving away from the road also help to provide a safe environment. A condition is recommended requiring full details of the surfacing material. It is considered that layout is not completely informed by the motor car needs. The alterations made although small in places are considered to reduce the cramped nature of the development through enhanced landscaping and by ensuring that parked vehicles will be integrated into the street scene rather than dominating it.

The impact of the development upon existing occupiers is considered acceptable. It should be noted that should the adjoining industrial site located to the south-east be developed for a residential use, careful consideration would have to be made with regard to the amenity of occupiers of Block 4 to 9 given

the location of windows in this block. This is not considered a reason to object to the current proposal.

With respect to the form and scale of the proposed buildings, it is considered that the siting of the more modest units to the front of the site on either side of the entrance is appropriate and in keeping with the residential form of development upon Morley Road. The natural stone wall across the front boundary will also ensure that the development integrates successfully with its surroundings. The layout of the site/position of the buildings will ensure a well lit development with good surveillance of all areas and will therefore provide an acceptable level of security for future occupiers. Bin storage is provided, however a condition will be attached to the decision notice requiring full details of this storage to ensure that the proposal is in accord with Policy D1 (H) of the South Gloucestershire Local Plan (Adopted January 2006).

The buildings are designed in a mix of a modern and contemporary style with for example the use of julliet balconies on the flats but with the use of deep sash windows. The proposed materials are considered appropriate, those residential properties that there are in the area are stone-built and the use of reconstructed stone is considered to complement this. The use of terracotta tiles will also integrate well with surrounding properties.

With respect to Policy D1 G, that indicates that proposals will be expected to demonstrate that the design, density, orientation and location of the buildings and associated landscape proposals incorporate measures to achieve energy conservation and the protection of environmental resources. The applicant has set out the measures to be taken that include incorporating into the layout and design energy efficiency, arrangements for lighting, insulation measures in the building fabric, energy efficiency for water and space heating, control of ventilation, conservation of natural resources (most modern appliances to limit water use), using responsibly resourced materials and information provided to future occupiers regarding energy efficiency. In addition a Waste Management Plan for the construction of the development has been submitted and examined by Council Officers. A condition is recommended to ensure that works progress in accordance with this plan. Policy CS1 of the Core Strategy seeks to secure Code for Sustainable Homes Level 3 for all development however it should be noted that this document is at pre-submission stage and its weight is measured accordingly. While the affordable housing element will be to Code Level 3, this will not be the case for the remaining units.

The current Building Regulations (as of 1st October 2010) largely require development to meet CSH 3, however by registering a Building Regulations application before that date it is still possible to build under the 2006 Regulations. Given the early stage of the Core Strategy but also the general viability case that has been put forward it is not considered that it would be possible to require the development to meet CSH3 for the non-affordable units in this case. Advice from Building Control indicates that the additional cost can be up to £15,000 per unit. A condition will be attached to the decision to require the development to accord with the information that has been included in the submitted energy statement.

In summary it is considered that the design of the proposed development is acceptable and in accord with Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted January 2006).

5.3 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.

As an existing brownfield site therefore, there is no highway objection to the principle of residential development on the site. The site is located off Morley Road which accessed off the A4017 Soundwell Road some 550m south of Staple Hill High Street where there is a local shopping precinct. Planning permission has previously been granted for the residential development of the site (43 no. units) and it should be noted that the scale /size of the current proposal is lower by comparison to that previous approved scheme on the same site.

In terms of the scheme detail, a new access would be constructed to serve the development and the existing site access would be closed off. The new site access has adequate visibility onto the public highway and this road would be constructed to adoptable standards. In addition the proposal includes parking provision for all units to an average of at least one parking space per unit but some units would have access to two parking spaces. The new access road (i.e. scheme layout) includes a suitable turning area on the site for service vehicles and it complies with the design guidance.

In order to mitigate the impact of the development upon the surrounding locality it is considered that it will be necessary to secure a financial contribution to mitigate the impact of the development traffic. The contribution will be used towards improving traffic management and road safety including pedestrian and disabled access as well as improving access to the public transport facilities in the area. In this respect a financial contribution (secured by a legal agreement) will be sought of £16,000 towards a traffic management /road safety scheme in the area and a contribution of £10,000 towards making improvements to the public transport facilities in the locality including improvements to disabled access.

Subject to the terms of the above agreement and conditions to secure that the new access road shall be constructed to the Council's adoptable standards and to require the developer to set up a management company (all details to be submitted for approved by the Council – Condition 10) to maintain any private areas within the site boundary there is no transportation objection to the proposed development. In addition a condition shall ensure that the existing vehicular access shall be stopped up and the footway surfacing along the site frontage completed to the satisfaction of the Council.

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

5.4 Landscaping

Policy L1 of the South Gloucestershire Local Plan Adopted January 2006 seeks to protect and where possible enhance the quality of the landscape. In this case, the existing site is occupied by a disused factory and there is no vegetation of any note on the site. As part of the proposal aside from the private space to be provided and associated landscaping, the scheme includes an area of communal space (not to be adopted) to the end of the access road (this provides an attractive focal point when viewed from the entrance). In addition submitted plans show limited landscaping/trees within the parking court.

The Landscaping Officer raises no objection to the proposal and the development is therefore considered to be in accord with Policy D1 and L1 of the South Gloucestershire Local Plan Adopted January 2006.

5.5 Contamination

Policy EP6 of the South Gloucestershire Local Plan Adopted January 2006 states that development on land which is believed to contain a contamination hazard will not be permitted unless adequate remedial measures are taken. The Council's Environmental Pollution Team raise no objection to the proposal however given the former industrial use of the premises that a condition be attached to ascertain whether the ground has any residual contamination and to secure any subsequent remediation works that may be required as a result.

5.6 Residential Amenity

Policy H2 of the South Gloucestershire Local Plan (Adopted January 2006) states that the residential amenity of existing occupiers is to be assessed when determining applications for new residential development. Amenity is assessed in terms of whether the development would appear oppressive or overbearing when viewed from that property and this also includes whether overlooking/loss of privacy would result. The residential amenity of future occupiers of the development is also a material consideration. It should be noted that the layout and impacts are similar to the scheme that was previously approved nevertheless the report will appraise this impact in detail below.

Given the scale and location of the proposed development in relation to the existing residential properties it is considered that any potential impact will be largely from the elements along the northern side of the site, namely the terraces of 3 no. dwellings at the north-west corner (Plots 21-23) and on the northern boundary facing towards existing properties on Morley Road (Plots 24-29 and Plots 30 to 32).

Having regard to the flats (Plots 24-29) while it is acknowledged that it would be possible to view part of the rear gardens of No.26-30 Morley Road, any view of the rear elevations of these properties would be at a very acute angle and would be largely obscured at ground floor level by the landscaping proposals and boundary treatments. With respect to the units at the north-western corner of the site known as No.32 to 34, again with a gap of approximately 7 metres to the boundary landscaping provision and a very acute angle from the proposed units to the rear elevation 1-12 Beazer Close, it is not considered that any impact upon residential amenity would be so significant to justify the refusal of the application.

It is considered that other proposed dwellings are sited such that they would not have any significant impact upon the amenity of adjoining occupiers. With respect to the Units along the Morley Road frontage (Units 30-32, given their location in relation to No.30 Morley Road such that there is a gap of 4 metres to the flank wall of that property it is not considered that any significant loss of amenity to occupiers of that property would result.

In terms of the overall impact it is also considered that a residential use would in itself have less impact in terms of general noise and disturbance than a fully operational commercial operation on the site. A condition is recommended to restrict construction hours, given the close proximity of adjoining properties.

5.7 Drainage

Policies EP1 and EP2 of the South Gloucestershire Local Plan Adopted January 2006 seek to ensure the protection of the environment from development proposals both to ensure that development is not adversely affected by the existing water environment and to ensure that new development does not have an adverse impact upon that environment by reason of surface water run-off or water discharge. Given the size of the site (0.4ha) a Flood Risk assessment is not required, however a detailed Flood Risk and Drainage Strategy has been submitted in support of the application and this has been viewed by the Council Drainage Engineers.

Officers raise no objection to the proposal subject to conditions requiring further details to secure Sustainable Urban Drainage details (Suds) showing the connection of the site/development to the off-site sewer. In addition given the location of the site within a former mining area a condition is recommended to secure a mining report.

Subject to the above conditions it is considered that the proposed development has adequately addressed drainage issues.

5.8 Ecology

Policy L9 seeks to ensure the preservation of nationally protected flora and fauna and to ensure that where necessary appropriate measures to safeguard these interests are taken.

Given that the development site comprises a large industrial building surrounded by hardstanding there is considered to be very little ecological interest.

5.9 Community Service Provision

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

It is calculated that this development of 32 dwellings would generate a population increase of 67 people. Having measured from the submitted details in terms of the requirement for open space there are the following requirements (maintenance requirements in brackets). Category 1 space £24,385.99 (£14,865.09), Category 2 equipped children's play space £17,135.23 (£9,022.31), Category 3 unequipped children's play space £1,883.73 (£3674.81) and Informal Open Space £1931.61 (£8953.31). This gives a total contribution requirement of £81,852.08 (£45,336.56 towards the provision of the open space and £36,515.52 towards maintenance). As a result of discussions amendments, having regards to the viability issue already discussed amendments to the usual trigger points have been negotiated and agreed. These enhancements are to be carried out within 1.2km of the development. It is likely that they will be spent at one or more of the following: Page Park, Lees Hill, Soundwell Playing Fields.

Having regard to the requirements of Policy LC1 which as stated above seeks the provision of community facilities in scale and kind to meet the needs of future residents. In this case the local library that will serve the future residents at Morley Road is Staple Hill Library. A new library was opened in January 2009 and therefore this library will not require any build contributions. The library will still require contributions towards stock and ICT equipment to meet the demands for a modern library service placed on them arising from this development. Therefore the council will require a reduced contribution of £38.85 per person. This equates to a contribution of £2,583.53. In addition a contribution of £1882.46 towards the provision of litter bins and their maintenance is requested.

Detailed advise with respect to lighting and waste disposal has been submitted and addressed by the applicant. The applicant has agreed to the above terms and this will be provided through a S106 legal agreement.

Policy LC13 indicates that in determining applications for major new development the Council will seek the contribution of an agreed percentage of the total development costs for the provision or commissioning of publicly accessible art. This is usually up to 1% of the total cost of the development.

In this case however it should be noted that no provision was provided with the earlier application. Furthermore it should be noted that the development has been subject to a viability appraisal and given also that para 10.98 of Policy LC13 states that such a contribution is voluntary in this case Public Art will not be provided.

5.10 Education Services

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

The applicant has agreed to provide as an education contribution of £64,482 towards additional primary school provision and this is deemed acceptable by officers providing 6 primary school places. It should be noted that there is a projected surplus of places at secondary schools in the local area and therefore no contribution is required for additional secondary provision.

5.11 Affordable Housing Requirements

Policy H6 of the South Gloucestershire Local Plan (Adopted January 2006) in line with guidance given in PPS3 states that the Council will seek an element of subsidised affordable housing without any public subsidy to meet local needs on all new housing development within the Urban Area of 15 dwellings or more (or where the site is 0.5 hectares or more). Affordable Housing must also meet specific design and specification criteria and the developer is in receipt of these details.

The Council's objective is to seek the maximum level of affordable housing on each site therefore having regard to the economic viability of the site development, likely costs (including other Section 106 obligations), existing market conditions and the availability of public subsidy.

Policy H6 also advises and this is supported by the Council's adopted Supplementary Planning Document (SPD) that applicants who cite non viability as the reason for not providing the full affordable housing target as stated in Policy H6 must support their case with sufficient evidence. Such evidence will in these circumstances be assessed by a District Valuer appointed by the Council. The SPD further advises that if the Council is satisfied that the financial appraisal confirms that the affordable housing requirement renders the scheme unviable, then the Council can consider either grant funding, adjusting the tenure split or unit mix, a lower percentage of affordable housing, or a combination of these options to restore the viability of the scheme.

In the first instance therefore the Council's objective is to seek the maximum level of affordable housing on windfall sites such as this and negotiations with the developer were based upon meeting a target of 33.3% of the dwellings. The Council's objective from the outset was to seek and achieve 11 affordable housing units with a tenure split (as identified by the Strategic Housing Market

Assessment (SHMA) of 80% social rent and 20% intermediate affordable housing in order to meet housing need. Accordingly 9 of the units should be provided for social rent and 2 units should be provided for shared ownership. In terms of the unit mix this would be provided as for social rent 6no. 1 bedroom 2 person flats, 3no. 2 bedroom 4 person houses, and 2no. 3 bedroom 5 person houses for shared ownership. Officers consider that this mix would be acceptable.

The design and specification criteria of the flats shall be in accord with the SPD with all the units being built in line with the same standards as the open market units and to also meet or exceed the latest Homes and Community Agency standards applicable at the time. In addition the housing shall be evenly distributed, delivery is preferred through an Approved RSL and development being built at the same time as the rest of the development. The definitions of Social Rent/Shared Ownership and the requirements to fall within these definitions are set out in the SPD.

However in this case a viability assessment has been submitted to the Council by the applicant for the proposed scheme at Morley Road and followed the guidance set out in the Affordable Housing Supplementary Planning Document. The viability assessment for the proposed development at Morley Road was verified by the Council's appointed viability consultant on 17th May 2010. It should also be noted however that PPS3 also required that *"For smaller sites, the mix of housing should contribute to the creation of mixed communities having regard to the proportions of households that require market or affordable housing and the existing mix of housing in the locality."*

As the scheme has been confirmed as being currently unviable, the applicant can apply for public subsidy to deliver an agreed amount of units for an agreed amount of funding in accordance with the description above. As public subsidy is currently limited, the Council will prioritise funding in accordance with the West of England Delivery and Infrastructure Investment Plan. If grant is acquired, the affordable housing units have to be delivered within 2 years of signing the s.106 and in accordance with delivery timescales contained in the grant application.

An assessment of the site and its location has been conducted by the Council's Occupation Therapist who has recommended provision of a fully accessible affordable housing unit for wheelchair users. However, due to the viability issues relating to this proposed scheme, the Council is willing to waive the provision of any fully accessible affordable housing units.

If grant or other public subsidy can not be obtained to enable delivery of all of the 33.3% affordable housing as stated above, then the Council shall require 2 affordable housing units for Shared Ownership with an initial equity purchase of 50% and a residual rent of 1% to be provided on site as an affordable housing contribution in line with Local Plan Policy H6 and the findings of the Strategic Housing Market Assessment (SHMA) without use of public subsidy. Housing need is identified by the Strategic Housing Market Assessment (SHMA), and this demonstrates a tenure split of 80% social rent /20% intermediate affordable housing in order to meet housing need.

However, as the scheme is currently unviable and providing Shared Ownership units will have the most positive impact on the viability, the provision of the two units for Shared Ownership is acceptable. As the SHMA indicates the greatest need by far for Shared Ownership is for 1 bed flats, it is welcomed that the two units for Shared ownership are offered as 1 bed ground floor flats.

In terms of the phasing of the development, should grant not be available and two units are to be provided for Shared ownership at nil public subsidy, the S106 agreement will require the affordable housing to be built at the same time as the rest of the housing on site in line with agreed triggers. It is very important to note that because these terms have been provided on the basis of a viability assessment, and to ensure the affordability levels of the units remain compliant with PPS3, the units have to be delivered within 2 years of signing the s.106. As it has been proven that the scheme is currently unviable and based on the open market values used in the viability assessment the Council is able to allow no more than 50% of the market value to be payable by the purchaser, as currently the units remain affordable as defined by PPS3. The annual rent on the equity retained by the RSL/AHP should be no more than 1% of the unsold equity. This approach is supported by the SHMA.

The legal agreement shall also have the important proviso that once the scheme achieves practical completion, if the viability has reasonably improved since the initial assessment, the scheme shall be reassessed (by the appointed District Valuer) and the applicant should provide an offsite contribution up to the equivalent to a contribution of 33.3% the total units.

In summary therefore it should be noted that under present market conditions the District Valuer indicated that no affordable units could be provided without the use of public subsidy. The applicant has however indicated that they are nevertheless agreeable to all the above terms. It should also importantly be noted that the area of Upper Soundwell close to the site already comprises a fair amount of affordable housing. A site in Portland Street currently under construction entirely comprises socially rented units. It is also considered worth noting that the remaining 10 no. flats as 1 no. bed units would be at the lower costed end of the range of private market housing.

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 obligations set out below meet the Regulation 122 CIL tests (statutory) and without them the scheme would not be acceptable.
- 6.2 The proposed development has been tested against the following policies of the Development Plan and in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

- 1) The proposal would not prejudice the amenities of neighbouring properties, taking into account their privacy, outlook and amenity to accord with Policy H2 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 H2, 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 street scene and 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 proposed development will meet the Council's requirement for Affordable Housing in the development (secured by legal agreement) and will be in accordance with Policy H6 of the South Gloucestershire Local Plan (Adopted January 2006)
 - 7) An appropriate contribution towards the provision of primary school places to meet the justified need in the locality (secured by legal agreement) has been secured in accordance with Policy LC2 of the South Gloucestershire Local Plan (Adopted January 2006)
 - 8) Appropriate contributions have been secured towards Community Services (secured by legal agreement) in accordance with Policy LC1 and LC8 of the South Gloucestershire Local Plan (Adopted January 2006)
 - 9) 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)
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted January 2006 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- £45,336.56 towards enhancement of existing open space in the vicinity of the site and £36,515.52 towards the future maintenance of these enhancements to accord with Policy LC8 of the South Gloucestershire Local Plan Adopted January 2006
- £2,583.53 towards the provision of book/IT/audio equipment to the nearest library to the site (Staple Hill) to accord with Policy LC1 of the South Gloucestershire Local Plan Adopted January 2006
- £1882.46 towards the cost of provision and maintenance of Litter Bins
- £64,482 towards additional primary school provision to provide 6 primary school places to accord with Policy LC4 of the South Gloucestershire Local Plan Adopted January 2006
- £16,000 towards a traffic management/road safety scheme in the area and a contribution of £10,000 towards making improvements to the public transport facilities in the area including improvements to disabled access to accord with Policy T12 of the South Gloucestershire Local Plan Adopted January 2006.

Affordable Housing

- All affordable housing delivered through planning obligations to be in line with the definitions contained in PPS3.
- 33.3% affordable housing to be provided on site in line with Local Plan Policy H6 and the findings of the Strategic Housing Market Assessment (SHMA). As the current scheme proposal shows the provision of 32 units, 11 should be provided for affordable housing.
- Housing need is identified by the Strategic Housing Market Assessment (SHMA), and this demonstrates a tenure split of 80% social rent /20% intermediate affordable housing in order to meet housing need.
- Design and specification criteria: All units as a minimum to be built in line with the same standards as the open market units and to also meet or exceed the latest Homes and Community Agency standards applicable at the time the S.106 will be signed or 6 months prior to start on site whichever date is the latter, or in accordance with such other guidance as shall be issued by Homes and Community Agency or its successor, and supplemented by the achievement of at least Level 3 of the Code for Sustainable Homes, JRF LifeTime Homes standard, Secured by Design, and with full compliance of selected Registered Social Landlord design brief/development standards.

- The affordable housing should be distributed across the site in clusters of no more than 6 units that do not have contiguous boundaries from each other as set out in the Affordable Housing SPD (see [SPD](#)).
- In the event of the developer choosing an Affordable Housing Provider from outside of the Council's development partnerships then the Council will set the detailed management standards that will be required.
- Phasing - the affordable housing should be built at the same time as the rest of the housing on site in line with agreed triggers as per S.106 agreement.
- If grant or other public subsidy can not be obtained to deliver either all or part of the 33.3% affordable housing as stated above, then the Council shall require 2 affordable housing units for Shared Ownership with an initial equity purchase of 50% and a residual rent of 1% to be provided on site as an affordable housing contribution in line with Local Plan Policy H6 and the findings of the Strategic Housing Market Assessment (SHMA) without use of public subsidy.

7.2 That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement

7.3 If the Legal Agreement is not signed within 6 months of the resolution then the application will be refused under delegated officer powers.

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. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. All works shall proceed in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17, L18 and EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No development shall take place until a detailed mining report has been submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accordance with the approved details.

Reason

To prevent non-point source pollution and flooding, and to accord with Policies EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No development shall take place until a soil survey of the site has been undertaken and the results submitted to the Local Planning Authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. A scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority in writing and the scheme as approved shall be fully implemented and completed before any [residential] unit hereby permitted is first occupied.

Reason

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

5. No development shall take place until samples 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.

6. Prior to the first occupation of the development the existing vehicular access shall be stopped up and the footway surfacing along the site frontage shall be made good to the full and final satisfaction of the Council.

Reason

In the interests of highway safety and the interests of the amenities of nearby occupiers to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The hours of working on site during the period of construction shall be restricted to 07.30 to 1800 hours Monday to Friday, 0800 to 1300 hours 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 properties and with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. No development shall be undertaken until details of the proposed hard landscaping surfaces to include details of the proposed hard landscaping surfaces including the access have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented 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.

9. No development shall take place until a Waste Management Audit has been submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
- (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
 - (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
 - (c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
 - (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
 - (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

Development shall be carried out in accordance with the agreed details.

Reason

To accord with the Local Planning Authority's adopted Waste Management Strategy, and to accord with Policies 37 of the adopted South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002 and Policy 1 of the Joint Waste Core Strategy March 2011; and Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. 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 life of the development has been submitted and agreed in writing by the Local Planning Authority. The scheme should include management responsibilities and maintenance schedules and timing thereof. The development shall be carried out 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.

11. No development shall take place until full details of the refuse storage (for the flats) has been submitted to and approved in writing in by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the development.

Reason

To protect the amenity of the area and to comply with Policy D1H of the South Gloucestershire Local Plan (Adopted).

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

Reason

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

13. All works shall be undertaken in accordance with the submitted Energy Use Statement received 30th November 2010.

Reason

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

14. The new access road shall be constructed fully to the Council's adoptable standards.

Reason

To ensure that the access road is completed to a satisfactory standard and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted).

CIRCULATED SCHEDULE NO. 28/11 – 22 JULY 2011

App No.:	PK11/1350/F	Applicant:	Mrs E Pimm
Site:	1 Coombes Way North Common Bristol South Gloucestershire BS30 8YW	Date Reg:	15th June 2011
Proposal:	Erection of 1.9 metre high timber fence. (Retrospective).	Parish:	Bitton Parish Council
Map Ref:	367529 171951	Ward:	Oldland Common
Application Category:	Householder	Target Date:	2nd August 2011



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 100023410, 2008. **N.T.S.** **PK11/1350/F**

REASON FOR THE APPLICATION APPEARING ON THE CIRCULATED SCHEDULE

This 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 retention of a 1.9 metre close-boarded fence enclosing an area of open amenity space adjacent to the residential curtilage of 1 Coombes Way, North Common.
- 1.2 The application property is a semi-detached two storey dwelling in a cul-de-sac of similar dwellings in the established residential area of North Common. It occupies a corner position, at the entrance of the cul-de-sac and the frontage continues into Millers Drive.
- 1.3 It is noted that the submitted elevation plans have been incorrectly scaled at 1:100; however, as the submitted existing side elevation plan has a measurement on it, it is accepted that all plans are scaled at 1:50 in accordance with the shown measurement.

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 |
| L5 | Open Areas within Existing Urban Areas and Settlement Boundaries |

South Gloucestershire Council Core Strategy (Submission Draft)

- | | |
|-----|---------------------|
| CS1 | Good Quality Design |
|-----|---------------------|

Supplementary Planning Guidance

- Supplementary Planning Document Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 K7315 Two storey side extension and erection of 2 metre high brick wall
Approved 21 December 1992
- 3.2 PK00/1950/F Rear conservatory
Approved 28 September 2000

3.3 Planning History for a dwelling (28 Millers Drive) located approximately 100 metres away from the application property)

PK04/3725/F Demolition of boundary wall and rebuild closer to the highway
Refused 3 November 2004
Appeal dismissed 15 September 2005. (Appeal Ref APP/P0119/A/05/1181590)

4. **CONSULTATION RESPONSES**

4.1 Bitton Parish Council
No objection.

Other Representations

4.2 Local Residents

One letter of support has been received, raising the following points.

- The fence has made a marked difference aesthetically; it is a vast improvement on the greenery
- It has stopped anti-social behaviour
- It creates a far more secure boundary
- It does not restrict visual access to the roads

4.3 Sustainable Transport
No objection.

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 retention of a 1.9 metre high close boarded wooden fence enclosing an area of open amenity land belonging to 1 Coombes Way, North Common. The dwelling is sited on a corner plot, and is sited directly opposite a small area of public open land. All nearby dwellings have either open frontages or landscaped hedgerows. It is noted that behind the fence lies low growing shrubs, however, it is considered that these have a much softer impact on the landscape/streetscene, and the area of open space could have been seen beyond the existing shrubs.

- 5.3 The estate is open in nature and any development must accord with Policy H4, which seeks to preserve the character of the street and the surrounding area. Additionally, Policy L5 of the South Gloucestershire Local Plan (Adopted) January 2006 explains how small areas of open space add to the character and the visual amenity of the built up area. It is considered that the land fully enclosed by the fence comprises an attractive open space in an urbanised area, which contributes positively to the streetscene. The small areas of open space around the vicinity are designed to keep the areas between the properties and the street open, to reflect the open plan character of the estate. The proposal would result in the loss of the open space and because of the height and length of the proposed fence it is considered the development would result in a conspicuous and obtrusive development in a prominent location on Coombes Way, fronting Millers Drive. Additionally, a similar application for the erection of a boundary wall adjacent to the highway at 28 Millers Drive (Ref PK04/3725/F) was refused, and an appeal was dismissed. It is therefore considered that the erection of the proposed wall would harm the character and appearance of the surrounding area and would be contrary to Policies H4, D1 and L5 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.4 The applicant's Design and Access Statement refers to a previous application on the site for a brick wall that was approved (Ref K7315, approved in 1992, not 2005 as stated in the applicant's Design and Access statement). The approved plans show the wall that was approved to be sited over 3.0 metres in from the boundary with Millers Drive, thus retaining the majority of the open space and would continue to reflect the open plan character of the estate. It is therefore considered that this decision does not set a precedent for approving this proposal.
- 5.5 Overbearing Impact
The proposed fence is to be sited at the side of the dwelling adjacent to the road. It will have a height of 1.9 metres. Accordingly, it is not considered that any of the surrounding neighbours would experience an overbearing impact by the erection of the wall.
- 5.6 Highway Safety Analysis
It is considered that the proposed wall would not impact on the property's parking arrangements, located at the front of the house, nor will it prejudice highway safety.
- 5.7 Other Matters
A letter has been received expressing how the fence has made a vast improvement on the greenery. It is the opinion of the Officer that the existing shrubs have a much softer impact on the streetscene and do not totally close off the area of open space that lies beyond the shrubs and in front of the rear garden of the dwelling. Additionally, the letter of support states that the fence is more secure and has stopped anti-social behaviour in the area. The Case Officer sympathises with anyone experiencing anti-social behaviour, however, this is not a material planning consideration and it is therefore considered that the recommendation for refusal is made.

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 by reason of its siting would result in the loss of incidental open space which if allowed would lead to the loss of an attractive open space in an urbanised area and would therefore have an adverse impact on the open character of the street scene and would be contrary to Policies D1, H4 and L5 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (adopted).
- 6.3 The recommendation to refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission be **REFUSED** for the reason as set out on the decision notice.

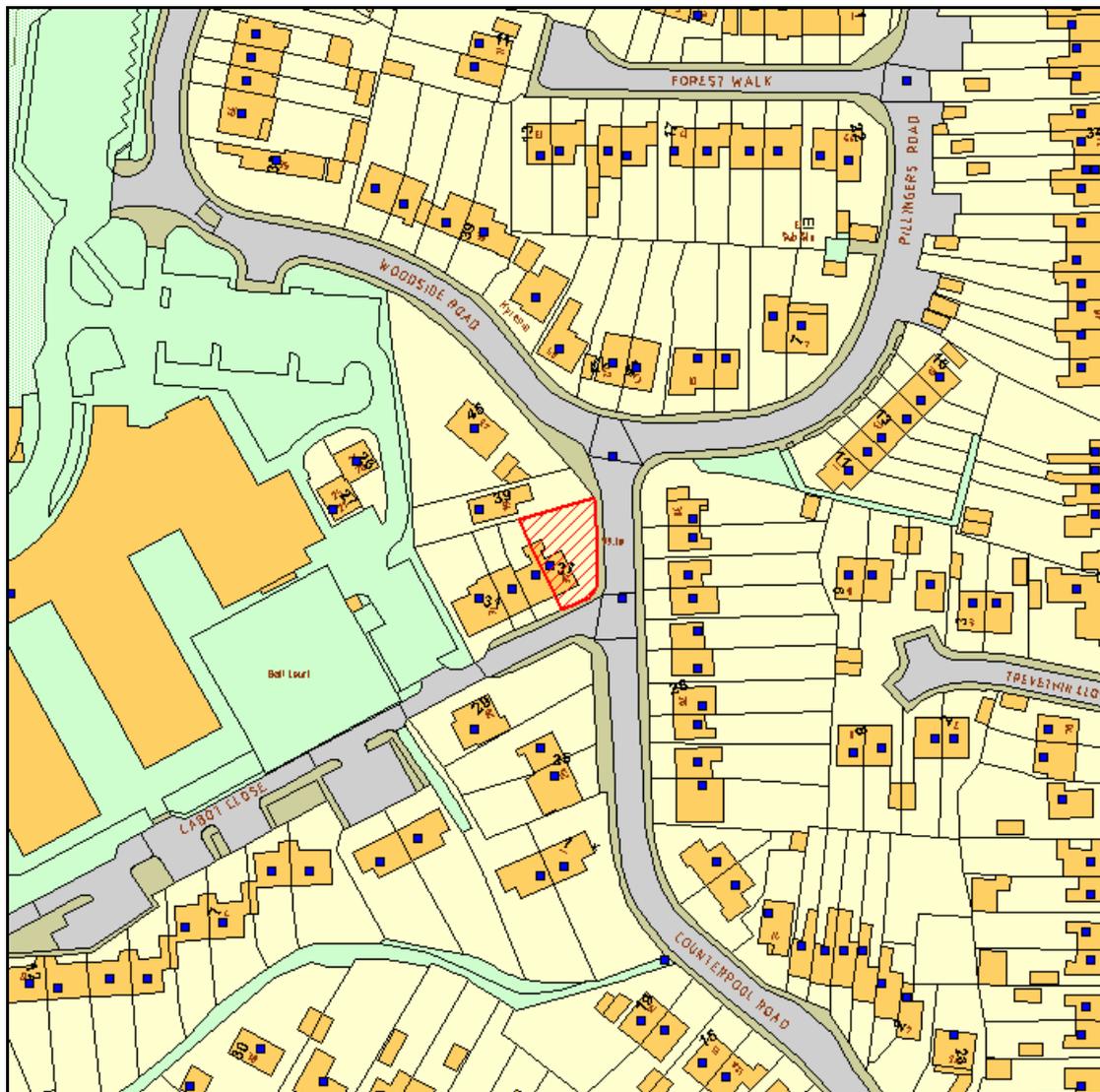
Contact Officer: Elizabeth Dowse
Tel. No. 01454 862217

REASON FOR REFUSAL

1. The proposed development by reason of its siting would result in the loss of incidental open space which if allowed would lead to the loss of an attractive open space in an urbanised area and would therefore have an adverse impact on the open character of the street scene and would be contrary to Policies D1, H4 and L5 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (adopted).

CIRCULATED SCHEDULE NO. 28/11 – 22 JULY 2011

App No.:	PK11/1553/F	Applicant:	Mr Morley Dickson
Site:	37 Counterpool Road Kingswood Bristol South Gloucestershire BS15 8DQ	Date Reg:	14th June 2011
Proposal:	Erection of two storey side extension to form 1no. attached dwelling with access and associated works. (Resubmission of PK10/2918/F)	Parish:	None
Map Ref:	364405 173285	Ward:	Woodstock
Application Category:	Minor	Target Date:	4th August 2011



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 100023410, 2008. **N.T.S.** **PK11/1553/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the circulated schedule due to the receipt of objections from local residents.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of an end terrace dwelling at 37 Counterpool Road, Kingswood. The proposed dwelling would measure a maximum of 5.2 metres wide by a maximum of 9.2 metres in depth and would have an overall height to ridge of 7.9 metres.
- 1.2 The application property is a two storey end terrace dwelling and is located within a residential area of Kingswood.
- 1.3 This application is the re-submission of a previously refused application, the main differences between the current application and the previous submission are the reduction in scale and the change in design which includes the omission of the mono pitch roof section. Furthermore, during the course of the application amended plans were received, increasing the number of parking spaces. The proposal now includes three off street parking spaces, all located to the rear of the proposed dwelling.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPG3 Housing as revised June 9th 2010
PPG13 Transport
PPG14 Development on Unstable Land
Ministerial Statement 9th June 2010

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development
H2 Proposals for Residential Development within the Existing Urban Area
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L17 & L18 The Water Environment
EP1 Environmental Protection
EP7 Unstable Land
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control

South Gloucestershire Core Strategy, Pre-submission Publication Draft March 2010

CS1 High Quality Design
CS16 Housing Density
CS17 Housing Diversity

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/2918/F Erection of a two storey side extension to form
1no. attached dwelling with access and associated
works.
Refused 9th December 2010

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Site falls outside of any parish boundaries
- 4.2 Sustainable Transport
No objections
- 4.3 Environmental Protection
No objections subject to the attachment of a standard informative advising on
construction hours.
- 4.4 Drainage Engineer
No objections subject to the attachment of a SUDs condition.

Other Representations

- 4.5 Local Residents
Four letters of objection have been received from local residents raising the
following concerns:
- Plot is too small from another dwelling if its to be in-keeping with the
neighbourhood
 - Where will vehicles that normally park along the stretch of road that the
parking is proposed park?
 - Increased danger for local schoolchildren
 - Already lack of parking in the area
 - Can't be both off street parking and a nice garden at this plot
 - More traffic and congestion
 - Lower quality of life.
 - Existing residents in area own multiple vehicles.
 - Rarely able to park on the street, the proposal would increase the
problem and burden neighbouring streets.
 - Proposal breaks current building line in two places and extends closer to
highway
 - Out of keeping with the character of the area, would set a precedent
 - Proposal would extend beyond existing building line of the terrace,
which are traditional Victorian terraces to the back, dramatically altering
the feel of the terrace.
 - Road markings have reduced parking

- The site is not derelict
- The proposal would not enhance the plot
- Site is isolated, not close to bus stops to the city
- Surrounding area is totally residential
- What is a good sized garden?
- How would no. 37 get bins and bikes out of their plot?
- Dimensions of parking bays are shown but not dimensions of garden
- Parking spaces are too small
- Reversing out of the parking spaces would be a major hazard to road and pavement users.
- Nearest primary school is in excess of 30 minutes walk
- Site is not ideally situated as stated in design and access statement
- Would stand out due to newness.
- Property would not be attractive to homebuyers.
- Three parking spaces is totally inadequate
- When building 39 Counterpool road one condition was that there had to be a turning point due to proximity to a dangerous junction.

Two letters of support, from the same resident have been received making the following points:

- Currently problems with smoking and litters beside what was overgrown hedges to the side of the property
- Don't think it will effect parking as have been given parking bays
- Main problem with parking is at the school drop of and pick up times
- Will improve the area
- Appearance of no.37 has been improved which will add value to neighbouring properties.
- More residents need to use their own off street parking

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposed new dwellings within the existing residential curtilage, providing that the design is acceptable, highway safety would not be compromised, adequate parking and amenity space is provided and that there is no unacceptable impact on residential and visual amenity.

PPS3 has been reissued on 9th June 2010 to reflect concerns regarding the redevelopment of neighbourhoods, loss of Green Space and the impact upon local character. The changes involve the exclusion of private residential gardens from the definition of previously land and the removal of the national indicative density target of 30 dwellings per hectare. The existing policies in the local plan, policies H2, H4 and D1 already require that proposals are assessed for their impact upon the character of the area and that proposals make efficient use of land.

The South Gloucestershire Plan (Adopted) 2006 identifies the site as lying within the urban area. With the exception of design, Policy H2 of the adopted

Local plan encompasses all the relevant issues of the above policies. Policy H2 allows for new residential development providing that the following criteria are complied with:-

5.2 **(a) Development would not have unacceptable environmental or transportation effects; and would not significantly prejudice residential amenity.**

In the interests of clarity these two issues will be discussed in turn.

Transportation Issues

Planning permission has previously been sought on this site to extend the existing dwelling to allow the provision of an additional two storey two-bed dwelling (PK10/2918/F). Transportation objections were raised to this previous proposal due to the location and orientation of the proposed parking for the existing dwelling.

The difference between the previous application and the existing proposal with regard to parking is that the location of the parking for the existing dwelling and proposed dwelling has been moved to the rear of the site where three parking spaces will be provided via a new vehicular access off Counterpool Road.

The level of parking proposed has been increased to two spaces for the existing dwelling and one space for proposed dwelling. In addition the spaces for the existing dwelling would link to the rear garden of this dwelling via a rear access gate. Generally, the council seeks to ensure that parking spaces are 2.4 metres in width by 4.8 metres in depth, all spaces proposed meet these dimensions. As such it is considered that the proposal would comply with the parking standards set out in Policy T8 of the South Gloucestershire Local Plan. Furthermore the proposed parking for the existing dwelling, given the proposed rear access gate is no longer considered remote from the dwelling and is considered acceptable.

Consequently, whilst concern has been raised regarding the current parking issues on Counterpool Road, sufficient and acceptable sized parking has been proposed for both the existing and proposed dwelling. Whilst a turning space may have been required for the dwelling at No. 39 Counterpool Road, this property is located closer to the junction furthermore, all applications are assessed on their own individual merits. Overall, there are no objections to the proposal in terms of parking provision and highway safety.

Residential Amenity

The proposed dwelling would be attached to No. 37 Counterpool Road on a corner plot, adjacent to the junction between Cabot Close and Counterpool Road. Given the location of the proposal, located approximately 6.9 metres away from the neighbouring property to the rear, No. 39 Counterpool Road and over 12 metres away from the neighbouring properties to the east, it is not considered that the proposal would result in any overshadowing or overbearing effect on the neighbouring dwellings.

The proposal includes the addition of five new first floor windows two on the front elevation, one on the side elevation and two on the rear elevation. The

side elevation window would serve a bedroom and would over look the road, this window would be located at an angle to and over 16 metres away from the front elevations of the opposite dwellings, No's 38 and 36 Counterpool Road. The front and rear elevation windows would serve bedrooms. Given the location of these windows, it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy over and above the levels of overlooking from the existing first floor windows.

The garden area for the proposed two bedroom dwelling is small. PPS3 and Policy H4 require the provision of sufficient private and usable amenity space. The previous application was for a three bedroom dwelling with an equally small garden which was not considered acceptable. This was due to the fact that the proposal was for a family sized house and the proposed amenity space was not considered to be of a size commensurate to the size of the dwelling. In this instance given that the proposed dwelling has been reduced in scale is now only a two bedroom dwelling, whilst it is accepted that the garden is small it is considered adequate to serve a two bedroom property. As such it is not considered that the size of the proposed garden is of sufficient concern to warrant the refusal of the application. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.3 (b) The maximum density compatible with the sites location, its accessibility and surroundings is achieved.

Under new government guidance whilst there is no longer a national minimum density target, PPS3 seeks to ensure the most efficient use of land. Officers are satisfied that having regard to the sites constraints, the pattern and scale of existing development, access and impact on residential amenity, no more than one additional dwelling as proposed could be accommodated on the site.

5.4 (c) The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination.

The new dwelling would be subjected to no greater levels of noise, dust, pollutants etc than the existing dwellings in the vicinity.

5.5 (d) Provision for education, leisure, recreation etc. in the vicinity is adequate to meet the needs arising from the proposal.

The proposal is only for 1 dwelling and therefore would not have a significant impact on the area in terms of service provision.

5.6 Design / Visual Amenity

The previous proposal was of an unusual design given its staggered side elevation and mono pitch roof element and consequently was not considered to be in-keeping with the appearance of No. 37 Counterpool Road or the adjoining terrace of properties.

The proposed dwelling has been redesigned and is now of a much more standard and simple design with a gable roof and small single storey lean-to to the side. Whilst the existing dwelling has a roof hipped in three directions, there are a mix of hipped and gable roofs in the immediate vicinity, furthermore the end terrace property, No. 31 Counterpool Road, has a gable roof. Whilst the proposed dwelling would have a lower eaves and ridge height to the existing

terrace, these lower levels would match the scale of the existing side extension of No. 31 Counterpool Road. The proposal is therefore considered to be of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Furthermore, the proposed dwelling would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling.

Concern has been raised that the proposal would extend beyond the existing building lines. The proposal does extend out east towards Counterpool Road, however given the positioning and orientation of the existing properties on the western side of Counterpool Road it is not considered that there is an existing dominant building line along this section of road. As such whilst it is accepted that the proposal would be close to the road, it is not considered that the proposed dwelling would result in an unacceptably dominant or intrusive feature in the street scene. With regard to the fact that the proposal would extend beyond the existing rear building line, it should be noted that there are several single storey rear extensions along the terrace.

It is accepted that the garden for the proposed dwelling is small, however there are a mix of plots sizes within the vicinity, furthermore given the scale of the proposed dwelling, it is considered that the garden proposed is acceptable in this instance. In addition, the rear garden is likely to be either partially or entirely screened from the public realm by the proposed boundary treatments. Overall it is considered that the proposal would be in keeping with the scale and design of the surrounding properties and would not have any detrimental impact on the character and appearance of the street scene.

5.7 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by attaching an informative outlining the hours of construction. There are therefore no objections on environmental grounds. In terms of drainage the Councils Drainage Engineer has raised no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme for approval before development could commence.

The site falls within a coal mining area. A coal mining report has been submitted as part of the current application and an informative would be attached to any permission outlining the limitations and advice set out by the Coal Mining Authority.

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 a) The proposed dwelling is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties.

Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

b) The proposal offers adequate parking provision and will not adversely affect the surrounding highway network in accordance with Policies T8 and T12 of the South Gloucestershire Local Plan Adopted January 2006

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

7. RECOMMENDATION

7.1 That the application be approved subject to the following conditions

Contact Officer: Kirstie Henshaw
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

2. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17/L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

4. The proposed hard surfaced parking areas must be made of porous material, or provision must be made to direct the run off water to a permeable or porous area within the curtilage of the dwelling.

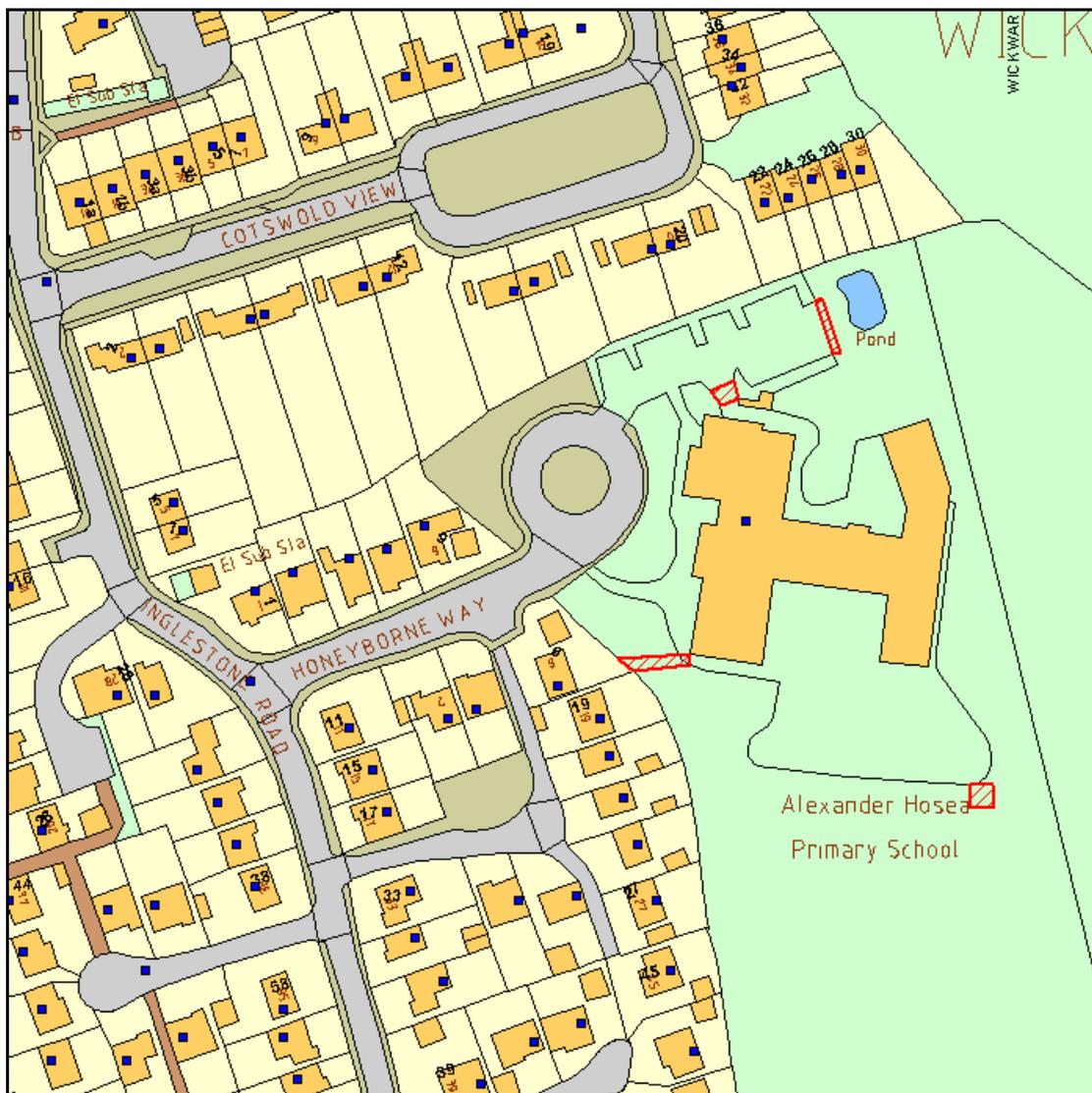
Reason:

To ensure a satisfactory means of drainage and pollution control in order to comply with policies L17 and L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 28/11 – 22 JULY 2011

App No.: PK11/1659/R3F
Site: Alexander Hosea Primary School
 Honeyborne Way Wickwar Wotton
 Under Edge South Gloucestershire
Proposal: Erection of 2.4m high fencing and
 gates and timber gazebo
Map Ref: 372667 188486
Application Minor
Category:

Applicant: Mrs Valerie Quest
Date Reg: 17th June 2011
Parish: Wickwar Parish
 Council
Ward: Ladden Brook
Target 9th August 2011
Date:



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Councils Circulated Schedule due to the receipt of several letters of objection from local residents and as the applicant is South Gloucestershire Council.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a timber gazebo and wire mesh fencing and gates within the grounds of Alexander Hosea Primary School, Wickwar. The proposed gazebo would be an octagonal structure measuring 6 metres in diameter and would have an overall height to ridge of 4 metres.
- 1.2 The application site is located just outside of the settlement boundary of Wickwar and outside of the Wickwar Conservation Area.

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
T8 Parking Standards
LC4 Proposals for Education and Community Facilities within the Existing Urban Area.
T12 Transportation Development Control
- South Gloucestershire Core Strategy, submission Draft December 2010
CS1 High Quality Design
CS23 Community Buildings and Cultural Activity
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 P89/3292 Erection of single storey primary school (900sqm) and access road.
Approved 1990
- 3.2 P94/1944 Erection of an extension to provide three classrooms and activities area.
Approved 1994
- 3.3 PK01/2395/R3F Erection of single storey extension for reception class room and construction of new hard play area.
Deemed consent 2001
- 3.4 PK02/0822/R3F Erection of single storey extension

Deemed consent 2001

3.5 PK02/0852/R3F Erection of single storey extension to provide 2no. classrooms and toilet block. Creation of hard play area. Deemed consent 2002

3.6 PK08/2661/R3F Erection of sunshade canopy
Deemed consent November 2008

4. CONSULTATION RESPONSES

4.1 Wickwar Parish Council

Raise an objection to the proposed fencing. It is considered that the proposed style of fencing is wholly inappropriate for a village school overlooking the countryside. It is out of keeping with the surrounding residential area. It would make the school look like a prison.

4.2 Public Rights of Way

No objections

Other Representations

4.3 Local Residents

Six letters of objection have been received from local residents (two of which from the same address) raising the following concerns:

- Design and visual appearance of fence is out of keeping with the character of the area
- Overbearing impact on adjoining properties
- Fencing is traditionally used in security applications for prisons and secure units
- Incidence of crime in area is low
- Fencing will give appearance of a prison
- Fencing is not in compliance with the schools aims
- Fencing is unnecessary
- Proposal creates an unwelcoming impression
- The local primary school is the heart of and symbol of the community
- Highlights guidance from CABI creating excellent primary schools which states surrounding buildings with steel fences can be intimidating and runs counter to the concepts of community involvement.
- Quotes a memo by SkillsActive on the Role and Performance of OFSTED.
- Research shows that the more physical evidence that an area is dangerous, cctv and fencing, the less safe people feel
- Fencing would not give a good message to children
- Fencing around schools in Sweden is forbidden
- No objection to the gazebo
- Gives bad impression of the school
- Will effect childrens first impressions of the school
- The proposed fencing falls within the high crime risk category set out by the secure by design, schools 2010 guidance.

- What evidence is there that Wickwar is a high crime area?
- Why is the entire perimeter not being fenced?
- Have children at the school been consulted?
- How will fencing form a secure junction with an insecure hedge?
- Want to be present when contractor do work to ensure existing boundary hedge is not compromised
- Some of the existing boundary hedges are not continuous in winter
- Proposal would ruin the pretty and welcoming approach
- Proposal would compromise the pleasant housing estate with a beautiful outlook across fields
- Alter outlook to looking out on to a secure unit
- Proposed fencing would not secure the site and meet its stated objective.
- Majority of site edged by low insecure fencing and hedges
- Proposal in some respects makes the site less secure, as it would make intruders less visible and would prevent police entering the site
- If the intention is to erect fencing around the entire perimeter in the future this should be stated.
- Low fencing could ensure visitors report to reception
- Fencing affects the village as a whole
- Fencing will alter the perceptions that children, residents and visitors have of their community environment
- Other options are available which would be more appropriate
- Negative impact on the landscaping of the school
- Adverse impact on the outlook at the edge of the village
- Loss of visual amenity
- No concerns regarding the security of the pupils are stated in the 2009 OFSTED report
- Importance of striking a balance between security of a site and creating a negative environment for the children and the village
- Not aware of any risks to justify the proposal
- Counterproductive as much of the site is secured by hedges,
- Possibility of a false sense of security and a drop in vigilance
- Style of fencing incompatible with the character of the village
- Visual character of school would be changed from a rural site to a secure environment, segregated from the community
- Located adjacent to sheltered housing, who would feel vulnerable and intimidated by the need for fencing
- OFSTED shouldn't apply blanket requirements
- Will be submitting a petition and would like the application to go to committee for consideration.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy LC4 of the South Gloucestershire Local Plan (Adopted) 2006 allows for the expansion of existing educational facilities provided there is no impact on existing residential amenities and highway safety. In addition the proposal is considered against Policy D1 which advises that development will only be

permitted provided that; siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

5.2 Design / Visual Amenity

The proposed gazebo is a simple structure that is modest in scale in relation to the application site. The gazebo would be located to the south of the school building on the edge of the school playground. The structure would be an octagonal timber structure, measuring 6 metres in diameter and 4 metres in height. It is considered that the proposal is of an appropriate standard in design and that it is a suitable addition given its context, within the grounds of a school.

The proposed fencing is required to ensure security of the site. Extra fencing and gates are proposed in three separate areas, a 2.4 metre high fence and gates are proposed to the west of the school between the school building and boundary hedge to the rear of No. 19 Inglestone Road, this fencing would restrict access to the playing field and would be 12.5 metres in length. New gates are proposed to the north of the site, in front of the kitchen, this is to restrict unauthorised access into the building via the kitchen. The fencing would extend between the meter room and existing hedge adjacent to the car parking area and would include a 1.8m wide pedestrian gate and 4.5 metre wide double leaf gates. A new 2.4 metre high wire fence is also proposed adjacent to the pond to replace the existing 1.6m high chain link fence and timber pedestrian gate. A new access to the pond from within the school grounds will be made to allow the children direct access. All the fencing and gates would be wire mesh and would have a black finish.

Whilst a lot of concern has been received regarding the design of the fencing, it is considered that the proposed fencing is of an appropriate design given it would be within the grounds of a school and given the fact that security fencing at schools is a common feature. The type and design of fencing has been chosen on the recommendation of the local police crime prevention officer. The wire mesh fencing allows natural surveillance as it is very see through, it is anti climb and can't be cut through. The proposed fencing to the pond area is small in scale and would be viewed against the back drop of trees/hedges. Similarly the fencing to the front of the kitchen area is also small in scale and would be viewed against the existing school building. Both these sections of fencing would be located within the grounds of the school adjacent to the car parking area and given their location in combination with the existing boundary treatments in place, would not be highly visible from outside of the school grounds. The largest section of fencing would be located to the west of the school between the corner of the school building and the boundary hedge to the rear of No. 19 Inglestone Road. This section of fencing would measure 12.5 metres in length, which is considered to be modest in scale given the size of the school grounds. The fencing is set within the grounds of the school, significantly set back from the road leading into the school, Honeybourne Way, furthermore the fencing would once again be viewed against the back drop of trees and vegetation within the grounds of the school. Whilst concern has been raised that the proposal would result in the school appearing like a prison it should be noted that the proposed fencing would only be located at three small

areas and the existing boundary treatments of fencing and hedges would remain as existing. Consequently given the scale and location of the proposed fencing it is not considered that the proposal would have any demonstrable harm to the character and appearance of the school or the surrounding area.

5.3 Residential Amenity

Given the location of the proposed works, within the grounds of the school and set away from any neighbouring residential properties, in combination with the existing trees/hedges that partially screen views of the school, it is not considered that the proposed fencing or gazebo would have any detrimental impacts on the existing levels of residential amenity. The proposed fencing would be perpendicular to the rear boundary of the No. 19 Inglestone Road as such it is not considered that the proposal would have any overbearing impact on this neighbouring property.

The proposed fencing is all located within the grounds of the school and would be viewed against the backdrop of either the school building or trees/hedges. Given the scale and location of the proposals it is not considered that the fencing or gazebo would significantly affect the outlook of the neighbouring properties.

5.4 Parking and Highway Safety

Given the scale and location of the proposed works, it is not considered that the gazebo or the proposed fencing would have any detrimental impacts on highway safety.

5.5 Public Rights of Way

The Councils Public Right of Way Officer has assessed the proposal and it is considered that the proposal would not affect the nearest Public Right of Way, reference LWR18. As such there are no objections to the proposal.

5.6 Other Issues

The proposed fencing has been chosen and located in accordance with the guidance provided by the local police crime prevention officer. Whilst the proposed fencing does not enclose the entire site, and it is accepted that to ensure complete security of the site fencing would be required for the entire perimeter, it is considered that the small sections of fencing proposed are currently sufficient to safeguard the front of the site which the crime prevention officer has advised as the priority area to secure. Whilst it is accepted that individuals that are intent on accessing the site could do so from the playing fields to the rear, their approach would be much more visible from the classrooms and alarms could be raised. As such it is considered that the proposal would safeguard the front of the site whilst retaining the openness of the area as much as possible.

With regard raised concerning the installation of the fencing and the impact that this would have on the existing hedgerow, informatives would be attached to any permission to ensure that the applicant / agent is aware that planning permission does not grant rights to carry out works on land outside of the control of the applicant and that consent must be sought from the owner of the land.

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 fencing and gazebo are of an appropriate standard in design given the siting within the grounds of a school, in accordance with Policy D1 of the South Gloucestershire Local Plan.

The proposal is not considered to have any detrimental impacts residential amenity in terms of overshadowing or overbearing and there are no concerns regarding parking and highway safety. The proposal therefore accords with policies LC4, T12 and T8 of the South Gloucestershire Local Plan.

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

7. RECOMMENDATION

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

Contact Officer: Kirstie Henshaw
Tel. No. 01454 865207

CONDITIONS

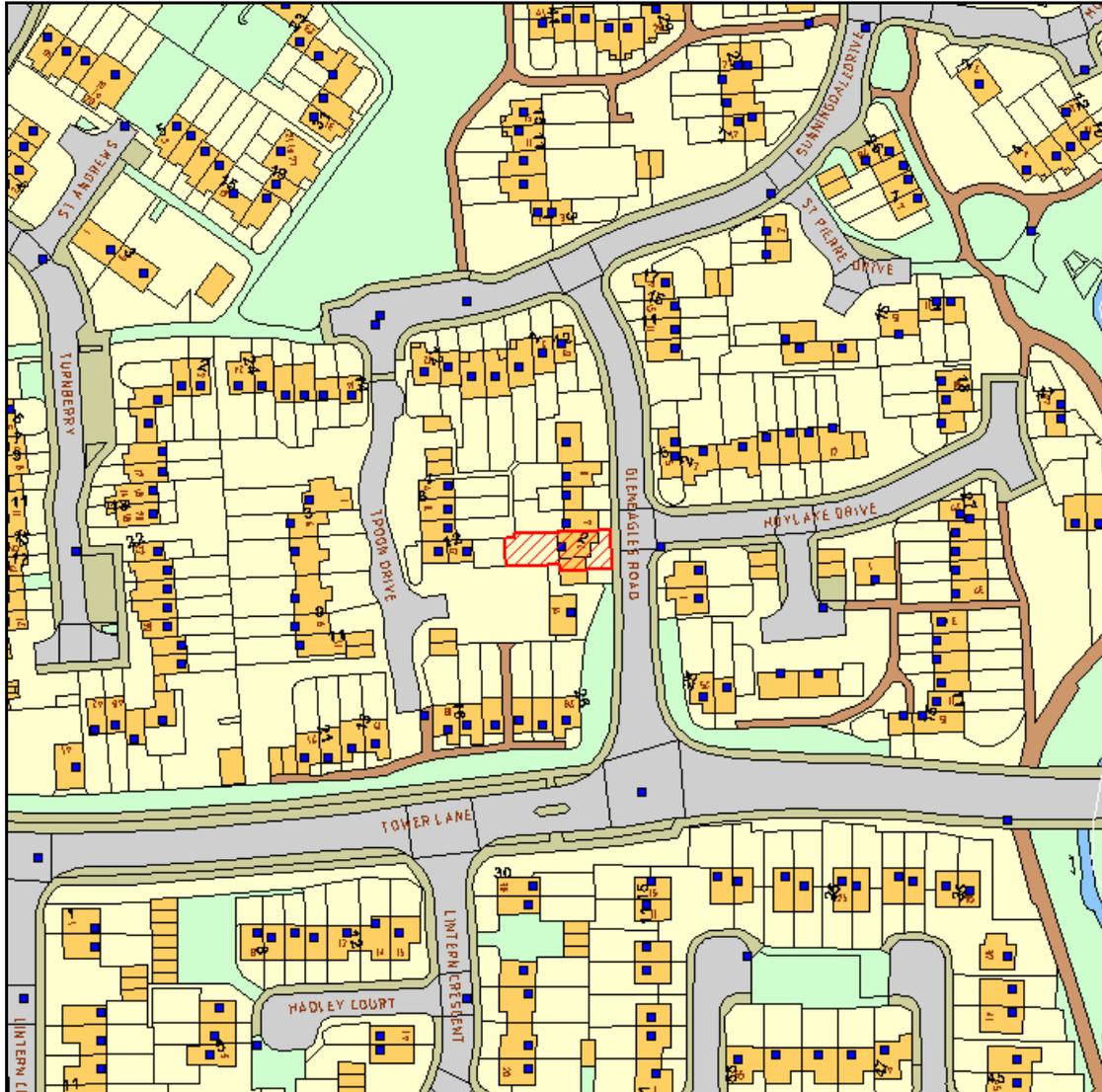
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 28/11 – 22 JULY 2011

App No.:	PK11/1697/F	Applicant:	Mrs Helene Cook
Site:	2 Gleneagles Road Warmley Bristol South Gloucestershire BS30 8GW	Date Reg:	14th June 2011
Proposal:	Erection of single storey extension to provide additional living accommodation..	Parish:	Oldland Parish Council
Map Ref:	366618 172776	Ward:	Parkwall
Application Category:	Householder	Target Date:	4th August 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the circulated schedule due to the concerns raised by Oldland Parish Council

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a single storey front extension at 2 Gleneagles Road, Warmley. The proposed extension would measure 3 metres wide by 1.9 metres in depth and would have an overall height to ridge of 3.2 metres.
- 1.2 The property is a two storey end terrace dwelling and is located within a residential area of Warmley.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Parking Standards

South Gloucestershire Core Strategy, submission Draft December 2010
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
The parish council wishes that the application be referred to sites due to concerns regarding over-crowding.

Other Representations

- 4.2 Local Residents
No response received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Design / Visual Amenity

The proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The extension is of modest size in comparison to the bulk of the main dwelling and is suitably subservient to it. Furthermore, the proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling.

The proposal would include a gablet above the ground floor window, which reflects the design of the front porches within Gleneagles and the opposite cul-de-sac, Hoy Lake Drive. It is therefore considered that the proposal would be in keeping with the character and appearance of the principal dwelling and the surrounding street scene.

5.3 Residential Amenity

Given the location and scale of the proposal is it not considered that the proposed extension would have any detrimental impacts on the residential amenity of the neighbouring dwellings.

5.4 Parking and Highway Safety

The proposed porch would not effect the existing off street parking, as such the parking provision would remain in compliance with the councils parking standards as set out in policy T8.

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 porch is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Furthermore the porch would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact and the parking provision would remain in compliance with policy T8. As such the proposal accords with Policies D1, T8 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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

7. RECOMMENDATION

7.1 That the application be approved subject to the conditions outlined below:

Contact Officer: Kirstie Henshaw
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

CIRCULATED SCHEDULE NO. 28/11 – 22 JULY 2011

App No.:	PK11/1779/F	Applicant:	Mr A Dando
Site:	98 Church Farm Road Emersons Green Bristol South Gloucestershire BS16 7BE	Date Reg:	14th June 2011
Proposal:	Erection of single storey side and rear extension to form garage and additional living accommodation.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366854 176654	Ward:	Emersons Green
Application Category:	Householder	Target Date:	1st August 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the circulated schedule in light of the comments raised by a local resident regarding the construction of the proposed development.

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the erection of a single storey side and rear extension, to provide additional living accommodation and garage.
- 1.2 The application site relates to an end terraced two storey dwelling within Emersons Green.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
H4 Extensions

South Gloucestershire Core Strategy Pre-submission Draft March 2010

CS1 High Quality Design

- 2.3 Supplementary Planning Guidance
Design

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No objection

- 4.2 Transportation
No objection is raised. This is addressed in detail under paragraph xx of this report

Other Representations

- 4.3 Local Residents
One letter has been received from a local resident who has confirmed they raise no objection to the proposed development but would like confirmation of the following from the Planning Officer and Builder. Those concerns have been summarised by the Planning Office as follows:

- Single storey rear extension will adjoin my property, I would like confirmation this will not affect my property
- Guttering on the side of my property will have to be removed to accommodate rear extension I would like to know what effect this will have on my property
- The wall of my dining room that forms part of the boundary currently would subsequently be part of the new construction. I would want confirmation of how this is going to be integrated and what the joining process is
- Currently, fencing is in place to form part of the boundary that will be removed as part of the rear extension. I would want reassurance that any foundations did not cross the boundary into my property and if they did, I would want confirmation from the council that any foundations that do breach the boundary are not going to have an impact on my property in terms

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for extensions to existing dwellings subject there being no adverse impact on existing visual and residential amenities and highway safety. Policy CS1 of the Core Strategy seeks to ensure development is of a high quality design.

5.2 Visual Amenity

The application site relates to a two storey end terraced dwelling on the corner of Church Farm Road and Farm Close. The property is within a relatively modern development with red brick finish and concrete roof tiles. This application proposes to replace an existing attached rear garage with a side garage and rear extension. The existing driveway will be enlarged to allow easy access into the new garage. The application proposes a single storey rear extension.

5.3 The proposed extensions are considered in keeping with the scale and character of the existing dwelling and would not detract the character of the immediate surrounding area.

5.4 Residential Amenity

The proposed scheme comprises of two parts, a single storey rear extension and single storey side extension to provide a garage. The proposed single storey rear extension is that of an L shape and will measure 2.60m in length along the adjoining boundary with no. 100 and 5.40m along the roadside. The neighbouring property has a single storey extension and the proposed rear extension will project beyond that by 1.40m. There is a 1.80m high fence in place along the adjoining boundary. Concerns have been raised regarding the construction aspects of the single storey rear extension and its impact on no.100 and this is addressed under paragraph 5.8 of this report. Notwithstanding those concerns it is considered that a single storey rear extension of this scale and in this location will not have an adverse impact on the existing residential amenities of no.100 in terms of overbearing impact or loss of privacy.

- 5.5 It is considered the proposed single storey side extension providing the garage by reason of its siting would not have an adverse impact on surrounding neighbouring occupiers.
- 5.6 Transportation Issues
Planning permission is sought to erect a single storey extension to the front and rear of the existing attached garage to form a garage and additional living accommodation.
- 5.7 The geometry of the driveway has been re-organised to allow easy access to the new location of the garage. No change to the existing level of vehicular parking is proposed as two vehicular parking spaces will be provided on site after the development. In light of the above, there is no transportation objection to this proposal.
- 5.8 Other Issues
A neighbour has raised a number of issues relating to the construction of the extension and seeks confirmation how the extension will be built without having an impact on the adjoining property. Those concerns are set out in more detail above. The Planning Officer can confirm that those concerns raised relate to civil matters between the neighbour and applicant and are not material to the determination of this application. Notwithstanding this an informative will be imposed advising the applicant that the granting of planning permission does not grant rights to carry out works on over somebody else's land. Such issues will fall under the Party Wall Act. The Planning Officer did write to the agent advising that certificate B notice should be served and the agent confirmed that this was not required.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- a) The proposed extensions have been designed to positively enhance the character and appearance of the dwelling and area taking account of materials, design, siting, height and scale of the development-Policies D1 and H4.
- b) The proposed extensions have taken account of neighbouring residential amenities and through careful design, the proposal will not materially harm the amenities of neighbouring properties by reason of loss of privacy or overbearing impact-Policy H4

- c) The proposed development will provide satisfactory levels of on site car parking-Policy H4

7. RECOMMENDATION

- 7.1 Planning permission be granted subject to those planning conditions set out in the decision notice.

Contact Officer: Tracey Price
Tel. No. 01454 863424

CONDITIONS

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

Reason

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

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

Reason

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

CIRCULATED SCHEDULE NO. 28/11 – 22 JULY 2011

App No.:	PK11/1954/TCA	Applicant:	Mr J Cook
Site:	4 Tayman Ridge Bitton South Gloucestershire BS30 6HY	Date Reg:	21st June 2011
Proposal:	Removal of 1 no. plum tree, 1 no. apple tree and 1 no. Leylandii tree situated within Bitton Conservation Area	Parish:	Bitton Parish Council
Map Ref:	368017 169813	Ward:	Bitton
Application Category:		Target Date:	28th July 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The application seeks consent to carry out works to 3no. trees growing within the grounds of 4 Tayman Ridge, Bitton, which is located within the Bitton Conservation Area. The proposed works include, the removal of 1no. Plum Tree, 1no. Apple Tree and 1no. Leylandii Tree.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
L1 Landscape Protection and Enhancement
L12 Conservation Areas

South Gloucestershire Core Strategy, Pre-submission Publication Draft March 2010

CS9 Environmental Resources and Built Heritage

3. RELEVANT PLANNING HISTORY

3.1 PK05/1998/TCA Works to remove 1no. conifer tree
No objections August 2005

3.2 PK06/3612/TCA Works to prune evergreen trees to 1.5 metres high.
No objections January 2007

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council
No objections

Other Representations

4.2 Local Residents
One letter of objection has been received from a local resident raising the following concerns:

- This time of year is bird nesting season
- Wildlife and Countryside Act 1981 states that wild birds are protected by law.
- Expect the applicant and council to abide by these laws

5. ANALYSIS OF PROPOSAL

- 5.1 The trees are located in the side garden of the property at the end of a cul-de-sac. The plum tree is in decline, the apple tree is suppressed and the cypress is located very close to the house and dominates that section of the garden. None of the trees are considered to be worthy of a Tree Preservation Orders, as such there are no objections to the proposed works.
- 5.2 With regard to the concern raised, a note would be attached to any decision to ensure that the applicant is aware of the wildlife and countryside act, the importance of avoiding works to trees and vegetation between 1st March and 31st August and that care should be taken outside these periods.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

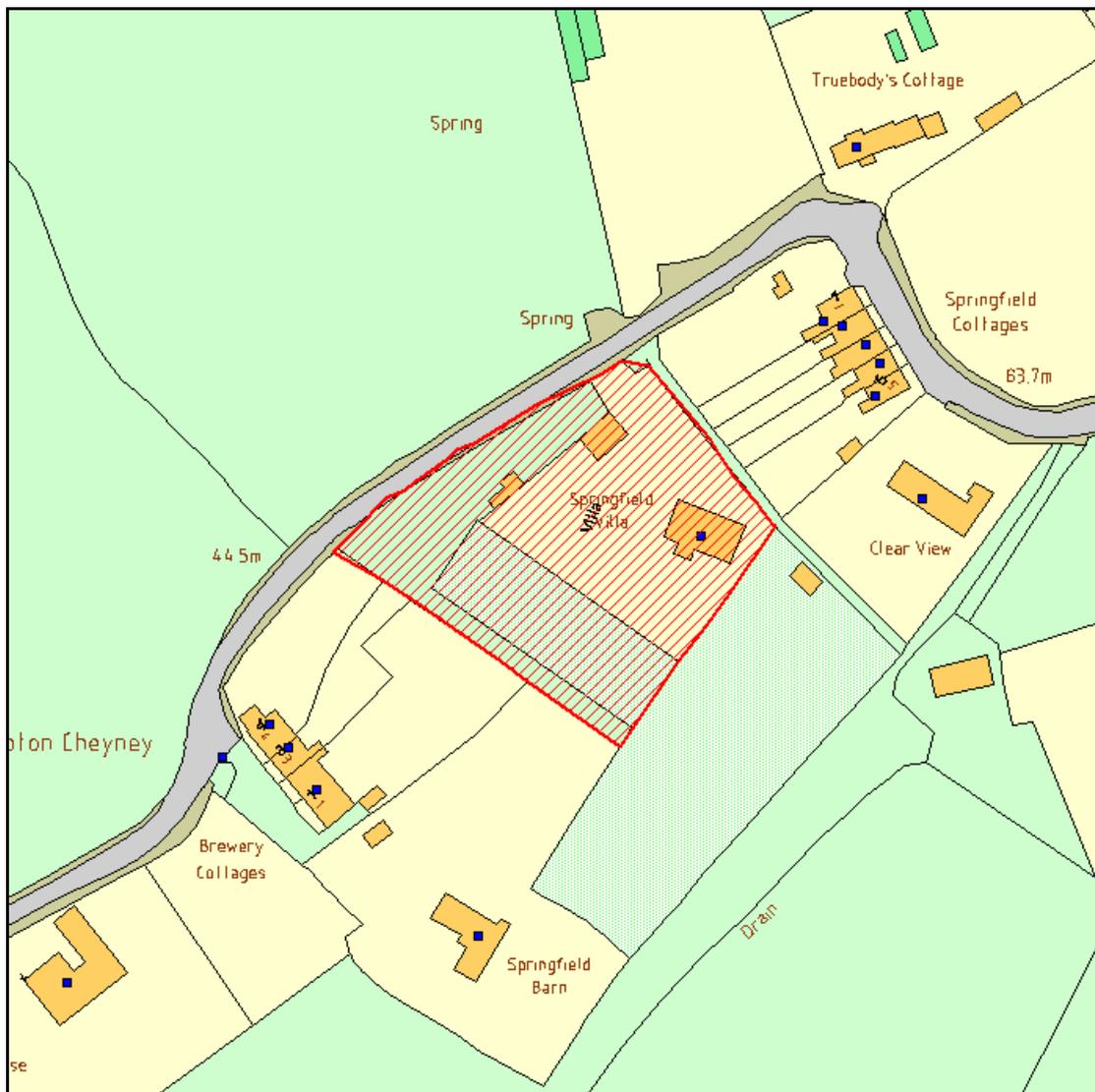
7. RECOMMENDATION

- 7.1 No objections.

Contact Officer: Kirstie Henshaw
Tel. No. 01454 865207

CIRCULATED SCHEDULE NO. 28/11 – 22 JULY 2011

App No.:	PK11/2006/TCA	Applicant:	Mr Bennetts
Site:	Springfield Villa Brewery Hill Upton Cheyney South Gloucestershire	Date Reg:	24th June 2011
Proposal:	Works to various trees all situated within Upton Cheyney Conservaton Area as per submitted schedule and plan	Parish:	Bitton Parish Council
Map Ref:	369079 169684	Ward:	Bitton
Application Category:		Target Date:	3rd August 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The application seeks consent to carry out works to various trees within the grounds of Springfield Villa. The proposed works are as follows:

- T1 Thuja – fell
- T2 Gingko – fell
- T3 Lawson Cypress – Fell
- T4 Leylandii – Fell
- T5 Red Oak – Fell
- T6 Yew – balanced crown reduction of up to 20%
- G7 Holly and Hawthorn group – reduce in height by up to 30%
- T8 Holly – balanced crown reduction of up to 25%.

1.2 The application states that the works are to be carried out for garden and soft landscaping improvements and in the general interests of amenity. In the case of T5, the application advises that the tree is poorly sites within the desired landscape and so it is with some reluctance that a decision to fell the tree is the only solution with the intention of replanting elsewhere in the garden.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- L1 Landscape Protection and Enhancement
- L12 Conservation Areas

3. RELEVANT PLANNING HISTORY

3.1 There have been several applications to carry out works to trees at this property. None of the previous applications are considered to be directly relevant to the determination of this planning application.

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council
No response received

Other Representations

4.2 Local Residents
One letter has been received from a local resident who objects to the application at this time of year when it is bird nesting season as per the Wildlife

and Countryside Act of 1981. The objector expects the Council and the applicant to comply with the law.

5. ANALYSIS OF PROPOSAL

- 5.1 The trees proposed for felling are non native species. The conifers appear to be ornamental varieties with no potential to grow to a significant size. The Red Oak is a young tree with a well balanced crown and the potential to grow into a large tree. Unfortunately, due to its position within the garden it is not visible from the surrounding area and therefore offers no visual amenity and would not fulfil the criteria for a Tree Preservation Order
- 5.2 The trees proposed for reduction and re-shaping are growing as a group, individually the trees would have little merit but as a group offer visual amenity to the area. The proposed works will allow the retention of the trees adjacent to the property.
- 5.3 Whilst any works carried out by a competent tree surgeon would be carried out in accordance with legislation, a note will be placed on the decision notice reminding the applicant of their obligation to protect nesting birds.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to raise no objection has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 No objection

Contact Officer: Marie Bath
Tel. No. 01454 864769

CIRCULATED SCHEDULE NO. 28/11 – 22 JULY 2011

App No.:	PT10/2630/O	Applicant:	Bericote Properties Ltd And AstraZeneca Plc
Site:	Astra Zeneca Avlon Works Severn Road Hallen Bristol	Date Reg:	20th October 2010
Proposal:	Development of 31.96ha of B2, B8 and ancillary B1 uses, with highway infrastructure, car parking and associated works. Outline including access with all other matters reserved.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	354570 183240	Ward:	Pilning And Severn Beach
Application Category:	Major	Target Date:	7th February 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as representations have been received that are contrary to the Officer's recommendation. Furthermore, the application is recommended with a proposed planning obligation.

1. THE PROPOSAL

- 1.1 The proposal seeks outline planning permission for the development of 31.96ha of B2, B8 and ancillary B1 uses, with highway infrastructure, car parking and associated works. The application is in outline, but includes access, with all other matters reserved.
- 1.2 The site consists of part of the Astra-Zeneca site, bounded by Severn Road to the west and Central Avenue to the south, with the existing Astra-Zeneca works to the east and Orchard Pools and Ableton Lane to the north. The site is part greenfield, formerly agricultural, now disused, at the northern end of the site and brownfield, formerly part of the Astra-Zeneca works at the southern end. There are 2 adult football pitches and one cricket wicket, all unused on site. The site is mostly flat, with a large drainage rhine on the western edge of the site, and well a established tree belt screening the site from three sides.
- 1.3 The northern, greenfield part of the site, which is the majority of the site, is allocated under Policy E2, Severnside policy, and the southern, brownfield part of the site is allocated under Policy E4, Safeguarded employment land. The site also lies within the Coastal Zone, as defined on the proposal map. The site also lies within the area covered by the '1957' consent (see Planning History below)
- 1.4 The proposed main access to the site from Severn Road, with another vehicular access off Central Avenue, which is not an adopted highway. A pedestrian access is shown, linking to Ableton Lane. Outside the maximum building envelope, the plans show the creation of a conservation area to the north of the side, adjacent to Orchard Pools, the retention of the landscape buffer and rhine on the western edge of the site, and an area of landscaping on the southern boundary of the site. The application is supported by a Transport Assessment and an Environmental Impact Assessment.

2. POLICY CONTEXT

- 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth
PPG13	Transport
PPG17	Planning for Open Space, Sport and Recreation
PPS25	Planning and Flood Risk

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L3	Coastal Zone
L9	Species Protection
L11	Archaeology
EP2	Flood Risk and Development
T12	Transportation Development Control Policy
E2	Sevenside
E3	Criteria for Assessing Proposals for Employment Development Permitted by E4
E4	Safeguarded Employment Areas
LC1	Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC9	Protection of Open Space and Playing Fields

South Gloucestershire Core Strategy Proposed Changes Version (December 2010)

CS1	High Quality Design
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS9	Environmental Resources and Built Heritage
CS11	Distribution of Economic Development Land
CS12	Safeguarded Areas for Economic Development
CS35	Sevenside

3. RELEVANT PLANNING HISTORY

- 3.1 SG4244 Planning permission over a 1000 acres for the development of factories for the production of chemical and allied products, construction of offices, warehouses, stores, reservoirs, pumphouses, canteens, clubs, hostels, training establishments, amenity and welfare buildings, sports pavilion and sports and playing fields. 27 November 1957. This permission is called the '1957 consent', and is an 'open' permission with very little restrictions on it. The original ICI factory, and Central Avenue, was built under this permission. This permission was challenged by the Council in 2000, but was found sound and capable of implementation in its current form by the Courts in 2003.
- 3.2 SG4244/A Outline planning permission for the development of 22.55 acres for the construction and operation of factories for the production of chemical and allied products and construction of offices, warehouses, stores, reservoirs, pumphouses, canteens, clubs, hostels, training establishments, amenity and welfare buildings, sports pavilion and sports and playing fields. 13th July 1958. This is known as the '1958' consent and geographically extends the above consent and is similarly 'open' in terms of restrictions on it. It is also capable of implementation in its current form.

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish Council

The parish council has no comment to make on the general principle of development at the site. However, it is strongly opposed to 2 points with the application:

- Whilst accepting that the shaded area which is sought to be developed it is imperative that the building line is maintained at that which already exists and that no buildings be constructed nearer to the A403 than the disused social club mix and the newly constructed industrial use buildings alongside. This will provide a proper wildlife corridor and a breathing space between the road and buildings.
- The parish council objects in the strongest possible terms to the construction of another road leading out onto the A403, particularly as it would be nearer to the bend on the A403 and Ableton Lane access to Severn Beach and would create further problems within that area. The parish council believes that access onto the site should continue via Central Avenue and by no other routes.

4.2 Other Consultees

Highways Agency

No objection to the application but directs conditions to be attached to the planning permission if granted regarding:

- Restrictions on employment floorspace
- Restrictions on B1 floorspace
- Travel plan for B2 units required in line with the Travel Plan Framework

Environment Agency

The Environment Agency originally objected to the application in relation to flood risk. Following discussion with the applicant's drainage consultants and the Council, the Agency withdrew their objection, subject to condition relating to the height of the finished floor levels on site.

Natural England

Natural England originally objected to the proposal in its current form due to insufficient information on the impacts of noise, disturbance and habitat loss. They did not object to the principle of development of this site and understood its importance for the local economy.

Following the submission of an addendum to the Environmental Statement, Natural England withdrew its objection to the application, provided the additional mitigation measures set out in the ecological addendum are secured through suitably worded planning conditions and/or obligations to underpin and ensure that these will be implemented should the Council be minded to grant consent. They also made comments regarding: Orchard Pools, Conservation Zone wildlife management and loss of coastal floodplain grazing marsh.

Strategic Distribution Land Ltd

SDLL is a neighbouring landowner of the site, and owns and controls a large amount of the area covered by the 1957 consent. They have objected on the following grounds:

- The approach taken by the applicant with regard to extant permissions in the Transport Assessment fails to recognise that the 1957 and 1958 permission remain lawfully implementable without the need for further permissions.
- Whether the scale of the proposed development is consistent with the applicant's property rights over Central Avenue, given that SDLL own the freehold interest on the road
- The approach taken with the regard to the cumulative effects of the development proposed in the Environmental Statement of the development permitted under the 1957 and 58 consents
- Concerns regarding the level of impact mitigation for the effects of the development on the strategic road network
- Concerns regarding the application coming forward prior to the preparation of a Strategic Framework Plan
- Concerns regarding the loss of sports pitches on site

Further to this objection, SDLL's transport consultants submitted an analysis of the transport assessment for the proposed development, and have stated that they consider that this is a material consideration that should be taken into account in the assessment of the application.

Avon Wildlife Trust

The Wildlife Trust questions whether the development is really necessary and has raised concerns regarding the loss of terrestrial habitat for a small breeding population of great crested newts, mitigation of the net loss of bird feeding area, request for a watervole survey, and concerns that the development may restrict bird sightlines from Orchard Pools.

Coal Authority

No observations

Sport England

Sport England has sent in two letters. The letter dated 7 January 2011 states that Sport England opposes developments that result in the loss of playing fields in all but exceptional cases, whether the land is in public, private or educational use. They oppose development on playing fields unless at least one of the five exceptions in the policy as set out in PPG17 are met. Sport England considers that the site has the capacity to be brought back into use for sporting use and in the light of this, Sport England objects to this proposals on the grounds that the development will lead to the significant loss of existing playing fields and conflicts with current Government Guidance and our National Playing Field policy.

The second letter, dated 7 July 2011, was received following negotiations with the applicant to provide for a contribution to be included in a S106 for the creation or enhancement of formal sports facilities within 5km of the site, including a contribution towards a feasibility study to find these facilities, to

alleviate the loss of the sports pitches on the site (more detail in paragraphs 5.7-5.9 below).

This letter states that as the proposed S106 contributions do not meet any of the exceptions set out in the National Playfield Fields Policy, Sport England has to make a technical objection to this planning application. However, the note the complexities of the site and note that this is a private sports ground, used by workers and is no longer in operation and has an unknown future. Sport England would prefer an identified project(s) to direct the financial contribution prior to the granting of planning permission but note the developer's commitment to fund a feasibility study. The Football Association and the English Cricket Board would like to be stakeholders in the development of the feasibility study to ensure football and cricket gain from the loss of the Astra Zeneca playing field.

Health and Safety Executive

The HSE advice produced by the PADHI planning advice software tool, states that the HSE does not advise on safety grounds against the granting of planning permission in this case.

4.3 Local Member Consultation

In advance of any revised proposals in respect of the consultation process for engaging local Members, the local member has been consulted in relation to the package of S106 obligations negotiated for this current application. Cllr Robert Griffin, made the following comments with the regard to the proposed S106 obligations:

'The traffic management through Easter Compton and Pilning is an admirable scheme. I do not except you to have enough funds for a pavement on the Black Horse Hill. With regard to the football pitches, could Pilning Park next to Pilning Village Hall be possible sites for a football pitch? Just suggestions.'

Other Representations

4.4 Local Residents

No response received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Local Plan Employment Policy Assessment

The greenfield part of the site is allocated under Policy E2, whilst the brownfield part (including the sports pitches) are included under Policy E4. The site also lies within the Coastal Zone.

5.2 Policy E2 states that the Council is committed to realising the long-term economic potential for the strategic location at Severnside, with a view of achieving a comprehensive, integrated and sustainable form of development. The policy sets out the current expectations for development, which include:

- Broad range of employment uses based on the opportunities for B2 and B8 uses

- Provision of necessary highway infrastructure
- Provision of a level of public transport that will provide a realistic alternative to the car
- Balancing of the employment with the ecology and landscape value of the area
- Measures to avoid the unacceptable risks to flooding in the area

The policy further states that until a comprehensive development strategy is prepared, no further significant development will be permitted, apart from that allocated under Policy E4.

- 5.3 The whole of the application site lies within the area covered by the 1957 consent. The brownfield part of the site, including the sports pitches, has already been developed under the 1957 consent (as part of the original ICI complex) and therefore falls to be considered under the modern planning regime. However, the northern part of the site (the majority of the site), is greenfield, and therefore could be developed, without the need for any further planning permissions, for the uses proposed in this application. The southern part of the site is allocated under Policy E4, for which the use for employment use, including B8 uses, is acceptable in principle.
- 5.4 The area of the 1957 consent that can be built out with no further planning permission is very large (260 ha) and the current site, at 31.96ha is a small proportion of this, approximately 12%. Whilst Policy E2 requires a comprehensive development strategy for the Severnside area outside of that allocated by Policy E4, it is material that the site is within the large geographical extent of the 1957 consent, which is far larger than the current application site. It is also material that the majority of the site could be built out under the 1957 consent with no requirement for any further planning permissions. It is further material that the part of the site allocated under Policy E4 does not require a comprehensive development strategy. As such, it is considered that the context of the 1957 consent is a material consideration that weighs heavily in favour of the acceptability of the proposals. Given this, the proposed use of the whole of the application site, including that not covered by Policy E4, is considered acceptable.
- 5.5 Coastal Zone Local Plan Policy Assessment
The site lies within an area defined as a Coastal Zone under Policy L3. Policy L3 states that development within the undeveloped coastal zone will only be permitted where the proposal requires a coastal location and cannot be accommodated elsewhere.
- 5.6 As stated above, a large part of the site is undeveloped. However, it is a material consideration that the site lies within the area of the 1957 consent. The context of the site in relation to the 1957 consent is set out in paragraph 5.4 above. Since this is a material consideration of some considerable weight, the proposals are considered acceptable within the Coastal Zone. Further analysis relating to floodrisk are detailed below in para 5.34-36.

5.7 Assessment regarding the loss of playing fields

The site includes 2 football pitches and a cricket wicket, formerly worker's on site sport's facilities. They have been unused for some time, however, the proposal will result in the loss of these sports facilities. Policy LC9 states that the development of existing formal open space, or land last used for playing fields will only be permitted in certain circumstances. The relevant criteria are:

- The development would not result in or add to a deficiency of public open space, or the loss of space performing a significant recreational function
- Proposal includes provision of a replacement facility of at least equivalent benefit to existing users at an alternative site

5.8 Sport England have also objected to the loss of the playing fields and that the proposals are therefore contrary to their playing fields policy, which is incorporated into PPG17. To replace the sports facilities lost, a search in the local area was undertaken in accordance with the Council's PPG17 audit but no suitable facility was found in the local area that would accord with the requirements of Circular 05/05 nor the Community Infrastructure Levy Regulations regarding contributions included in S106 agreements. Given this, it was considered appropriate to include within a S106 agreement a contribution for the creation or enhancement of sports facilities within slightly wider area (up to 5km from the site), as well as a contribution towards a feasibility study to find such a site/existing facilities to be improved. The contribution was calculated from using data set out in the Council's Infrastructure Delivery Plan and results in a contribution of £197 800 for the provision of two football pitches and a cricket table, and £15 000 for a feasibility study to find a suitable site within 5km of the site.

5.9 Following the negotiation of this proposed contribution with the applicant, Sport England did not withdraw their objection, as the proposal still results in the loss of the pitches, but noted the complexities of the site and the fact that the site is a private sports ground, no longer in operation. Whilst Sport England would prefer identified projects to direct the financial contribution to prior to the granting of planning permission, they noted the developer's commitment to funding a feasibility study.

5.10 Given Sport England's comments, the fact that the proposal would result in loss of open space *not* performing a significant recreational function (as it has been unused for some time), and that the developer is willing to fund provision for either replacement facilities or enhancement of existing facilities within 5km of the site, the loss of the playing fields on site is, on balance, acceptable, and a refusal reason based on Policy LC9 or PPG17 could not be robustly substantiated at appeal.

5.11 Transportation

The application is supported by a Transport Assessment the scope of which was agreed to reflect the existing traffic conditions in the Severnside area and those that the Council could reasonably foresee within the timescale of the proposed development. This approach offered an opportunity to assess the actual impact of the development proposal on current conditions. The brown field area has a benefit of an established baseline traffic generation and the '57/'58 consent area is subject to no further traffic analysis for planning

- purposes. The Council in conjunction with the Highways Agency have extensively modelled the Severnside area, including a range of development options, all of which included the '57/'58 consented land. The impacts of the cumulative effect of the total development potential of the area are therefore well understood and have been widely discussed. It is considered unnecessary to reiterate this previous work for every discrete development in the Severnside catchment area, including this proposal.
- 5.12 The Transport Assessment recommends measures to influence travel patterns of workers in so far as they can be influenced in an area of such poor public transport provision. The measures proposed include minor junction modification works at the A403/B4064 Pilning junction and modest improvements for walkers. A travel Plan is also recommended for the individual developments.
- 5.13 In addition to the Transport Assessment, the applicant has provided details of the forecasted traffic that would use the strategic road network. Forecasted traffic is likely to access the motorway network through the B4055 to junction 17 of the M5. This will increase adverse traffic impact through Pilning, Easter Compton and on the Blackhorse Hill arm of the M5 junction 17. As such, mitigation works are recommended and the applicant has agreed to the proposed mitigation contribution of £200, 000 which would include traffic management works at and through the village of Pilning, and Easter Compton and accommodation works on the Blackorse Hill approach to the M5 junction 17. Whilst a new footway alongside Blackhorse Hill would be an appropriate safety measure, it has not been possible to provide this, as the priority for this scheme is to provide measures to manage vehicle speeds in the villages. There is, however, a strong likelihood of that measure being taken into further account when considering any future planning applications in the proximity of the B4055.
- 5.14 With regard to the Parish Council comments regarding access, the proposed access onto the A403 is considered acceptable and in accordance with current guidance on roads and bridges. It is therefore considered that this access is appropriate for the development. Furthermore, it should be noted that Central Avenue is not adopted highway and is therefore outside of the control of the Council.
- 5.15 Conditions will be recommended relating to restriction on floorspace of various use classes, and the inclusion of a Travel Plan for the B2 and B8 units as directed by the Highways Agency. Subject to the addition of these proposed conditions and the S106 obligation outline above, there are no transportation objections to the proposal.
- 5.16 Landscape, Design and Visual Amenity
The site is not covered by any statutory landscape designations and therefore are no TPO trees on site. The Landscape Officer agrees with the conclusions of the landscape and visual assessment within the Environmental Assessment and confirms that there are no in principle landscape objections to the site. Since landscape is a reserved matter, and only an indicative layout is supplied, further details will be required to fully assess the landscape implications to the proposals. Detailed landscape plans identifying existing vegetation (retained

- and to be removed) should be submitted, together with planting details and long term management proposals, as well as details in the change in the level of the development platform.
- 5.17 The site lies within an existing industrial area, and whilst the majority of the site is greenfield, it lies visually within an existing industrial complex, with the former Terra Nitrogen site opposite. Directly to the north-east of the site lies 'G-Park' which has a number of large warehouses. To the east of the site lies the area of the 57 consent, where the spine road has been recently constructed and this will be built out over a period of time. In this location, therefore, any development has to be seen in this industrial/warehousing context. Whilst appearance, layout and scale are reserved matters and will therefore be assessed at a later date if outline planning permission is approved, the scale parameters are set out in the Design and Access Statement, and these control the overall widths, heights and depths of the proposals.
- 5.18 The Urban Design Officer has stated that the Design and Access Statement generally provides clear principles with regard to layout, amount, landscaping, scale and appearance, although has concerns with some ambiguous statements. However, it is considered in the general industrial and warehousing context of which this site forms a part, the proposed scale parameters are acceptable and the proposal will, overall form a development appropriate to the area, and the Design and Access Statement will result in an acceptable form of development at reserved matters stage. The applicants have stated that proposed buildings on site will be BREEAM 'Very Good' standard, and this will be recommended by a condition. As such, it is not considered that the proposal would not result in harm to the visual amenity of the area, and is in accordance with Policy D1.
- 5.19 Ecology
The application site itself is not covered by any statutory or non-statutory nature conservation designations. However, it lies opposite the foreshore of the Severn Estuary, designated as a Site of Special Scientific Interest (SSSI) under the Wildlife & Countryside Act 1981 (as amended) and a Special Protection Area (SPA) under EC Directive 79/409 on the Conservation of Wild Birds ('the Birds Directive'). The Estuary is also a Special Area of Conservation (SAC) under European Directive 92/43/EEC ('the Habitats Directive 1992'), implemented in Britain by the Conservation (Natural Habitats & c) Regulations 2010 ('the Habitat Regulations'); and a Ramsar Site under the Ramsar Convention on the Conservation of Wetlands of Importance. It has also been designated as a Site of Nature Conservation Interest (SNCI) under Local Plan Policy L8.
- 5.20 Following consultation with the Council's Ecologist and Natural England, the applicants produced an addendum to the Environmental Impact Assessment to address the issues raised.

5.21 Protected Species

The habitat surveys found no evidence of use of the site by badgers, water voles, otters or bats. There was evidence of a population of great crested newts on site.

5.22 Great crested newts are afforded full protection under European and national law (European Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('The Habitats Directive 1992'), implemented in domestic law by the Habitat Regulations 2010. As a European Protected Species (EPS), a licence under Regulations 53 and 56 of the 2010 Regulations is required for development to be lawful. For a licence to be issued, the application has to satisfy the following three 'tests' under Regulations 53/56:-

- *For the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment;*
- *There is no satisfactory alternative;*
- *The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.*

5.23 As part of the amendments to the proposed scheme a 'conservation area' including a habitat for newts was made larger and the proposed building line pulled back so that the area was appropriate for habitats of various species. With regard to the three tests above under Regulations 53/56 of the Habitat Regulations the following assessment is made:

- The application is in the public interest as it provides imperative economic development in a defined, allocated employment area within South Gloucestershire, including part of the 57 consent area that could be built out without any of the controls required as part of this application. Furthermore PPS4 excludes any requirement for assessment of need for economic development, so that the need for this development is therefore presumed.
- Given that the site is within an allocated employment area, and also within the 57 consent area, of which a much larger area than the application site will be built out under the 57 consent with little in the way of planning controls, it is considered that there is no satisfactory alternative
- The population of great crested newts within the application site is small and fragmented, situated within a hostile environment of degraded habitat, and because of this there is some doubt about its long term viability. Given this, it is considered that the mitigation strategy will provide some positive long-term benefits for the population by relocating it into a well-sized area of good quality habitat, thereby enabling it to develop and expand. Accordingly, it is considered that the application passes the 'favourable conservation status' test

As such it is considered that the three tests under Regulations 53/56 of the Habitat Regulations are passed, and the development would be lawful.

- 5.24 The conservation area proposed on site will also provide habitat for species that are included UK Biodiversity Action Plan including: song thrush, hedgehog, invertebrates, and slowworms.
- 5.25 Ecologically Important Features on site
The addendum to the Environmental Impact Assessment states that 6.7ha of coastal floodplain grazing marsh will be lost within the development footprint. To address this loss, the applicants propose to compensate by setting aside an off-site area of habitat (outside the application site but within their control) to the east and south-east of the application site, totalling 8.8ha. this land would have been grazing marsh prior to it being drained and agriculturally improved and could be managed sympathetically to reinstate its value and function for local wildlife. A management plan for this land will be controlled by a proposed condition. As such, the loss of coastal floodplain and appropriate mitigation is considered appropriate.
- 5.26 The proposal includes the loss of some hedgerows. To off-set this loss, the Environmental Impact Assessment indicates that 2.2km of hedgerow will be planted as part of the landscaping design of the scheme, designed with a long-term management plan of the new hedge system to benefit wildlife. This will be controlled by an appropriately worded condition.
- 5.27 Severn Estuary Special Protection Area (SPA)
The application site is located within the coastal floodplain of the Severn Estuary, SSSI, SPA and Ramsar Site (see paragraph 5.18 above). Regulation 61 of the Habitats Regulations (2010) requires that where a 'plan or project' is likely to have a significant effect on the European features of interest of a SPA, SAC and is not '*directly connected with or necessary to the management of the site*' it should be subject to an '*appropriate assessment*' prior to granting any consent or permission. Whilst the application site lies outside the European designation site boundary, the same legal protection applies to the qualifying species outside the boundary of SPA/Ramsar sites.
- 5.28 To the north of the site lie two pools, Orchard Pools, that were constructed for ecological mitigation for the development of G-Park (originally called 'Western Approach Park'). The Environmental Impact Assessment records that Orchard Pools are used by several species of waterfowl that form part of the internationally important assemblage of wildlife that qualifies the Estuary as a SPA. Concerns were raised by the Council's Ecologist and Natural England regarding the proximity of the development to these pools, and the potential disturbance to these important wildfowl. As such, the building line of the proposed buildings on site was moved back into the site itself, with a wider conservation zone acting as a buffer between the built development and Orchard Pools. This performs two functions: provides a better sight-line for the birds flying to Orchard Pools, and reduces noise disturbance for birds on the pools.
- 5.29 Information supplied in the addendum to the Environmental Impact Assessment indicates that the background noise level at Orchard Pools is in the mid-40's decibels (dBA). The estimated peak noise level of passing trains along the Severn Beach line is between 52-59 dBA. The noise from piling in the

construction phase is calculated at 75dBA at the southern end of Orchard Pools and 67 dBA at the northern end. Post construction operations are calculated as having a level of between 45-53 dBA at Orchard Pools. Mitigation measures are proposed (including the erection of a noise barrier) so that construction noise levels are reduced to not exceed 70 dBA. 70 dBA is considered the maximum noise that the birds will tolerate at habitats. Given this, the proposed mitigation strategy, which will be conditioned, and the fact that construction will be for a temporary period, both the Council's Ecologist and Natural England consider that proposals will not have a detrimental effect on the SPA.

- 5.30 The Council's Ecologist raised the issue of the walkway within the conservation zone on site, which is not considered appropriate, however, this issue will be dealt with at reserved matters stage when the detailed design is applied for.
- 5.31 As stated in paragraph 5.26 above, the development must be the subject of an 'appropriate assessment' under the Habitat Regulations. The appropriate assessment, which has been agreed by Natural England, has concluded that proposal is not likely to have a significant effect overall on the European Features of Interest within the Severn Estuary SPA/Ramsar for the following reasons:
- Three species of wintering wildfowl were recorded on the fields on site or at Orchard Pools. The actual loss of the fields on site will not have a significant effect on the European designation in itself through a direct loss of habitat. The numbers of European designated waterfowl recorded (shelduck and curlew) on these fields were considerably less than 1% of the overall population of each species within the Severn Estuary SPA. Therefore the loss of these fields will not have a significant effect on the conservation objectives of the European designated site.
 - With regard to noise and disturbance during construction and operational phases, the application includes a package of measures to reduce construction noise levels across Orchard Pools to 70dBA, and operational noise to between 54-53 dBA.
 - The layout of the development includes a conservation area of new semi-natural habitat between the built form and Orchard Pools. It will provide a new wetland habitat and will act as a buffer zone between the development and Orchard Pools.
- 5.32 With regard to the Parish Council comments regarding building lines , it is considered, that with the recommended conditions, the effect on the wildlife on site will be suitably mitigated, and in the case of Great Crested Newts, improved. Furthermore, there will be an appropriate landscape buffer to Severn Road, which will be detailed in future reserved matters applications, since landscaping is a reserved matter. It is also material that the majority of the site could be built out without any further planning permissions under the 1957 consent without any mitigation for wildlife. As such, it is considered that the proposed building lines are acceptable in landscape and ecological grounds.
- 5.33 In conclusion, the proposed scheme, including proposed on-site and off-site mitigation is acceptable when assessed by local, national and European ecological policy and regulations.

5.34 Archaeology

The applicants have submitted an archaeological desk top study and a series of geophysical surveys and on the basis of this information the Council's Archaeologist considers it unlikely that remains of national importance will be revealed during the development and that as such archaeological issues can be dealt with by conditions requiring the submission and agreement of a programme of archaeological works to be undertaken prior to the determination of any reserved matters applications. There is however a need for co-ordination of the archaeological works during their eventual publication and this is best covered by including the requirement to carry out the further programme of archaeological work within the S106 agreement, so that they can be coordinated across the site as whole.

5.35 Flood Risk and Drainage

The site lies in flood zone 3a- an area that is of high probability of flooding. The proposed development, when assessed by the Flood Risk Vulnerability Classification in PPS25, is a 'less vulnerable' use. Whilst PPS25 indicates that this type of development is appropriate, the 'exception test' in PPS25 must be passed, as development is within an area characterised for its high probability of flooding. The exception test has the following criteria:

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk
- Development should be on developable previously developed land, or if not, that there are no reasonable alternative sites on developable previously developed land
- A Flood Risk Assessment (FRA) must demonstrate that the development will be safe, without increasing flood risk elsewhere

5.36 With regard to the first criterion of the exception test- the site is within an allocated employment area and within the area of the 57 consent. Furthermore, the Local Plan directs large warehousing development to this area within South Gloucestershire, due to the large size of warehousing units in general and the area's links to the strategic road network. It is also material that the majority of the site could be built out under the 57 consent, without the need for any further planning permissions. As such, it is considered that the first criterion of the exception test is passed. With regard to the second test- the site is partly on previously developed land, and partly on greenfield land. However, given that the greenfield part of the site, which is the larger part of the application site, could be built out without any further planning permission, it is considered that the second criterion is passed. With regard to the FRA, it has been negotiated between the applicants and the Environment Agency that the development must ensure that the finished floor levels are set no lower than 7.6 above Ordnance Datum (AOD). This ensures that the development will be safe from flooding. Whilst this raising of levels on site will result in some displacement of existing flood storage capacity, this has to be seen in the context of 57 consent as a whole, which, due to the 'open' nature of the planning permission, has no controls on flood risk or flood plain displacement at all. Since the current application site is such a small part of the overall area of the 57 consent, representing 12% of the overall developable area, it is considered that this loss

of flood storage capacity, when viewed as a part of overall 57 consent area, will have a minimal effect. Given the above it is considered that the exception test is passed and the proposal in conformity with PPS25.

5.37 Subject to conditions requiring the finished floor levels to be set at 7.6 AOD and conditions relating to contamination, as requested by the Environment Agency, the flood risk and drainage implications of the proposal are acceptable.

5.38 Residential Amenity

There are no residential properties within the vicinity of the site, so there are no residential amenity issues arising as a result of the proposal.

5.39 Conclusion on analysis of assessment of planning application

The brownfield part of the site, allocated under Policy E4 is acceptable in principle when assessed against this policy. The greenfield part of the site could be built out under the 57 consent without any further planning permissions, and as such, this is a material consideration of some weight in terms of both the allocation under Policy E2 and the Coastal Zone allocation. The proposal will result in the loss of playing fields, and this is mitigated with an appropriate S106 obligation to provide or improve provision within 5km of the site. With regard to transportation, traffic generated from the proposal is likely to increase impacts on Easter Compton, Pilning and the Blackhorse Hill arm of junction 17 of the M5. To mitigate this, a S106 obligation is proposed to include traffic management works in these villages, as well as accommodation works at the Blackhorse Hill arm of junction 17. Landscape, external appearance, scale and layout are reserved matters to be decided at a later date, if the application is approved, and the Design and Access Statement is considered appropriate for guiding reserved matters applications. The scheme includes a conservation zone, which mitigates against any increase in disturbance to birds in Orchard Pools, and provides habitat for protected species and other species on site. Loss of coastal floodplain on site is also mitigated. The development is lawful when considering the effects on great crested newts and the impact on the European designated estuary and the surrounding area is not considered significant and in accordance with the Habitat Regulations. There are no adverse archaeological impacts of the proposal. Given the size of the development in comparison with the overall implementable area of the 57 consent, the flood risk implications of the proposal are acceptable. There are no residential amenity issues with the proposal. As such, the proposals are considered acceptable.

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 brownfield part of the proposal is in accordance with Policy E4 of the Local Plan. The greenfield part of the proposal does not accord with all the criteria of Policy E2, or Policy E3 but given that this part of the site could be implemented without any further planning permissions under the 57 consent, and the fact

that it represents only 12% of the total developable area of the 57 consent, this is a material consideration that weighs heavily in favour of the development. The proposal, due to the proposed mitigation in the form of a S106 obligation to find replacement or improved sports facilities, is in accordance with Policies LC1 and LC9. The transportation implications of the proposal, due to the mitigation proposed in terms of traffic management improvements and improvements to junction 17 of the M5 are in accordance with Policy T12. The proposed Design and Access Statement is appropriate to inform the reserved matters application and is in accordance with Policy D1 and L1. The proposal, due to various ecological mitigation, is in accordance with Policy L9. The development is also lawful when assessed by the Habitat Regulations with regards to protected species. The development is also lawful as an appropriate assessment undertaken as required by the Habitat Regulations has concluded that there will be no significant effect on the Special Area of Conservation. The proposed archaeological implications of the proposal are in accordance with Policy L11. The proposal, given that it represents only 12% of the total overall developable area of the 57 consent, is in accordance with Policy EP2 and PPS25.

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

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- £200, 000 towards traffic management works at and through the villages of Pilning and Easter Compton and accommodation works on the Blackhorse Hill approach to the M5 junction 17
 - £197, 800 towards the creation of or qualitative or quantitative improvements of formal sports pitches within 5km of the site
 - £15, 000 towards a feasibility study to find a suitable area for creation or improvement of formal sports pitches
 - Not to carry out any ground disturbance or commence operational development in any part of the site until an archaeological site investigation in relation to the land is completed to the satisfaction of the Council,, and any further works required as a result of the archaeological site investigation shall be carried out to the satisfaction of the Council in accordance with the timescale identified in the archaeological investigation brief
 - Monitoring fee at 4% of total S106 contributions
- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.

- 7.3 If the S106 agreement is not signed and sealed within 6 months of this determination, then , in view of the length of time, the application should either:
- (a) Return to the Development Control Area Committee for reconsideration
 - (b) The application should be refused due to the failure to secure the Heads of Terms listed above under a Section 106 Agreement, for the reasons listed in Section 7.1

Contact Officer: Sarah Tucker
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CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

In accordance with the letter from the Chief Planner, Department of Communities and Local Government dated 30 April 2009

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

Reason

In accordance with the Chief Planners letter, Department of Communities and Local Government dated 30 April 2009

5. Application for the approval of the reserved matters shall be in accordance with the parameters described in the design and access statement hereby approved and the Development Framework Plan, drawing numbered 30077-PL-103H recieved by the Council on 26 April 2011.

Reason

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

6. The development hereby permitted shall not exceed a maximum of 119,660 sq m gross floorspace and shall be provided in a maximum of 6 units and such units shall not be internally sub-divided to create additional self-contained units, without the prior written approval of the Local Planning Authority.

Reason

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

7. The development hereby permitted shall include one unit to be occupied by a Class B8 use including any ancillary Class B1 or B2 accommodation as specified in the Town and Country Planning (Use Classes) Order 1987 (as amended) with a minimum gross floorspace of 40,000 sq.m.

Reason

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

8. In addition to the unit referred to in Condition No.7 above, the remainder of the floorspace hereby permitted shall not exceed 69,296 sq.m gross floorspace in total and shall be restricted to Use Classes B2 and/or B8, (including any ancillary B1 accommodation), as specified in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason

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

9. Prior to the occupation of each unit of the development hereby permitted, a comprehensive Travel Plan for B2 units greater than 2000 sq.m and B8 units greater than 5000 sq.m shall be submitted to and approved in writing by the Local Planning Authority and Local Highway Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport) and implemented in accordance with the approved document. Units of lesser size shall manage their travel demand in accordance with the approved Travel Plan Framework.

Reason

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

10. Each comprehensive Travel Plan shall be prepared in line with the approved Travel Plan Framework document (IMA Transport Planning, September 2010, IMA-09-043), plus prevailing policy and best practice, and shall include as a minimum:
 - The identification of targets for trip reduction and modal shift derived from trip rates shown in Table 2 below for the unit controlled by Condition No.8 and the trip rates shown in Table 1 below for the units controlled by Condition No.9 and provided

in the September 2010 Transport Assessment (IMA-09-043) and which meet SMART (Specific, Measurable, Attainable, Relevant, Time-bound) criteria;

Table 1: General B8 and B2 Units

	B8 Trip Rates per 100m2			B2 Trip Rates per 100m2		
	In	Out	Total	In	Out	Total
AM	0.3	0.2	0.5	0.34	0.08	0.42
PM	0.1	0.14	0.24	0.07	0.43	0.5

Table 2: Large B8 Unit

	Large B8 Trip Rates per 100m2		
	In	Out	Total
AM	0.18	0.099	0.279
PM	0.194	0.121	0.315

- Submission of a timetabled implementation plan;
- The mechanisms for monitoring and review: monitoring to take place at 40% occupancy and then after 1 year, 3 years and 5 years;
- The fallback arrangements and measures to be applied in the event that trip reduction targets are not reached and trip rates contained in the September 2010 Transport Assessment shown in Table 2 above for the unit controlled by Condition No.8 and the trip rates shown in Table 1 above for the units controlled by Condition No.9 are exceeded;
- The management arrangements including the appointment of a suitably trained Travel Plan co-ordinator to an agreed timescale or timetable and its operation thereafter and a mechanism for joint working between the component elements of the development;

All the recommendations and proposed actions contained within the approved Travel Plans shall be implemented in accordance with the timetable contained therein, and the approved Travel Plans (or any variation of the Travel Plans agreed in writing with the Local Planning Authority who shall consult with the Highways Agency acting on behalf of the Secretary of State for Transport) shall be operated thereafter strictly in accordance with the details approved.

Reason

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

11. Vehicular access and access by pedestrians and cyclists to the development hereby permitted shall be in accordance with the approved Development Framework Plan as set out in Drawing numbered 30077-PL-103H received at the Council on 26 April 2011. These access points shall be formed, laid out, constructed and drained before any building served by such vehicular, pedestrian or cycle access is first occupied in accordance with detailed drawings as shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the construction of the

development (save for such preliminary works as the Local Planning Authority may approve in writing).

Reason

In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. 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 order to ensure the adequate protection of archaeological remains, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. No phase (or sub-phase) of the development hereby permitted shall be commenced (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), until the following components of a scheme to deal with the risks associated with contamination of that phase (or sub-phase) of the site have been submitted to and approved in writing by the Local Planning Authority:

- 1) A site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 2) The site investigation results and the detailed risk assessment from 1) above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in 2) above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason

To protect controlled waters

15. Piling or any other foundation designs using penetrative methods shall only be undertaken with the prior written express consent of the Local Planning Authority. The

development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason

To protect controlled waters

16. Prior to the commencement of development (save for such preliminary works as the Local Planning Authority may approve in writing) a Landscape Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, including the proposed on-site and off-site conservation areas, shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include the following elements:

- Explanation of the landscape proposals
- Detail, extent and type of new planting (NB planting to be of native species of regional provenance, where possible)
- Details of the retention of existing vegetation, where possible
- Details of maintenance regimes of existing vegetation and new planting, both short and long term
- Details of any new habitat created on site
- Details of treatment of site boundaries and/or buffers around water bodies
- Details of planting within water bodies
- Details of profiles and levels within water bodies

The development shall be carried out in accordance with the approved Landscape Management Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason

To protect the character and appearance of the area to accord with Policies D1, L1, E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

17. All works on site shall be subject to the great crested newt mitigation strategy agreed with the Council as set out in the Environmental Statement dated September 2011 (including further information submitted March 2011) that will form the basis of an European species licence application under Regulation 53/56 of the Habitat Regulations 2010. All works shall be carried out in accordance with the mitigation strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure health and wellbeing of nearby wildlife and habitats and in accordance with Policy L9 of the local plan.

18. The development hereby permitted shall be carried out in accordance with the Hedgehog, Song Thrush and Invertebrates mitigation measures identified for this site and set out in the Environmental Statement dated September 2010 (including the further information dated February 2011, submitted in March 2011) unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure health and wellbeing of nearby wildlife and habitats and in accordance with Policy L9 of the local plan.

19. A contingency strategy for grass snakes and slow-worms should reptiles be found on site shall be drawn up and agreed in writing with the Council prior to development commencing. The development shall be carried out in accordance with the agreed strategy unless otherwise agreed in writing by the Local Planning Authority

Reason

To ensure health and wellbeing of nearby wildlife and habitats and in accordance with Policy L9 of the local plan.

20. Prior to commencement of the development hereby permitted (save for such preliminary works as the Local Planning Authority may approve in writing) a Wildlife Management Plan, based upon the principles set out in the Environmental Statement dated September 2010 (including the further information dated February 2011, submitted in March 2011), including long-term objectives, management responsibilities, monitoring strategies for at least a period of 5 years, public access strategy and maintenance schedules for all wildlife habitats on the site, including the proposed on-site and off-site conservation areas, and the provision of an qualified and licensed ecological 'clerk of works' to oversee monitoring, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with this approved Wildlife Management Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure health and wellbeing of nearby wildlife and habitats and in accordance with Policy L9 of the local plan.

21. No construction of any phase of the development shall take place (save for such preliminary works as the Local Planning Authority may approve in writing) until drainage details for that phase of the development incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, culverts) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies (L17/L8/EP1) of the South Gloucestershire Local Plan (Adopted) January 2006.

22. No construction of any phase of the development shall take place (save for such preliminary works as the Local Planning Authority may approve in writing) until a detailed scheme for the disposal of foul water generated by that phase of the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and no building in that phase shall be occupied until the sewage disposal works to

serve that phase have been completed in accordance with the approved details and are operational unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies (L17/L8/EP1) of the South Gloucestershire Local Plan (Adopted) January 2006.(Delete as appropriate)

23. The development shall be implemented in accordance with the ecology mitigation measures relating to construction noise impacts at Orchard Pools, as set out in the Environmental Statement dated September 2010 (including the further information dated February 2011, submitted in March 2011) including the following:

- The peak level of noise during the construction phase shall not exceed 70dB (LA01,1hr) as measured at the southern edge of Orchard Pools
- Any piling on any part of the site shall commence at the furthest point and work towards the Pools with the nearest piling carried out last
- Piling should avoid high tide periods and shall be limited to daylight hours
- A monitoring scheme shall be implemented to monitor the effect of construction works on the wintering bird assemblage using Orchard Pools. Details of the monitoring scheme shall be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on the site.

Reason

To minimise disturbance to nearby wildlife and to accord with Policy L9 of the Local Plan

24. Prior to the first use or occupation of any of the development hereby permitted, an acoustic fence of up to 4 metres in height, including a sound absorbent facing on the southern or service yard side of the fence, shall be erected along the northern boundary of the operational site in accordance with full design and layout details to be submitted to and approved in writing by the Local Planning Authority before its installation. The acoustic fence shall be installed and thereafter retained in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason

To minimise disturbance to nearby wildlife and to accord with Policy L9 of the Local Plan

25. No development shall take place, including any works of clearance or demolition, (save for such preliminary works as the Local Planning Authority may approve in writing) until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Construction Management Plan shall be adhered to throughout the construction period on the site unless otherwise agreed in writing with the Local Planning Authority. The Plan shall include details of the following:

- the parking of vehicles of site operatives and visitors,
- loading and unloading of plant and materials,
- temporary buildings on the site,

- temporary lighting during construction works,
- enclosure of working areas,
- storage of plant and materials used in constructing the development,
- noise limits at the site boundary and working hours during construction,
- arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent public highways,
- measures to control the emission of dust and dirt during construction,
- the management of surface water and protection of the rhines on the site,
- dewatering operations during excavation,
- safe management of contaminated land during construction,
- arrangements for the storage of fuels and chemicals,
- relevant contact points for site management and monitoring.

Reason

To minimise disturbance to nearby wildlife and to accord with Policy L9 of the Local Plan

26. Notwithstanding the details shown on the Site Levels & Site Sections drawing (Drawing No. 30077-PL-110C) submitted with the application, the development hereby permitted shall ensure that finished floor levels [of the buildings] are set no lower than 7.6m above Ordnance Datum (AOD).

Reason

To prevent non-point sourceflooding, and to accord with Policies L17, L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

27. No development shall take place (save for such preliminary works as the Local Planning Authority may approve in writing) until a Site Waste Management Plan for the construction phase of the development has been submitted to and approved by the Local Planning Authority in writing. The Site Waste Management Plan shall include details of:

- (a) The volume and nature of site waste which will be generated through the demolition, site clearance, site levelling and/or excavation process.
- (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, water bodies, mounds and any other ground features.
- (c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
- (d) The volume of additional fill material which may be required to achieve, for example, permitted finished levels or ground contours prior to construction.
- (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

The construction of the development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure that site waste arising from the site is minimised.

28. The development hereby permitted shall achieve a minimum of Building Research Establishment Environmental Assessment Method (BREEAM) level of 'very good' (or the equivalent standard which replaces the Building Research Establishment Environmental Assessment Method, which is to be the assessment in force when the development concerned is registered for assessment purposes).

Reason

In order to provide a sustainable form of development and in accordance with Policy D1 of the adopted Local Plan.

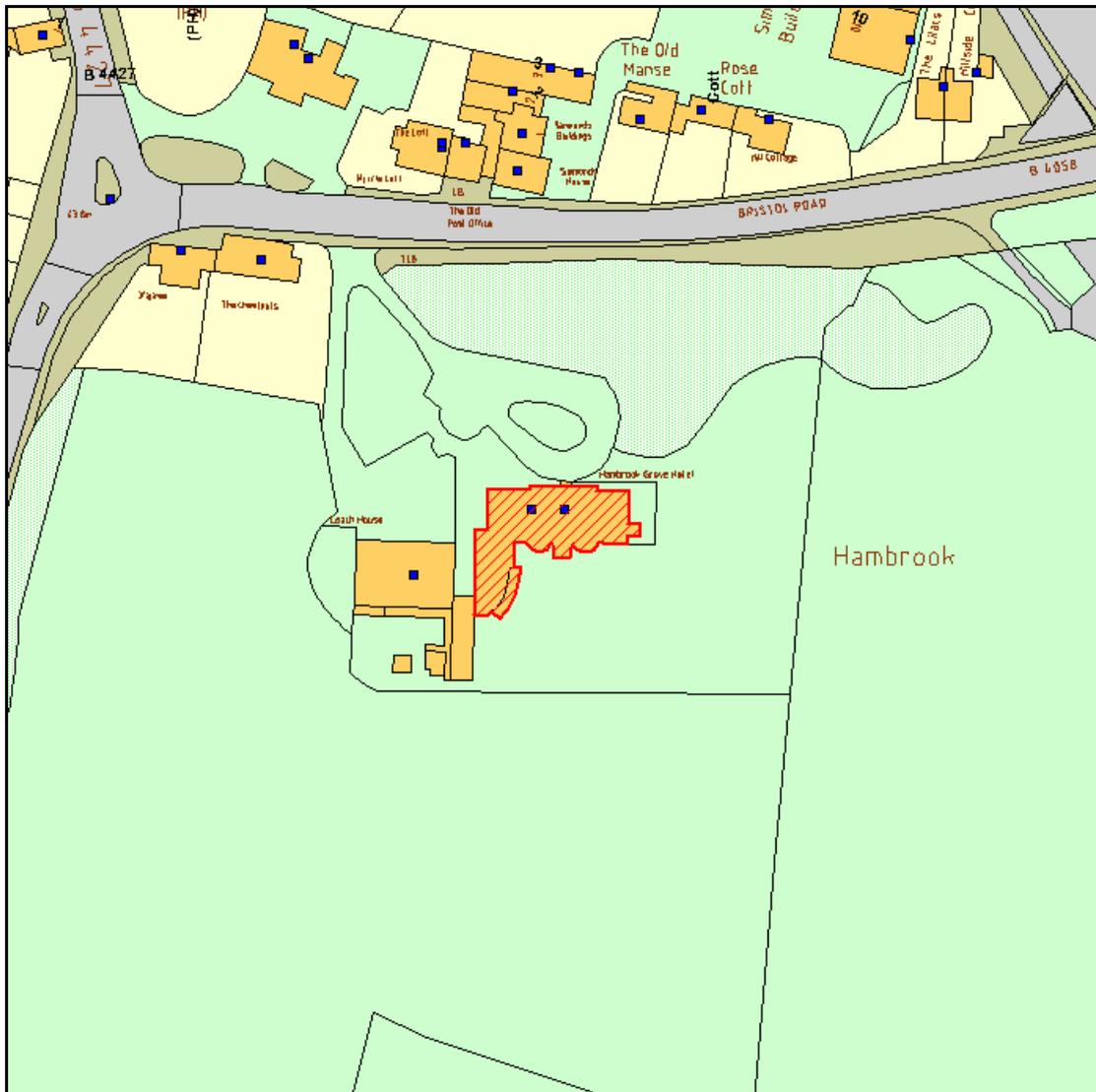
29. No phase or sub phase of the development hereby permitted shall be commenced until details of any floodlighting and external illuminations, including measures to control light spillage for that phase or sub phase shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To minimise disturbance to wildlife and neighbouring occupiers

CIRCULATED SCHEDULE NO. 28/11 – 22 JULY 2011

App No.:	PT11/0646/F	Applicant:	Mr M. Iqbal
Site:	Hambrook Grove Hotel Bristol Road Hambrook South Gloucestershire	Date Reg:	9th June 2011
Proposal:	Change of use from hotel (Class C1) to single residential dwelling (Class C3) as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended) (Resubmission of PT10/2869/F)	Parish:	Winterbourne Parish Council
Map Ref:	364221 178915	Ward:	Winterbourne
Application Category:	Minor	Target Date:	1st August 2011



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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 change of use from hotel (Class C1) to single residential dwelling (Class C3) as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended) (Resubmission of PT10/2869/F).
- 1.2 Hambrook Grove Hotel is a Grade II Listed Building that was originally built as a house in the late 18th/early 19th Century. The building resides within the Hambrook Conservation Area and the open Green Belt. The main block consists of 3 storeys with 2 storey wings to the left and right added at a later date. The building was listed on 3rd August 1984 and at this time the building was in use as a hotel.
- 1.3 The Council is also in receipt of listed building application PT11/0648/LB for external and internal alterations to facilitate conversion from hotel to single residential dwelling (resubmission of PT10/2870/LB). The application has yet to be determined. Both the previous planning and listed building applications were withdrawn following Officer's concerns regarding the acceptability of the scheme.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPG13	Transport

2.2 Development Plans

Joint Replacement Structure Plan – Policy 19

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
E6	Employment Development in the Countryside
E7	Conversion and Re-use of Rural Buildings
EP1	Environmental Pollution
EP4	Noise-Sensitive Development
GB1	Development within the Green Belt
H2	Proposals for Residential Development within the Defined Settlement Boundaries

H4	Development within Existing Residential Curtilage
H5	Residential Conversions and Re-use of Buildings for Residential Purposes
H10	Conversion and Re-use of Rural Buildings for Residential Purposes
L1	Landscape Protection and Enhancement
L12	Conservation Areas
L13	Listed Buildings
T8	Parking Standards
T12	Transportation Development Control Policy for new Development

Emerging Development Plan

Core Strategy Proposed Changes Submission Publication Draft (December 2010)

CS1	High Quality Design
CS5	Location of Development
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

2.3 Supplementary Planning Guidance

Development in the Green Belt (2007)
South Gloucestershire Design Checklist (Adopted) 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT09/5831/LB - External and internal alterations to facilitate conversion from hotel to single residential dwelling. Refused.
- 3.2 PT10/2869/F - Change of use from hotel (Class C1) to single residential dwelling (Class C3) as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended) (Resubmission of PT09/5771/F). Withdrawn.
- 3.3 PT10/2870/LB - External and internal alterations to facilitate conversion from hotel to single residential dwelling. (Resubmission of PT09/5831/LB). Withdrawn.
- 3.4 PT11/0648/LB - External and internal alterations to facilitate conversion from hotel to single residential dwelling. (Resubmission of PT10/2870/LB). Yet to be determined.

4. **CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council
No objection.

4.2 Other Consultees

Transportation

No objection.

Conservation

No objection subject to conditions.

Environmental Protection

No objection subject to condition.

Archaeology

No objection.

Other Representations

4.3 Local Residents

One letter of objection was received raising the following concerns:

- There is a shortage of hotel space in the locality
- Reopening of hotel would provide jobs
- Property is excessively large for a private dwelling

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy EC12 of PPS4 states that the re-use of buildings in the countryside for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations and for some types of building. This preference for economic/employment development re-use of rural buildings is supported by Policies E6, E7 and H10 of the Local Plan.

5.2 The existing building is Grade II listed and Policy L13 of the Local Plan seeks to ensure that new development involving curtilage listed buildings will not result in a harmful impact to the setting of the listed building or the loss of historic fabric.

5.3 Hambrook Grove is also located in the open Green Belt and Policy GB1 of the Local Plan states that permission will only be given for the change of use of an existing building where it would not have a materially greater impact than the present authorised use on the openness of the Green Belt.

5.4 Re-use of Building for Economic Development

The applicant has submitted a planning statement outlining the reasons why it is preferable for Hambrook Grove to revert back to its original residential use instead of pursuing an economic one. These can be summarised as follows:

- There are other corporate hotels close by (two Holiday Inns and Aztec West Hotel)

- The local area is not reliant on holiday use and will not attract trade
- Converting the premises to a hotel would result in loss of trade to neighbouring Coach House hotel
- There is plenty of office space available in and around Bristol
- An office use would require much internal work that would damage the structure of the building and harm the listed building
- Residential use would enhance the quality of the internal features of the building, which will be preserved by the present owner

5.5 The lack of demand for a hotel in this location is perhaps best demonstrated by the fact that the hotel closed down approximately 5 years ago and the building has been in a state of disrepair and derelict ever since. In terms of office space the applicant has provided nothing in the way of evidence that there is a preponderance of office space in Bristol however the points regarding the suitability of the building for hotel use or office space are accepted and discussed in more detail in the listed building section of this report.

5.6 Impact on Listed Building

Hambrook Grove Hotel is an important building dating from the late eighteenth century/early nineteenth century. It is of polite Georgian design, with five bay three storey main frontage, flanked by two storey side wings. The main elevation is rendered, upper floors of rusticated roughcast, and the side wings are rubble pennant. The house is set in spacious grounds.

5.7 As previously mentioned, Policy EC12 of PPS4 states that residential conversions may be more appropriate in some locations and for some types of building. Significant weight is given to the fact that the original use of the building was for residential purposes. The conversion of the building into a hotel introduced modern partitioning to internally subdivide the property, to the detriment of the structural integrity of the listed building. Although it is not proposed for these partitions to be removed, only modest changes are required to convert the property into a residential use. It is likely that changes to convert the building into office space or even to revert back to the hotel use (as the premises is in such disrepair) would require a considerable amount of structural change which could damage the structural integrity of the building further. These could include strengthening of timber floors to accommodate office loading and other damage to the structure as new IT requires extensive cabling. Additional considerations would be the provision of fire escapes, network facilities and Health and Safety requirements, for level access, and lifts to the first floor.

5.8 In conclusion, it is considered that the building has suffered from extensive and insensitive alteration over recent years and both the building and its setting are in need of sympathetic restoration. The most appropriate way for this to be achieved is for the listed building to revert to its original use as a residential property and the change of use is therefore deemed acceptable. A number of conditions will be attached to the decision notice requesting further details, and in some cases samples, of materials and building methods to be used.

The proposed change of use would not have an adverse impact upon the Conservation Area.

5.9 Green Belt

Policy GB1 of the Local Plan allows for changes of use provided there is no materially greater impact than the present authorised use on the openness of the Green Belt. It is considered that there certainly wouldn't be a greater impact, and in fact there would likely be a reduction in the intensification of the use of the site leading to slightly less an impact on the Green Belt.

5.10 Residential Amenity / Noise Assessment

The building is set within large grounds and the change of use would not prejudice the residential amenity of any neighbouring occupiers.

The building is in close proximity to major roads including the M4 and M32. Therefore a noise survey has been carried out in order to assist the local planning authority in determining the change of use application. The noise survey concludes that the noise exposure category is B. The report advises that:

'this means 'noise should be taken in to account 'where appropriate' and mitigation measures should be installed on the building to reduce the noise within the dwelling. If the building is listed, conservation restrictions may make this inappropriate and planning may choose to disregard noise.

Typical measures to reduce noise within the dwelling include acoustic/secondary glazing however conservation officers may have concern about changing the look of the windows. Also the fitting of acoustic seals to the windows may help achieve better sound insulation through the fa ade.

An alternative to the windows being treated as 'noise barriers' or sound attenuating zone (evergreen trees) which could be constructed on the north and western boundary of the property but this may be a bit of drastic measure for a property that is category B.

The developer will have to work with the conservation officers and agree what mitigation measures can be utilised on this project without taking away from the character of the building.'

Both the conservation officer and environmental health officer have agreed that the use of acoustic seals would be the most suitable solution. A condition will therefore be attached to the decision notice requesting further details of these.

5.11 Transportation

The proposed use will generate significantly less traffic and require less parking than the existing hotel use. There is ample hardstanding for off street parking to the front of the property. On this basis there is no transportation objection.

5.12 Design / Visual Amenity

The external changes proposed to the listed building would improve the visual appearance of the building which is currently in a poor state of disrepair. To the rear of the property an obtrusive close-boarded fence is to be removed which was put up as a temporary measure while building work takes place. The size of residential curtilage proposed is considered acceptable as it is of the same size that was associated with the hotel and also the original use as a dwelling with a 'ha-ha' being the boundary line to the rear / south.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.
- a) The proposed change of use to residential is considered the most appropriate use of Hambrook Grove given the listed building status and current condition of the building along with the difficulties associated with converting the building into an employment generating use. The development therefore accords to Policies E7, H10 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy EC12 of PPS4.
 - b) The proposed change of use is acceptable in design/visual terms, would not prejudice highway safety, would not prejudice residential amenity, would not harm the setting of the listed building and would not harm the openness of the Green Belt. The development therefore accords to Policy D1, EP1, L1, T12, and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007 and Development in the Green Belt (2007).

7. RECOMMENDATION

- 7.1 That planning permission is **GRANTED** subject to the conditions below:

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).

2. Notwithstanding the previously submitted information, prior to the removal of any part of the render from the building, a detailed timetable, specification and schedule of works for the removal of the render and its replacement with a lime render shall be submitted and agreed in writing by the local planning authority. Once agreed the works shall be carried out in full in strict accordance with the agreed specification and timetable. For the avoidance of doubt the timetable shall include confirmation of the date of the commencement of render removal, and a timetable for completion of the lime render.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) 2006 and PPS5.

3. Notwithstanding previously submitted details, no metal angle beads shall be used in the rendering of the building, and no bell-cast drips formed at the head of windows and doors. All corners and all heads of windows and doors shall be swept, using hand tools.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) 2006 and PPS5.

4. Prior to works commencing, representative sample panels of both the lined out roughcast render and plain roughcast render, each of at least one metre square showing the render finish, texture and colour, shall be erected on site for approval in writing by the local planning authority. The render shall be completed strictly in accordance with the approved panels, which shall be retained on site until completion of the approved works for consistency.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) 2006 and PPS5.

5. Notwithstanding previously submitted details, no works shall take place until the detailed design, including materials and finishes, of the following items, have been submitted and approved in writing by the local planning authority.
 - a. all new windows (to include details of acoustic seals)
 - b. all new doors
 - c. rainwater goods

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

Reasons

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) 2006 and PPS5.

To minimise disturbance to occupiers of Hambrook Grove and to accord with Policies EP1 and EP4 of the South Gloucestershire Local Plan (Adopted) 2006.

6. Notwithstanding previously submitted information, no works shall commence until full details of all new and replacement wall, floor and ceiling finishes have been submitted and approved in writing by the local planning authority. Representative samples of all flooring finishes shall be submitted and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed materials.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) 2006 and PPS5.

7. Notwithstanding previously submitted information, where structural alterations or repairs are required as part of the approved works these shall not be carried out until a detailed schedule and specification of structural alterations and repairs, for which consent is expressly reserved, has been submitted and approved in writing by the local planning authority. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) 2006 and PPS5.

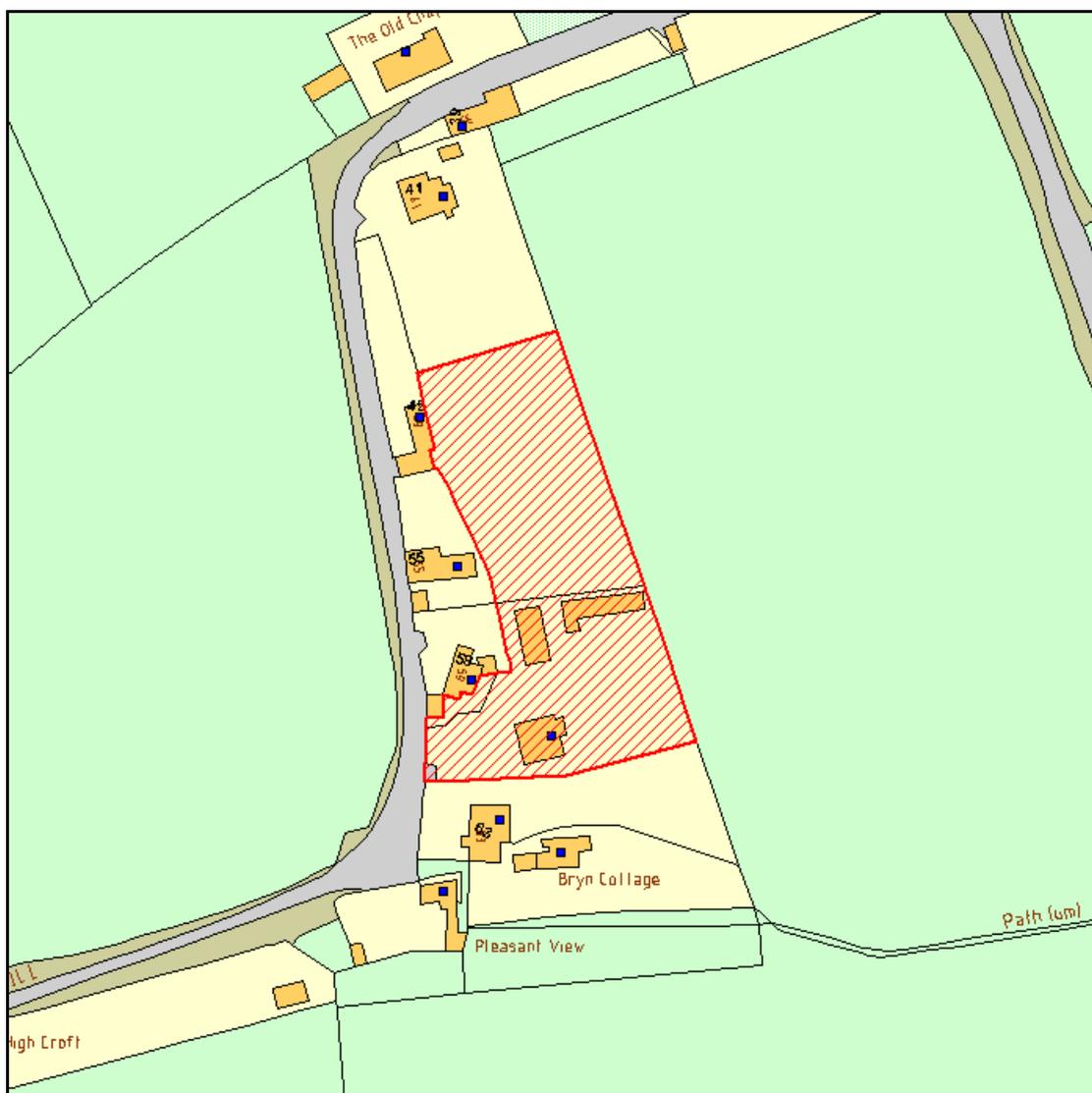
8. Following the removal of the rear lean-to, as shown on the approved plans, the walling shall be made good.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) 2006 and PPS5.

CIRCULATED SCHEDULE NO. 28/11 – 22 JULY 2011

App No.:	PT11/1116/CLE	Applicant:	Mrs D Gibbs
Site:	61 Bury Hill Winterbourne Down Bristol South Gloucestershire BS36 1AD	Date Reg:	15th April 2011
Proposal:	Application for Certificate of Lawfulness for existing use of land outlined red and associated buidings as a single residential unit (Class C3) .(Excluding detached garage).	Parish:	Winterbourne Parish Council
Map Ref:	365732 179142	Ward:	Winterbourne
Application Category:	Minor	Target Date:	8th June 2011



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 100023410, 2008. **N.T.S.** **PT11/1116/CLE**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated List because it comprises a Certificate of Lawfulness.

1. THE PROPOSAL

- 1.1 This application seeks a Certificate of Lawfulness for an existing use of land outlined in red and associated buildings as a single residential unit (Class C3).
- 1.2 The application site comprises a two-storey dwellinghouse situated on the eastern side of Bury Hill within the open Green Belt outside the defined settlement boundary. Access is through a gated entrance and the dwelling is set back from the street behind a large hard standing area, which covers the entire front garden area of the dwelling. A grass garden area is located directly behind the dwelling and is screened by mature vegetation along the boundaries as well as several large trees. A large parcel of land within the ownership of the applicant is located to the north of the dwelling.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/0513/F, conversion of and alteration of roofline to outbuilding to form 2no. self catering holiday units, refusal, 09/03/06.
- 3.2 PT07/2049/F, installation of 2no. rear dormer windows (resubmission of PT07/1228/F), approval, 30/07/07.
- 3.3 PT07/1228/F, installation of 2no. rear dormer windows, refusal, 22/05/07.
- 3.4 PT06/0043/F, erection of side conservatory and replacement detached garage, approval, 14/02/06.
- 3.5 PT08/2044/F, conversion and alteration of roofline of former pig sty to games room/gymnasium, did not require planning permission, 24/07/08.

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 4.1 Sworn declarations prepared by the solicitors Kirby Sheppard and signed by the respective parties have been received from the following:

The applicants Mr and Mrs Gibbs stating that the site has been used as a self-contained dwellinghouse and residential garden since June 2004. The applicants have submitted land registry documents indicating ownership from

28th June 2004, as well as various site plans and block plans with the site outlined in red.

A second sworn declaration has been received from Mr and Mrs Gibbs, which address the allegations of commercial activities at the site.

Sara Grace Bowers stating that she has known the applicants for approximately 10 years and has been their childminder for the applicants children since they have lived at the site. She states that over the last five years she has worked from 4pm to 7pm 3 days a week. The statement indicates that apart from vacations, this has been continuous for the last five years and confirms that the entire land outlined in red has been used by the children as a residential garden and at no time fenced off or used for agricultural purposes.

Timothy Peter Allen stating that he has been a family friend of the applicants for 10 years. He states that his children intermittently babysat the applicant's children mostly on weekends on average once a month and on the 80 occasions at least over the last 7 years of visiting, all the land was being used as a private residential garden by the applicants with the typical residential paraphernalia.

Barry Preece stating that he is the sole proprietor of BPA Consultants and has been involved in the numerous planning applications at the site. He states that he can confirm that all the land and buildings within the red line have been used for residential purposes ancillary to the main house and not for agricultural use at all.

4.2 In addition, the following 10no. letters of support have been received:

Mary Anne Skuse – this letter states that she has know the applicants family for 1 years and has been coming for applicants children's parties held in the rear garden. She states that the children play in the garden after school and that she has never known it to be anything else but a garden.

Zygmunt Jaworski and Irena Jaworska – they state that they were the previous owners of the application site from 1983 to 2004 when the property was sold to the applicants. They state that all the land was used continuously as a garden where their children played. The state that they never used the land for agricultural purposes.

Mr Gallagher – He states that he has known the applicants for the past five years and has worked on renovating the property. He states that he has attended many private gatherings at the site and that the rear of the property has been used as a garden and play area for the children at these functions.

M A Mercer – states that he has visited Mr Gibbs on a number of occasions and has seen the children playing in the garden both sides. He states that he has also visited and spent time in the garden on social occasions.

David Warburton – states that he has known the applicants for 25 years and the children since they were born. He states that he has been coming to the

property since it was renovated and been to many of the children's parties, which have been held in the rear garden. He confirms that the applicants have lived in the property for the last 7 years and that the garden has not been used for any purposes apart from recreational.

Mr Moore – states that he has visited the property a number of times to carry out roof repairs and that both times he has seen the gardens on both sides being used by the children and other family members.

James L Raskin of Ocean Property Lawyers – He states that he inspected the house and garden in 2004 just before the applicants bought it and confirms that it was exactly the same as it is at the present time. None of the garden was being used for agricultural purposes in 2004 and none of it is now.

Darren Dodd – Has known the applicants for the last 7 years since they have lived at the site. Every time he visited the site, which is approximately 15 to 20 times a year from 2004 the rear of the property has always been used as a garden.

Mr Hibbard of LR Plus Security – states that the company has carried out works for the applicants at the property and noticed that they had large gardens to the rear of the property and the children playing.

4.3 SUMMARY OF OBJECTIONS

The Local Planning Authority has received 4no. letters of objection from anonymous senders, which cannot be given any weight. However, a letter of objection has been received, which has been signed by six local residents. The following is a summary of the objections received:

The land has not been used exclusively as a garden during the past four years and that little attempt to cultivate or landscape the garden has been made;

The objector describes the land as a paddock and states that it has been primarily used to support the applicants building profession;

Concern has been raised with regards to the activities on the site, which include storage of large piles of rubbish and builders waste in the paddock and burning waste such as mattresses, sofas and plastics on bonfires;

The site is used to park vehicles and equipment such as vans, trucks and mechanical diggers, which regularly number a dozen or more at any one time;

The land was previously used by the previous owners for agricultural purposes;

The garage on the site is very large and has not been built in accordance with the approved plans.

The objections received also relate to the impact of the visual amenity of the rural area and Green Belt, and the detrimental impact on the residential amenity of the neighbouring occupiers and potential for future development at the site if planning

permission is granted. However, these objections relate to planning policy and are therefore, not material to this Certificate of Lawfulness application.

4.4 OTHER REPRESENTATIONS RECEIVED

Winterbourne Parish Council

This property is within the Green Belt and the garden is being used as a builders yard. The opinion of the Planning Committee is this is a 'Change of Use' and not a 'Certificate of Lawfulness'. The Parish Council requires this application to be called in to the Sites Committee.

5. ANALYSIS OF PROPOSAL

5.1 The application for a Certificate of Lawfulness is not a planning application where the relevant merits of the proposal are assessed against planning policy, it is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. The onus is on the applicant to provide precise and unambiguous information. In this instance under section 171B of the Town and Country Planning Act 1990 it must be proven that the land and buildings edged in red on the site location plan have been used as a single domestic residence for a continuous period of 4 years or more.

5.2 It is considered that there are two main issues to be considered in this application. The first involves the consideration of the main building labelled 'Ex House' on the site plan, the building labelled 'Ex Garage' on the site plan, as well as the adjoining land to the east and west. The second involves the consideration of the land to the north of the main building 'Ex House' on the site plan submitted.

5.3 Main Building 'Ex House' and Land to the East and West

The Officer visited the site and noted a large detached two-storey building in situ marked as 'Ex House' on the site plan submitted. The building is residential in character and is clearly functioning as a residential dwelling at present. The Council's historic records show that the building has been in situ since 1956 and given its appearance, it is likely to have always functioned as a single residential dwellinghouse. Moreover, planning permission was granted in 2004 and 2006 for work to extend the building and construct a replacement detached garage.

Land immediately adjoins the dwelling to the northeast and west. To the east the land is a well enclosed grass area, to the west is a front driveway and immediately to the north is building labelled 'Ex Garage'. These areas of land are domestic in appearance and share a close relationship with the main building. The building labelled 'Ex Garage' is a domestic garage granted planning permission and is being used for domestic purposes. Given the evidence submitted in the form of sworn declarations, and the fact that no contrary information has been submitted, it is considered that on the balance of probability, the building labelled 'Ex House'; the building labelled 'Ex Garage' and the land to the east and west have functioned as a single residential unit for a continuous period of four years or more. Objections have been received on the basis that the garage has been built larger than the approved plans. This matter will be referred to the Council's Enforcement Team for investigation.

5.4 Land to the North of the Main building 'Ex House'

The applicants have included a significant amount of land to the north of the building labelled 'Ex Garage' on the site plan within the red line. The land is significant in size and differs from a typical residential garden given its scale, openness and lack of privacy. A pigsty/stable building was formerly located adjacent to the parcel of land and this, as well as old photographs of the site received indicate that the parcel of land was formerly used for agricultural purposes. Therefore, sufficient evidence is required to demonstrate that on the balance of probability the land has been used for residential purposes for a continuous period of 4 years or more.

5.5 The applicants and family friends have submitted a number of sworn declarations stating that the land has been used as residential, whilst supporting photographs showing the use of the land for recreational purposes have also been received. It was noted that the site was separated from the surrounding countryside by boundary hedging and the grass had been cut when the Officer visited the site and this accords with the Council's overhead satellite images dating from 2006 and 2008/2009. Notwithstanding the objections received, given the above, it is considered that on the balance of probability that the land has been maintained for non-agricultural purposes for a continuous period of four years or more.

However, objections have been received on the basis that the land has not been used exclusively as a garden for the past four years. The objections received from the Parish Council and neighbouring occupiers, including photographs, imply that the land has been used for commercial purposes. The photographs submitted from neighbouring occupiers show the burning of materials from a flat bed lorry on the land. A letter dated 14th September 2009 was also sent from the Council's Environmental Protection Team to the applicant regarding complaints of materials being burned on the site. Moreover, the Council's overhead satellite images dating from 2006 and 2008/2009 also appear to show the storage of some of some materials adjacent to the former outbuilding. When the Officer visited the site, it was noted that the outbuilding had been demolished and replaced by a hard standing area and this also did not accord with the site plan submitted, which showed the outbuilding in situ. Therefore, there is clearly some ambiguity relating to the use of the land in considering its continuous use for the past 4 years. The applicant was therefore, requested to clarify the continuous use of the land by addressing the objections received relating to business activities at the site or to amend the red line plan to exclude the land in question. In response the applicants have submitted a sworn declaration dated 6th June 2011. Within the sworn declaration the applicants state that the allegations relating to the storage and burning of builders waste transported from outside the site are unfounded. The applicants clarify that the fires related to the burning of timber, bed base etc from when the main house was gutted and renovated, as well as from the former demolished garage since it was filled with unwanted timber furniture. According the applicants, the flat bed van and digger were used for moving materials and stuff taken from the house to the garden to burn. A number of supporting photographs have also been submitted along with the sworn declaration to show the degree of refurbishment.

It is clear from the photographs submitted that the property has been renovated, which is an activity, which can be considered to be incidental to the enjoyment of a dwelling. Whilst the objections from neighbouring occupiers and Parish Council regarding business activities at the site are noted, the applicants have implied by way of a sworn declaration that the alleged commercial activities were ancillary to the renovation of the property. On this basis, given that no sworn declarations have been received on the contrary, it is considered that on the balance of probability, that the land to the north of the building labelled 'ex garage' has been used as a single residential unit for a continuous period of four years or more. The applicant has also amended the site plan to more accurately reflect the existing site by including the hardstanding tarmac area.

6. RECOMMENDATION

- 6.1 A Certificate of Lawfulness of existing use is GRANTED for the following reason:

Sufficient information has been submitted to demonstrate that on the balance of probability the land and buildings included within the area hatched in red on the attached plan have been used as a single residential unit (Use Class C3) for a continuous period of 4 years or more immediately prior to the submission of the application.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CIRCULATED SCHEDULE NO. 28/11 – 22 JULY 2011

App No.:	PT11/1506/F	Applicant:	Mr A Baber
Site:	19 The Park Bradley Stoke Bristol South Gloucestershire BS32 0AP	Date Reg:	27th June 2011
Proposal:	Erection of 2 storey rear extension to provide additional living accommodation	Parish:	Bradley Stoke Town Council
Map Ref:	361174 182976	Ward:	Bradley Stoke North
Application Category:	Householder	Target Date:	22nd August 2011



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PT11/1506/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to a letter of objection received from a local resident, contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This full application relates to the erection of a two storey rear extension at 19 The park, Bradley Stoke. The proposal measures 3m in depth, 5.6m in width and has a ridge height of 7m. All materials are to match existing.
- 1.2 The application site is a detached property located to the end of a small cul-de-sac. It lies within the urban area of Bradley Stoke. The property has already been extended by a rear conservatory, but this is to be demolished to make way for the development.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG13	Transport
PPS25	Development and Flood Risk

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L17	The Water Environment
EP1	Environmental Pollution
EP2	Flood Risk and Development
H4	Development Within Existing Residential Curtilages, Including Extensions and New Dwellings
T12	Transportation Development Control Policy for New Development

South Gloucestershire Core Strategy -Submission Draft (December 2010)

CS1	High Quality Design
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2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P99/2522 Erection of rear conservatory.
Approved 28 October 1999.
- 3.2 PT01/0203/PDR Erection of rear conservatory.
Approved 1 February 2001.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No response received.

- 4.2 Drainage
No objection subject to flood mitigation measures.

Other Representations

- 4.3 Local Residents
1 letter has been received objecting to the proposal on the following grounds:-
a) existing property is not built parallel to no.20 The Park but is angled towards our property and as such will be too bulky and prominent;
b) overlook garden.
- 4.4 Sustainable Transport
No objection.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
In assessing applications for residential extensions, planning policies D1 and H4 of the adopted local plan are particularly relevant. Policy D1 is a general design policy and cites that development will only be permitted where good standards of site planning and design are achieved. In particular, proposals will be required to demonstrate that siting, overall massing, form, scale, height, detailing, colour and materials respect and enhance the amenity, character and distinctiveness of both the site and the locality. Policy H4 specifically relates to residential development, including extensions, and considers issues such as design, residential amenity and highway safety.
- 5.2 Design Issues
The proposed extension has a depth of 3m. Its ridge height is some 0.35m lower than the host property. The existing dwelling incorporates a half-hipped style of roof whereas the extension is gabled in its form. Nevertheless, the resulting design is acceptable in its appearance as a two storey gable is a feature of the dwelling to the front of the property. The size of the extension is in keeping with the existing property and area as a whole and all materials are to match existing. In addition, the extension is subservient to the main dwelling. The proposal is considered acceptable in terms of visual amenity.
- 5.3 Residential Amenity
Due to the existing site layout, the application site extends beyond the rear building line of 18 The Park, the dwelling to the south of the property, by 1.5m. With the proposed extension, the application site extends beyond the rear building line by 4.5m. However, the property is detached and due to its location to the north of 18 The Park, will not result in an overbearing impact to such a degree as to warrant a refusal. No first floor windows are proposed on the side elevation facing this property although ground floor windows are proposed. These are however high level and will not result in any loss of privacy or overlooking.
- 5.4 With regard to 20 The Park, this property lies immediately to the north of the application site. However, the proposed extension is located a minimum 2.6m

from this boundary and due to the siting of this property only extends beyond the rear building line by some 2.6m. It is therefore considered that any overbearing impact to this property will be marginal. A first floor side window is proposed which would directly overlook 20 The Park. However, this window serves a bathroom and is indicated as a top hung casement window. A planning condition will be imposed requiring that this window be obscurely glazed and top opening only. The proposal will therefore have no greater impact upon privacy levels than existing. With regard to other surrounding properties the extension will not materially harm existing levels of residential amenity and as such is acceptable in this respect. The size of the rear garden of the application site is also considered acceptable and commensurate with the size of the plot.

5.5 Transport

The proposal does not change existing access/parking arrangements and is acceptable in this regard.

5.6 Drainage

The application site lies within Flood Zone 3b. No objections are raised provided flood mitigation measures are incorporated. This will be a condition of any 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.

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

1. The proposed extension due to its design, limited size, depth and the detached nature of the property is considered to be acceptable in terms of visual and residential amenity. The proposal would therefore accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and H4 (Development within Existing Residential Curtilages, Including Extensions and New Dwellings) of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposal has no impact in highway safety terms. As such the proposal is considered to be compliant with Planning Policy T12 (Transportation Development Control Policy) of the South Gloucestershire Local Plan (Adopted) January 2006.

3.

7. RECOMMENDATION

7.1 Planning permission be granted subject to the following conditions:-

Contact Officer: Vivian Butt
Tel. No. 01454 863427

CONDITIONS

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

Reason

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

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

Reason

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

3. No first floor windows shall be inserted at any time in the side (south) elevation of the extension hereby permitted.

Reason

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

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

Reason

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

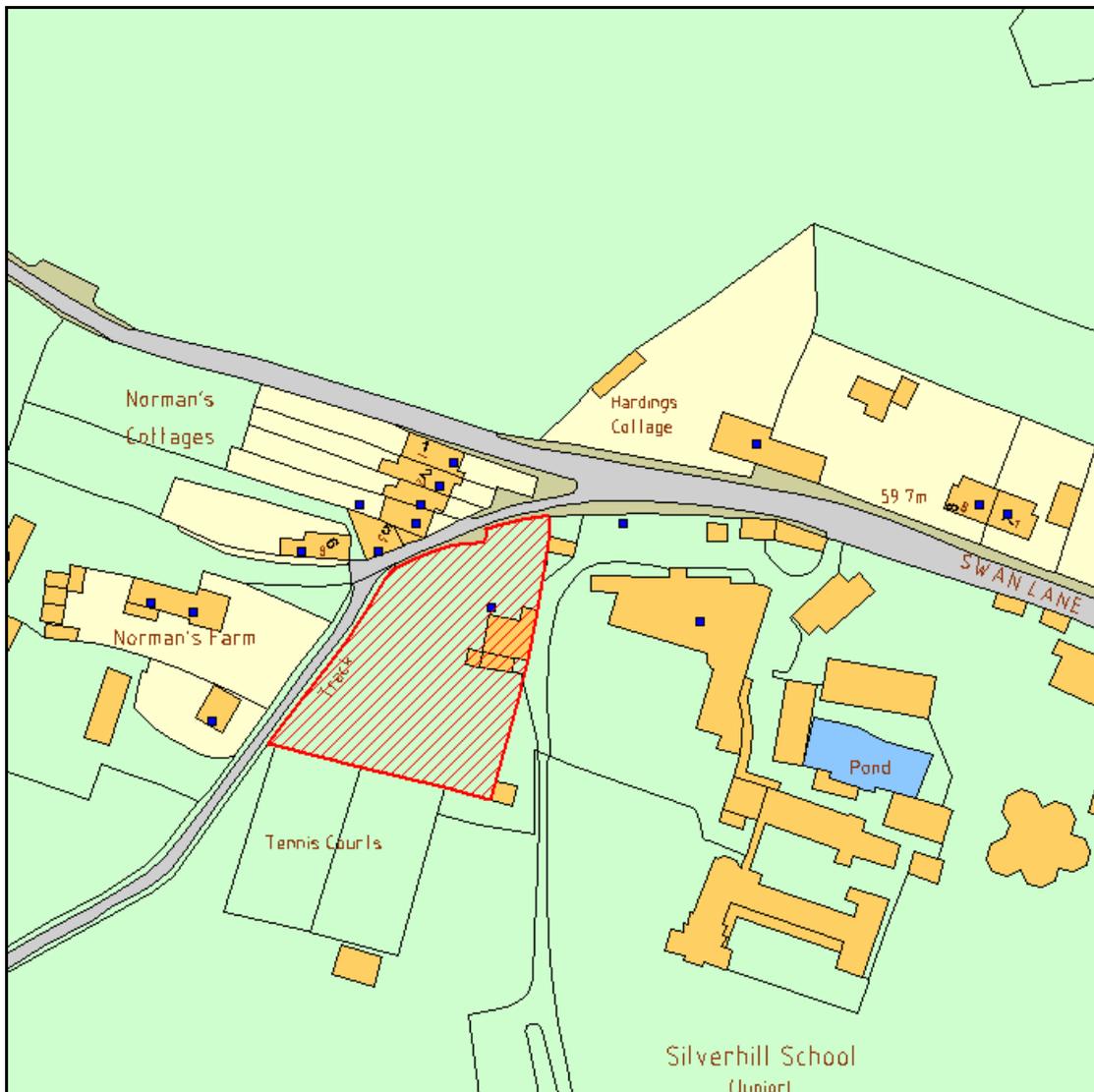
5. Prior to the commencement of development, details of flood mitigation measures are to be submitted to and approved in writing by the Local Planning Authority and the development when carried out shall conform to the details so approved.

Reason

To prevent non-point source pollution and flooding, and to accord with Policies L17/EP1/EP2) of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 28/11 – 22 JULY 2011

App No.:	PT11/1729/LB	Applicant:	Mr & Mrs R Tanton
Site:	Silverhill School Swan Lane Winterbourne South Gloucestershire	Date Reg:	8th June 2011
Proposal:	Creation of new gated access onto Green Lane to serve new dwelling (formerly the Heads House) currently under construction at Silverhill School. Existing vehicular access to east to be blocked up using stone.	Parish:	Winterbourne Parish Council
Map Ref:	365026 181352	Ward:	Winterbourne
Application Category:	Minor	Target Date:	28th July 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to letters of support being received, contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This listed building application relates to the creation of new, gated access onto Green Lane to serve the new dwelling (formerly the Head's House) currently under construction at Silverhill School, Winterbourne. The proposal also involves the blocking up of the existing access located within the school environs, using salvaged stone from the new access.
- 1.2 The new dwelling is set within what was formerly a walled garden of Winterbourne House (now known as Silverhill School), which is Grade II listed. The walls are therefore curtilage listed. An associated planning application has been submitted under planning reference PT11/1734/F. The site is currently accessed via the main school access off Swan Lane and is through the school grounds.
- 1.3 The new access has a width of 4.2m. Reclaimed piers either side of the entrance will be installed, measuring a maximum of 4.7m in height. The proposed gates are to be inward opening, solid, timber, vertical-boarded gates with swept heads. They have a maximum height of 3.7m, falling to 2.8m at their lowest point. A pedestrian gate will be incorporated within the gate.
- 1.4 The application site lies outside the settlement boundary of Winterbourne and is within the Green Belt. The boundary wall adjacent to Green Lane and Swan Lane are substantial and measure some 4m in height, constructed of random rubble Pennant stone.

2. POLICY CONTEXT

2.1 National Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990
PPS1 Delivering Sustainable Development
PPS5 Planning for the Historic Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
L13 Listed Buildings

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

2.4 Emerging Policy

South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010
CS1 High Quality Design
CS9 Environmental Resources and Built Heritage

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/2083/LB Demolition of existing boundary wall to facilitate erection of replacement wall and 2.5m high gates. Approved 13 August 2007.
- 3.2 PT09/1045/F Erection of 1 no. replacement detached dwelling and associated works. Approved 30 July 2009.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Object to the proposal on the grounds that the wall is listed.
- 4.2 Other Consultees [including internal consultees of the Council]
Listed Buildings Officer
Object to the proposal.

Other Representations

- 4.3 Local Residents
13 letters have been received, 8 in support of the application including a letter and petition containing 89 signatures from Silverhill School, and 5 objecting to the proposal on the following grounds:-
- a) access for emergency vehicles;
 - b) new entrance is out of character with the listed wall;
 - c) no need for a new access;
 - d) Green Lane used by many horse riders, dog walkers and ramblers;
 - e) Additional traffic will use Green Lane which is very narrow;
 - f) Wall will be spoilt;
 - g) Historical importance of wall;
 - h) Green Lane is a well used bridleway;
 - i) Highway safety;
 - j) Supporting information submitted by agents is untrue – there has never been an opening in the wall.

The letters of support give the following reasons;

- A) highway danger of the existing access for children of the school;
- B) increased security to school and grounds;
- C) residents/guests will not be CRB checked.

5. ANALYSIS OF PROPOSAL

- 5.1 Listed Building Issues
The walled garden associated with Silverhill School is described in some detail in the Bristol and Region Archaeological Services Desk Based Assessment report 2037/2008 produced in support of the development of the new dwelling on the site. It provides an analysis of map evidence from the early 18th century onwards and documents the development of the site as well as providing a description of the various features that survive within the fabric of the walls.

- 5.2 The report concludes that the site was probably enclosed as part of the grounds of Winterbourne House from the 17th century onwards and was certainly the case by 1736 when it appears on a map of the estate. The use of the site prior to the creation of the walled garden is unclear and it has been suggested that there may have been a barn on the site based on the blocked openings in the main boundary wall. There is certainly a vertical break in the west wall, in addition to three arched openings in close proximity.
- 5.3 The BaRAS report states:
- “Moody noted five openings, only four of which were located and identified during the site visit, due to the thick and extensive ivy covering the walls. He goes on to suggest that the first three openings may be associated with an early barn that may have stood in the study area. In addition to the blockings a vertical break in the wall (Plate 4) was noted between openings 1 (Plate 5) and 2, running the full height of the wall. **No additional break was identified which could correspond to the opposite side of an opening, and the mortar either side of the break appears the same, the purpose of the break thus remaining unclear.** [Officer’s emphasis]. The top of the wall in this area has been truncated, as indicated by the modern mortar and the truncated arches of openings 1 and 2.”
- 5.4 The survey of the existing wall as provided in the application confirms that this vertical break is only observed on the inner face of the wall and that no such corresponding break is seen on the outer face. I have also been unable to locate any evidence of a former gate opening on this external face of the wall. I would, therefore, concur with the description of the wall as included in the book ‘Winterbourne House’ by T Moody (1977) an extract of which is below:
- 5.5 *“No.s 1 and 2 are of a height above ground on both sides of the wall which renders their use as anything other than ‘windows’ unlikely whilst the third opening could possibly have been linked to the previous ones, forming the access a barn – its Green Lane cill level is suitable for cart loading and the floor level of the adjacent cottages renders any material change in the levels of the lane in previous centuries unlikely.”*
- 5.6 The BaRAS report also indicates that the site was originally entered from the east side, adjacent to Silverhill School not the west as per the applicants statement, although it is possible that the largest opening on the west side was used to pass produce through to waiting carts, rather than there being a proper access into the site. No evidence of such arrangement survives in the historic mapping although the applicants do have a statement from a local resident suggesting that wagons could be taken through the wall from the lane. There is no indication where along Green Lane this entrance was located, but no physical evidence survives in the area currently under consideration and the pointing, as noted in the BaRAS report, is pretty consistent along the length of the wall. This comprises a lime-ash mortar of 19th century origin or earlier so conflicts with the 1940’s date for the entrance described in the local residents statement. There is a large area of stone-wall closer to Normans Cottages that has been rebuilt on new concrete block foundations which may have once contained a doorway but this is purely conjectural.

5.7 In terms of the proposal, the introduction of a new access into this position would entail the demolition of at least 5.5m of the historic boundary wall, including the loss of at least one historic arched opening (depending on the extent of additional demolition required). The stone is proposed to be re-used to close the eastern entrance of the site, thereby retaining the historic material on site. The works would be entirely speculative in terms of the design, location and form of the opening, notwithstanding the fact that no physical evidence of an opening survives in this position.

5.8 Policy HE9.1 of PPS5 states:

There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. 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. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

5.9 Guidance in the PPS5 Practice Guide states:

179. The fabric will always be an important part of the asset's significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion, together with the use of appropriate materials and methods of repair. It is not appropriate to sacrifice old work simply to accommodate the new.

187. Small-scale features, inside and out, such as historic painting schemes, ornamental plasterwork, carpenters' and masons' marks, chimney breasts and stacks, inscriptions and signs, will frequently contribute strongly to a building's significance and removing or obscuring them is likely to affect the asset's significance.

5.10 In respect of the above paragraph, it is the impact on the archaeological interest of the heritage asset that would be harmed by the proposal. The surviving features of the former opening provide evidence of the evolution and function of the wall and these are to be irreversibly altered as part of the proposal.

5.11 Officer's are of the opinion that the application does not provide a clear and convincing justification for the proposed alterations and that it has failed to supply any convincing evidence of a former large entrance into the walled garden from the lane. The works are considered speculative and would result in the unacceptable loss of a substantial amount of historic fabric from its original location. This wall creates a strong sense of defensive containment and enclosure around the Silverhill School site, which would be harmed by the introduction of a new, large opening in the proposed location. The works would also harm the historical relationship of the walled garden with Silverhill School by creating a new formal access away from the main house, and introducing a

large entrance in an area that was historically characterised by small, simple openings formed using rubble stone. The works would also harm the archaeological significance of the wall in this location by virtue of the removal of the former opening.

5.12 The application is justified on the grounds that the present access arrangements with the school are causing difficulties due to the shared access. I would, however, point out that this was considered via the application for the original planning permission and was not deemed to be an issue. The school raised no objections to the original scheme and were very positive about the development. If the access was deemed to be an in-principle problem with the dwelling proposal, it should have been raised at that time and not used as a means to justify an unacceptable alteration to an historic, curtilage listed boundary wall.

5.13 As such Officers are of the opinion that the works are contrary to Policy L13 of the adopted Local Plan and the policies and guidance contained in PPS5 and the accompanying Practice Guide.

6. CONCLUSION

6.1 The recommendation to refuse 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 within PPS5 (Planning and the Historic Environment).

7. RECOMMENDATION

7.1 That Listed Building Consent be refused for the reason given below.

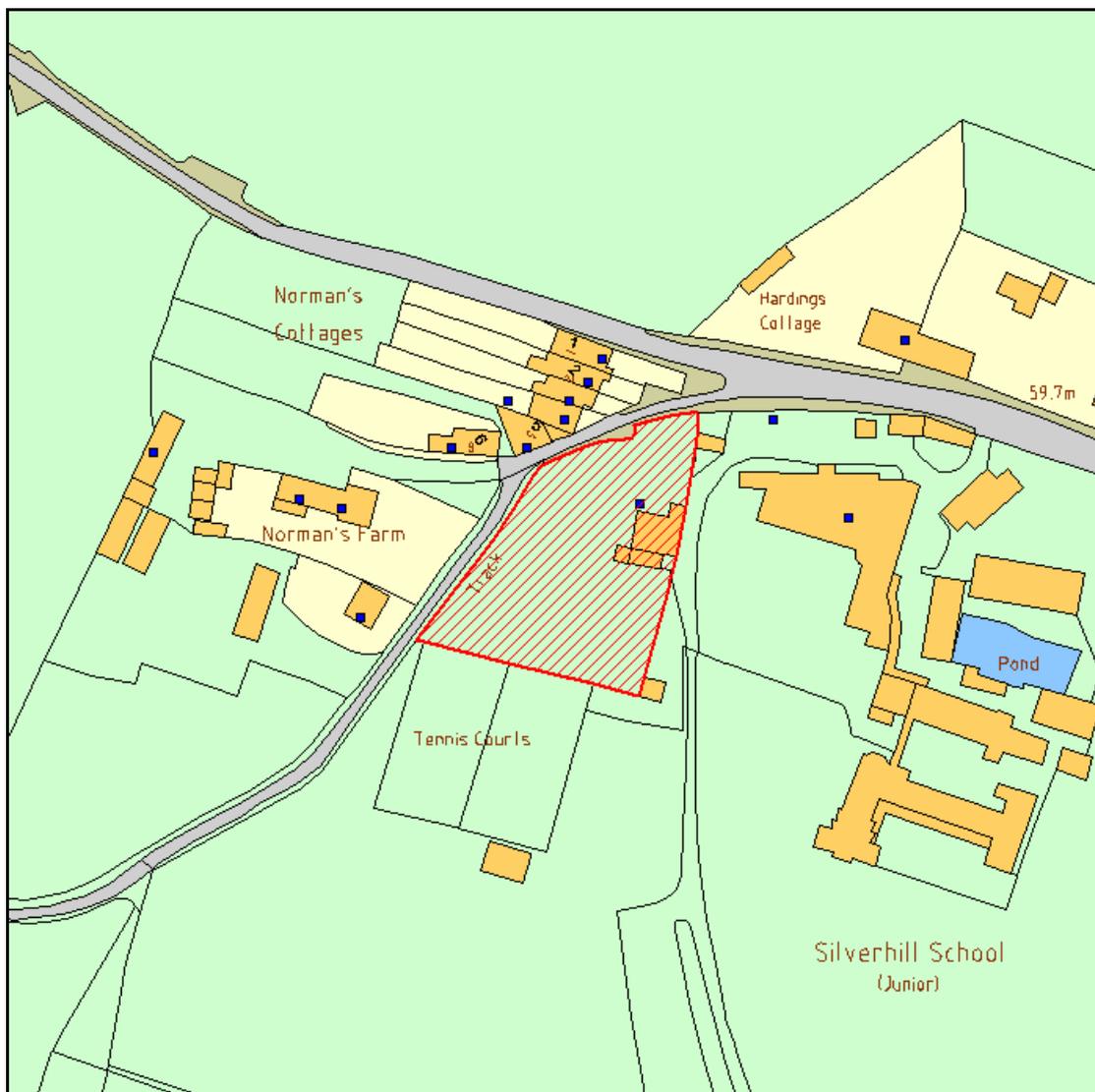
Contact Officer: Vivian Butt
Tel. No. 01454 863427

REASON FOR REFUSAL

1. Silverhill School is a Grade II listed building, the character and significance of which it is desirable to preserve. The walled garden boundary walls that are the subject of this application are deemed to be curtilage listed structures that are historically associated with Silverhill School. The proposed development would result in the unacceptable loss of in-situ historic fabric, the loss of surviving archaeological evidence of the former wall openings and the loss of enclosure to the walled garden as viewed along Green Lane and the access track. The development would also alter the historic relationship of the walled garden with Silverhill School by creating a new formal entrance away from the listed building. The development is, therefore, considered to be contrary to Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006, section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in PPS5 and the PPS5 Practice Guide.

CIRCULATED SCHEDULE NO. 28/11 – 22 JULY 2011

App No.:	PT11/1734/F	Applicant:	Mr And Mrs R Tanton
Site:	Silverhill School Swan Lane Winterbourne Bristol South Gloucestershire	Date Reg:	8th June 2011
Proposal:	Creation of new gated access onto Green Lane to serve new dwelling (formerly the Heads House) currently under construction at Silverhill School. Existing vehicular access to east to be blocked up using stone.	Parish:	Winterbourne Parish Council
Map Ref:	365026 181352	Ward:	Winterbourne
Application Category:	Householder	Target Date:	28th July 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to letters of support contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This full application relates to the creation of new, gated access onto Green Lane to serve the new dwelling (formerly the Head's House) currently under construction at Silverhill School, Winterbourne. The proposal also involves the blocking up of the existing access located within the school environs, using salvaged stone from the new access.
- 1.2 The new dwelling is set within what was formerly a walled garden of Winterbourne House (now known as Silverhill School), which is Grade II listed. The walls are therefore curtilage listed and an associated listed building application has been submitted under planning reference PT11/1729/LB which appears elsewhere on this schedule. The site is currently accessed via the main school access off Swan Lane and is through the school grounds.
- 1.3 The new access has a width of 4.2m. Reclaimed piers either side of the entrance will be installed, measuring a maximum of 4.7m in height. The proposed gates are to be inward opening, solid, timber, vertical-boarded gates with swept heads. They have a maximum height of 3.7m, falling to 2.8m at their lowest point. A pedestrian gate will be incorporated within the gate.
- 1.4 The application site lies outside the settlement boundary of Winterbourne and is within the Green Belt. The boundary wall adjacent to Green Lane and Swan Lane is substantial and measure some 4m in height, constructed of random rubble Pennant stone.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS5	Planning for the Historic Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
GB1	Development within the Green Belt
L13	Listed Buildings
H4	Development Within Existing Residential Curtilages, Including Extensions and New Dwellings
T12	Transportation Development Control Policy for New Development

South Gloucestershire Core Strategy –Proposed Changes Version (December 2010)

CS1	High Quality Design
CS9	Managing the Environment and Heritage

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)
Development in the Green Belt (Adopted)

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT07/2083/LB Demolition of existing boundary wall to facilitate erection of replacement wall and 2.5m high gates. Approved 13 August 2007.
- 3.2 PT09/1045/F Erection of 1 no.replacement detached dwelling and associated works. Approved 30 July 2009.

4. **CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council
Object to the proposal on the grounds that the wall is listed.
- 4.2 Other Consultees [including internal consultees of the Council]
Listed Buildings Officer
Object to the proposal.

Other Representations

- 4.3 Local Residents
13 letters have been received, 8 in support of the application including a letter and petition containing 89 signatures from Silverhill School, and 5 objecting to the proposal on the following grounds:-
- a) access for emergency vehicles;
 - b) new entrance is out of character with the listed wall;
 - c) no need for a new access;
 - d) Green Lane used by many horse riders, dog walkers and ramblers;
 - e) Additional traffic will use Green Lane which is very narrow;
 - f) Wall will be spoilt;
 - g) Historical importance of wall;
 - h) Green Lane is a well used bridleway;
 - i) Highway safety;
 - j) Supporting information submitted by agents is untrue – there has never been an opening in the wall.

The letters of support give the following reasons;

- A) highway danger of the existing access for children of the school;
- B) increased security to school and grounds;
- C) residents/guests will not be CRB checked.

- 4.4 Sustainable Transport
Object to the proposal.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The main issues to consider in the assessment of this application are the effects of the proposal on the setting of the Grade II listed Silverhill School, highway safety and Green Belt issues.

5.2 Listed Building Issues

The walled garden associated with Silverhill School is described in some detail in the Bristol and Region Archaeological Services Desk Based Assessment report 2037/2008 produced in support of the development of the new dwelling on the site. It provides an analysis of map evidence from the early 18th century onwards and documents the development of the site as well as providing a description of the various features that survive within the fabric of the walls.

5.3 The report concludes that the site was probably enclosed as part of the grounds of Winterbourne House from the 17th century onwards and was certainly the case by 1736 when it appears on a map of the estate. The use of the site prior to the creation of the walled garden is unclear and it has been suggested that there may have been a barn on the site based on the blocked openings in the main boundary wall. There is certainly a vertical break in the west wall, in addition to three arched openings in close proximity.

5.4 The BaRAS report states:

“Moody noted five openings, only four of which were located and identified during the site visit, due to the thick and extensive ivy covering the walls. He goes on to suggest that the first three openings may be associated with an early barn that may have stood in the study area. In addition to the blockings a vertical break in the wall (Plate 4) was noted between openings 1 (Plate 5) and 2, running the full height of the wall. **No additional break was identified which could correspond to the opposite side of an opening, and the mortar either side of the break appears the same, the purpose of the break thus remaining unclear.** [Officer’s emphasis]. The top of the wall in this area has been truncated, as indicated by the modern mortar and the truncated arches of openings 1 and 2.”

5.5 The survey of the existing wall as provided in the application confirms that this vertical break is only observed on the inner face of the wall and that no such corresponding break is seen on the outer face. I have also been unable to locate any evidence of a former gate opening on this external face of the wall. I would, therefore, concur with the description of the wall as included in the book ‘Winterbourne House’ by T Moody (1977) an extract of which is below:

5.6 *“No.s 1 and 2 are of a height above ground on both sides of the wall which renders their use as anything other than ‘windows’ unlikely whilst the third opening could possibly have been linked to the previous ones, forming the access a barn – its Green Lane cill level is suitable for cart loading and the floor level of the adjacent cottages renders any material change in the levels of the lane in previous centuries unlikely.”*

5.7 The BaRAS report also indicates that the site was originally entered from the east side, adjacent to Silverhill School not the west as per the applicants statement, although it is possible that the largest opening on the west side was used to pass produce through to waiting carts, rather than there being a proper access into the site. No evidence of such arrangement survives in the historic mapping although the applicants do have a statement from a local resident suggesting that wagons could be taken through the wall from the lane. There is no indication where along Green Lane this entrance was located, but no physical evidence survives in the area currently under consideration and the pointing, as noted in the BaRAS report, is pretty consistent along the length of the wall. This comprises a lime-ash mortar of 19th century origin or earlier so conflicts with the 1940's date for the entrance described in the local residents statement. There is a large area of stone-wall closer to Normans Cottages that has been rebuilt on new concrete block foundations which may have once contained a doorway but this is purely conjectural.

5.8 In terms of the proposal, the introduction of a new access into this position would entail the demolition of at least 5.5m of the historic boundary wall, including the loss of at least one historic arched opening (depending on the extent of additional demolition required). The stone is proposed to be re-used to close the eastern entrance of the site, thereby retaining the historic material on site. The works would be entirely speculative in terms of the design, location and form of the opening, notwithstanding the fact that no physical evidence of an opening survives in this position.

5.9 Policy HE9.1 of PPS5 states:

There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. 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. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

5.10 Guidance in the PPS5 Practice Guide states:

179. The fabric will always be an important part of the asset's significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion, together with the use of appropriate materials and methods of repair. It is not appropriate to sacrifice old work simply to accommodate the new.

187. Small-scale features, inside and out, such as historic painting schemes, ornamental plasterwork, carpenters' and masons' marks, chimney breasts and stacks, inscriptions and signs, will frequently contribute strongly to a building's significance and removing or obscuring them is likely to affect the asset's significance.

- 5.11 In respect of the above paragraph, it is the impact on the archaeological interest of the heritage asset that would be harmed by the proposal. The surviving features of the former opening provide evidence of the evolution and function of the wall and these are to be irreversibly altered as part of the proposal.
- 5.12 Officers are of the opinion that the application does not provide a clear and convincing justification for the proposed alterations and that it has failed to supply any convincing evidence of a former large entrance into the walled garden from the lane. The works are considered speculative and would result in the unacceptable loss of a substantial amount of historic fabric from its original location. This wall creates a strong sense of defensive containment and enclosure around the Silverhill School site, which would be harmed by the introduction of a new, large opening in the proposed location. The works would also harm the historical relationship of the walled garden with Silverhill School by creating a new formal access away from the main house, and introducing a large entrance in an area that was historically characterised by small, simple openings formed using rubble stone. The works would also harm the archaeological significance of the wall in this location by virtue of the removal of the former opening.
- 5.13 The application is justified on the grounds that the present access arrangements with the school are causing difficulties due to the shared access. I would, however, point out that this was considered via the application for the original planning permission and was not deemed to be an issue. The school raised no objections to the original scheme and were very positive about the development. If the access was deemed to be an in-principle problem with the dwelling proposal, it should have been raised at that time and not used as a means to justify an unacceptable alteration to an historic, curtilage listed boundary wall.

As such Officers are of the opinion that the works are contrary to Policy L13 of the adopted Local Plan and the policies and guidance contained in PPS5 and the accompanying Practice Guide.

- 5.14 Transportation Issues
The proposed access is shown from Green Lane, immediately to the south of the adopted highway. The formation of a new access will have highway safety implications given its immediate proximity to the local road network. The level of visibility achievable from the access is poor, Green Lane is only single track and its junction with Swan Lane is awkwardly aligned. As such the proposal is considered unacceptable on transportation grounds and falls contrary to policy T12 of the adopted local plan.
- 5.15 Green Belt
The site lies within the Green Belt. The proposal will have no adverse impact upon the openness of the Green Belt as no structures are proposed. The application is therefore considered appropriate and is acceptable in this regard.

5.16 Other Issues

It should be noted that when planning permission was granted for the new replacement dwelling, the existing access off Swan Lane was deemed satisfactory in transportation terms. The issue of the resident/guests not being CRB checked, although a material consideration, is of limited weight and does not outweigh the detrimental impact of the proposed development on the Grade II listed wall, or the increased highway safety danger of a new access onto Green Lane.

5.17 Consultation Expiry

The consultation period for these applications was to originally expire on the 8 July 2011. However, the applicant's agent wanted the description of development amended so that it was clearer. As a consequence, all previous consultees were reconsulted and the applications re-advertised. The consultation period therefore does not expire until 22 July 2011. However, both applications expire on the 28 July 2011. In order to ensure that the applications are determined before the expiry date, the applications have been referred to the Circulated Schedule before the consultation period expires. This is with the proviso that no additional letters of objection/support are received that raise new material considerations.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 Planning permission be refused for the reasons set out on the decision notice.

Contact Officer: Vivian Butt
Tel. No. 01454 863427

REASONS FOR REFUSAL

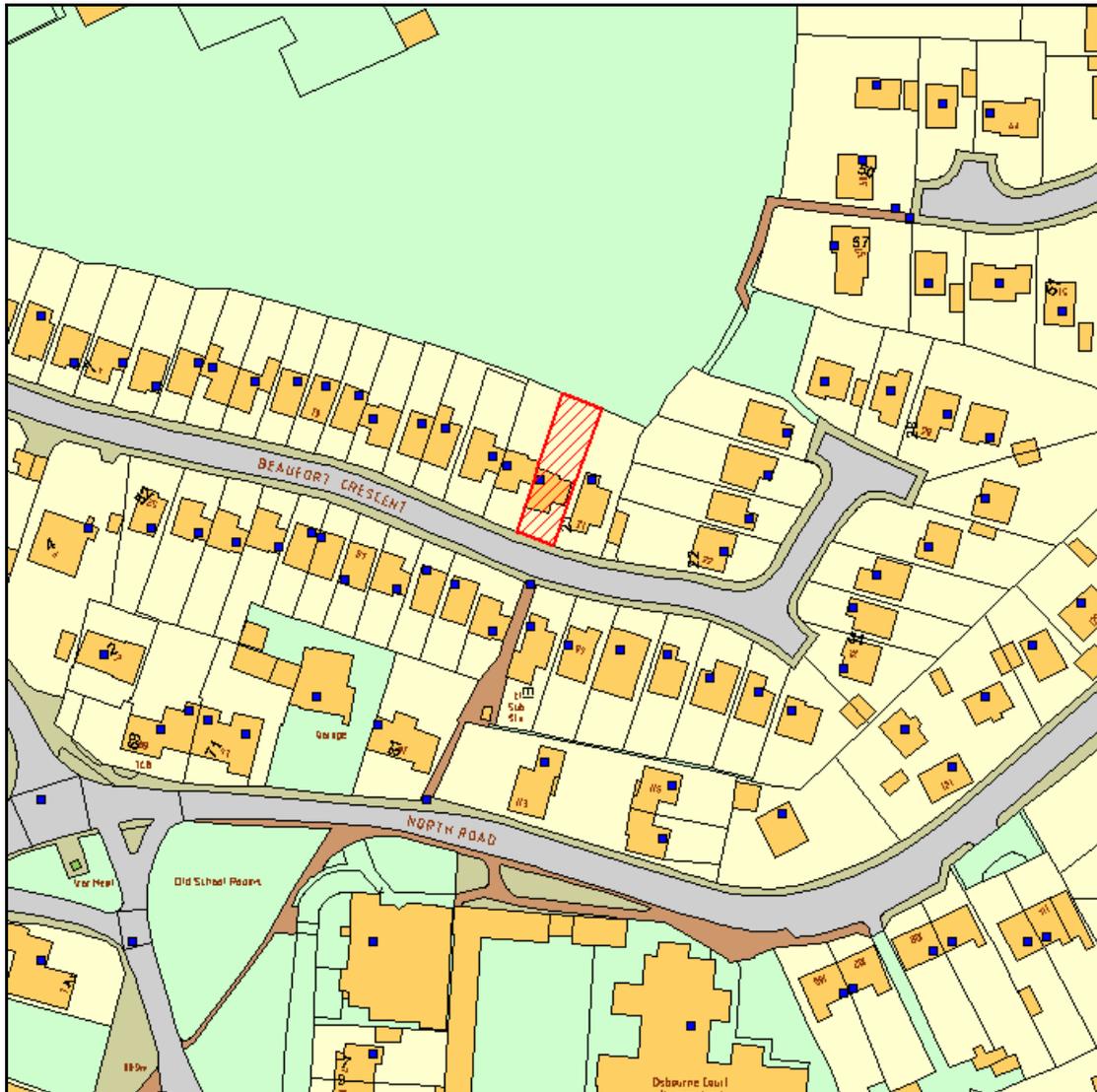
1. Silverhill School is a Grade II listed building, the character and significance of which it is desirable to preserve. The walled garden boundary walls that are the subject of this application are deemed to be curtilage listed structures that are historically associated with Silverhill School. The proposed development would result in the unacceptable loss of in-situ historic fabric, the loss of surviving archaeological evidence of the former wall openings and the loss of enclosure to the walled garden as viewed along Green Lane and the access track. The development would also alter the historic relationship of the walled garden with Silverhill School by creating a new formal

entrance away from the listed building. The development is, therefore, considered to be contrary to Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposed access visibility splays are considered to be inadequate and the site is served by the narrow, substandard approach road of Green Lane that is awkwardly alligned with the adopted highway of Swan Lane, unsuited to cater for increased traffic resulting from further residential development. The proposal therefore falls contrary to Policies D1, H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 28/11 – 22 JULY 2011

App No.:	PT11/1753/F	Applicant:	Mr Paul Stokes
Site:	20 Beaufort Crescent Stoke Gifford South Gloucestershire BS34 8QX	Date Reg:	14th June 2011
Proposal:	Installation of 1 no. window on first floor side elevation.	Parish:	Stoke Gifford Parish Council
Map Ref:	362373 179883	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	4th August 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as a consultee raised concern during the application process.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the installation of 1 no. window on the first floor side elevation.
- 1.2 This is a modern detached property within the existing urban area of Stoke Gifford. Permission is required for the installation of this first floor window due to a condition attached to planning permission PT03/1096/F which states 'No windows other than those shown on the plans hereby approved shall be inserted at any time in the any elevation or roof of the property, unless the Local Planning Authority gives consent in writing to any variation'. The condition was put on to protect the privacy and amenity of neighbouring occupiers.

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
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2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P90/2047 - Erection of extension to form enlarged garage; erection of first floor side extension over garage to form bedroom and en-suite bathroom. Approved.

- 3.2 PT02/1521/F - Erection of two storey side extension and two storey rear extension. Repositioning of existing rear conservatory to rear. Approved.
- 3.3 PT03/1096/F - Retention of two storey side and rear extension. Repositioning of existing conservatory on rear elevation. (Amendment to previous approval PT02/1521/F). Approved.

4. **CONSULTATION RESPONSES**

4.1 Stoke Gifford Parish Council

Glass must be obscured and window must be top opening only – no objection.

Other Representations

4.2 Local Residents

No response.

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

The proposal would not be overbearing on the residential amenity of neighbouring occupiers.

Privacy Analysis

The proposed window is to be obscure glazed, top opening and there are no windows on the neighbouring occupiers side elevation wall and so there would be no overlooking or loss of privacy into habitable rooms as a result of the proposal. There would be a degree of overlooking into the front garden and side driveway of no. 19 and so a condition will be attached ensuring the window remains obscured and top opening.

5.3 Design / Visual Amenity

The proposal is modest in scale and fits with the character of the existing property. Materials are to match existing and so there is no harm caused to the visual amenity.

5.4 Improvements to Scheme

No improvements considered necessary.

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 window 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 window has been designed to respect and maintain the materials and overall design and character of the existing dwelling and the surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.

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).

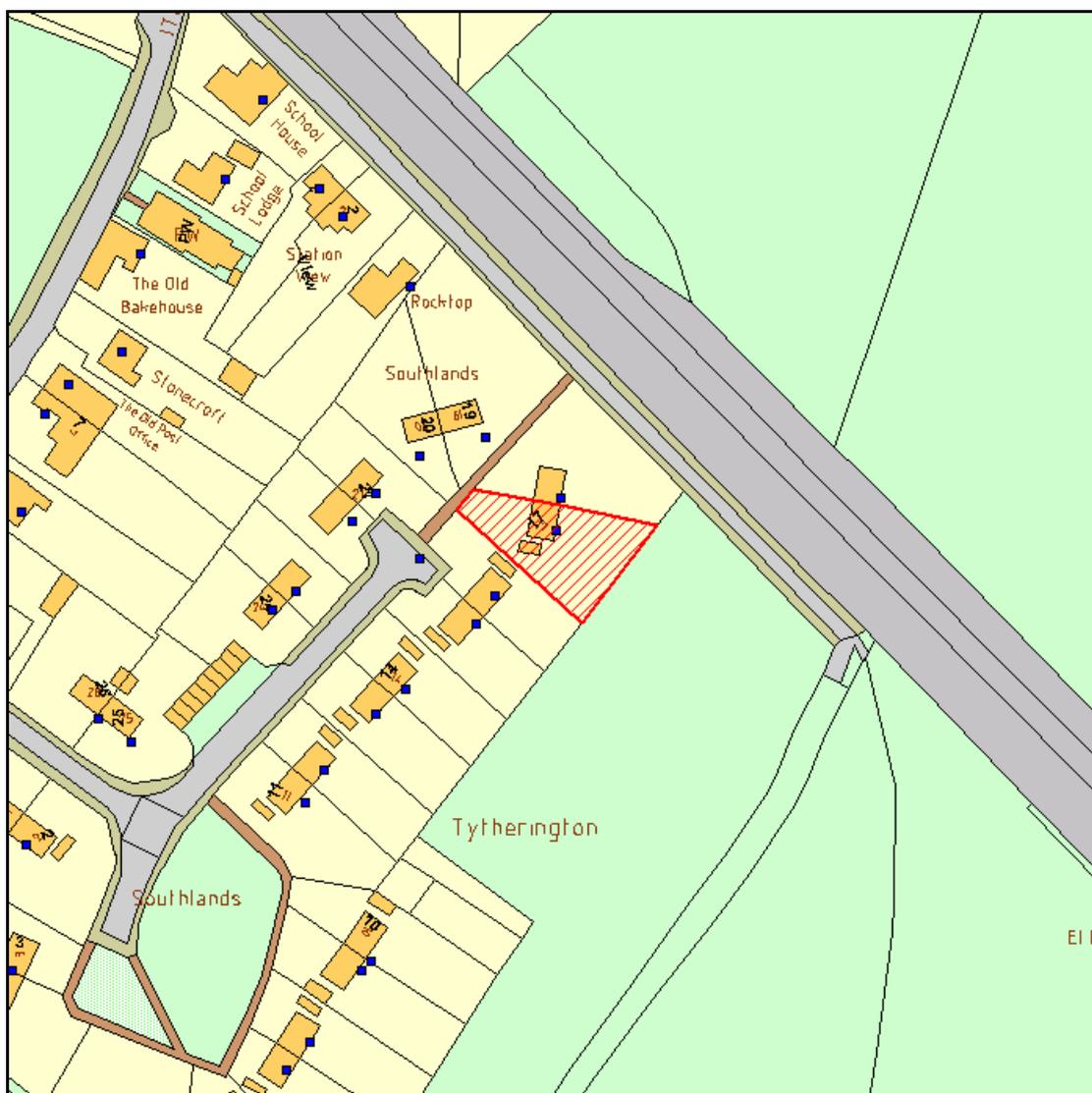
2. The proposed first floor window on the west elevation hereby permitted shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

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

CIRCULATED SCHEDULE NO. 28/11 – 22 JULY 2011

App No.:	PT11/1809/F	Applicant:	Mr S McCullam
Site:	17 Southlands Tytherington Wotton Under Edge South Gloucestershire GL12 8QF	Date Reg:	13th June 2011
Proposal:	Erection of two storey and single storey side extension to form residential annexe ancillary to main dwelling and construction of front porch.	Parish:	Tytherington Parish Council
Map Ref:	366905 187990	Ward:	Ladden Brook
Application Category:	Householder	Target Date:	3rd August 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two storey side extension to form an annexe ancillary to the main dwelling and the construction of a front porch.
- 1.2 The application site comprises a two-storey semi-detached property situated on the eastern side of the cul-de-sac Southlands. The site is situated within the established residential area of Tytherington, which is washed over by the Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belts
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
GB1 Development in the Green Belt
H4 Residential Development within Existing Residential Curtilages
T12 Transportation Development Control Policy for New Development

South Gloucestershire Core Strategy -Submission Draft Proposed Changes (December 2010)
CS1 High Quality Design
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Development in the Green Belt SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Tytherington Parish Council
No comments received
- 4.2 Drainage Engineer
No objection
- 4.3 Transportation Officer

No objection subject to condition restricting the use of the extension as a separate residential unit.

Other Representations

4.3 Local Residents

Four letters of objection have been received from neighbouring occupiers. The following is a summary of the objections received:

- It would represent a disproportionate addition in the Green Belt;
- Adversely affect the outlook of neighbouring properties;
- De-value neighbouring properties;
- Sewerage issues;
- Result in the reduction of affordable housing;
- Exacerbate local highway conditions;
- No access for delivery and work vehicles during construction;
- Concerns regarding whether the applicant is the sole owner of the property;
- Overly large in size;
- Loss of privacy;
- Would set a precedent for further unnecessary building in the area.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy GB1 allows for limited extension to properties within the Green Belt. The South Gloucestershire Development in the Green Belt SPD (adopted) states that extensions over 30% of the volume of the original dwelling will most likely be considered acceptable; extensions over 50% of the volume of the original dwelling will be carefully considered with particular regard to their scale and appearance; extensions over 50% of the volume of the original dwelling will most likely be considered in excess of any reasonable definition of limited extension and be considered contrary to policies GB1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006. The proposal would replace an existing flat roof side extension and this would offset some of the volume increase of the proposed extension. The proposal would result in a floor area increase of approximately 46.9% and although this is at the top end of acceptability, the proposal represents appropriate development in the Green Belt provided that it achieves a high standard of appearance in-keeping with the existing dwelling and this will be considered in the main section of the report.

The proposed annexe would comprise a living room, dining room, utility room and toilet at ground floor level, and a bedroom, study/store and bathroom at first floor level. Whilst double and single pedestrian doors are proposed in the northern and eastern elevations of the extension, the proposal would share the existing front entrance of the dwelling since there would be an internal ground floor link between the existing dwelling and proposed annexe. On this basis, given that the proposal would share the amenity space of the existing dwelling, it is considered that it would function as ancillary to the main dwelling as opposed to as a separate residential unit.

5.2 The proposal is acceptable in principle by virtue of policies GB1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006. The main issues to consider are whether a high standard of design is achieved in-keeping with the character of the area (policies D1, H4 and GB1 of the Local Plan), the impact on the residential amenity of neighbouring occupiers (policy H4 of the Local Plan) and transportation considerations (policies T12 and H4 of the Local Plan).

5.3 Appearance/Form

The proposed side extension would extend the existing eaves across for approximately 4 metres to form the side extension, which would be stepped back from the existing front elevation by approximately 0.65 metres, extend approximately 1 metre beyond the existing rear elevation and be approximately 0.4 metres lower than the existing ridge height. The general form of the extension, with a gabled roof and pitch to match the existing dwelling, is considered to be in-keeping with the existing dwelling. Objections have been received from neighbouring occupiers regarding the scale of the extension, however, it is considered that the extension would not be adversely out of keeping with the scale of the existing dwelling. The set back of the front elevation, as well as the lowered apex, would help ensure that the extension would appear subservient to the existing dwelling. The side extension would be adjoined to a single storey lean-to extension on the rear elevation, which would measure approximately 2.6 metres in length and 4.3 metres in width. The applicant has specified the materials facing brick for the walls, brown roof tiles to match the existing dwelling and white uPVC fenestration. Whilst the proposed brick finish would differ from the render finish of the existing dwelling, the contrast in materials is such that the extension would be read as separate to the existing dwelling, which would help to retain the character and proportions of the existing dwelling.

5.4 Southlands comprises dwellings situated around a turning head in a spacious arrangement. Whilst the proposal would result in some loss of spacing to the side of the property, the extension would be situated at an oblique angle to the boundary and it is considered that it would not be adversely harmful to the character and openness of the area. The extension would be read against existing built form from views from the surrounding countryside; therefore, it is considered that there would not be a significant adverse impact on the character of the surrounding landscape. The proposed front gabled closed porch would be constructed of brick and replace an existing flat roof open porch. The scale and form of the porch is considered to be sympathetic to the character of the existing dwelling and would not bring about any significant visual amenity issues to the area.

5.4 Residential Amenity

Objections have been received on the basis that the proposal would result in a loss of outlook and privacy to the detriment of the neighbouring occupiers residential amenity. The proposal would directly face properties on the opposite side of the cul-de-sac and it is noted that this would block views of the fields beyond for some of the neighbouring properties. However, the neighbouring properties to the west would be approximately 37 metres from the extension, therefore, it is considered that the proposal would not be significantly adversely overbearing or result in a significant loss of natural light. Therefore, it is

considered that the loss of outlook would not have a significant adverse impact on the residential amenity of the occupiers directly to the west. In addition, it is considered that any overlooking would not be to an extent where it would significantly adversely affect the privacy of the occupiers to the west.

5.5 The majority of the proposal would be contained within the front and rear elevations of the existing dwelling, although a rear lean-to would project approximately 3 metres beyond the rear elevation. Given the single storey form the proposed rear extension, it is not considered that it would significantly adversely impact the residential amenity of the adjoining occupiers.

5.6 The neighbouring property to the south of the host dwelling is positioned further forward of the host dwelling and first floor windows would face across part of the front garden of the neighbouring property. Notwithstanding this, it is considered that the proposal would not have a significant adverse impact on the privacy of the occupiers directly to the south since none of the windows proposed would directly overlook the rear private garden or existing windows in the neighbouring dwelling. Moreover, the majority of views into the front garden would be at an oblique angle. The proposal would be stepped back by approximately 2 metres from the neighbouring boundary and angled away from the boundary. As such, given the distance to the neighbouring property of approximately 8 metres, it is considered that it would not have a significantly adversely harmful overbearing impact to the detriment of the occupier's residential amenity. Neighbouring occupiers have objected on the basis of the devaluation of their property, however, this is not considered to be a relevant planning consideration in this instance.

5.7 Transportation

The host dwelling does not benefit from vehicular access or off street parking provision and the occupiers rely on parking either on the turning head or Southlands road itself. In addition to the on-street parking available there is a garage and car parking court that is open for residents to utilise, although it is not known which residents this is available for. The concerns of neighbouring occupiers regarding existing parking problems and congestion are noted. Notwithstanding this, it is considered that the proposal would be unlikely to have a material impact on the existing local highway conditions. This is because the proposal would function as ancillary to the main dwelling, as opposed to as a separate dwellinghouse. A condition can be applied to ensure that the extension only functions as ancillary to the main dwelling and on this basis, given that there are no objections from the Council's Transportation Officer, it is considered that the proposal would not have a significant adverse impact in terms of local congestion or highway safety.

5.8 Further Matters

With regards to the objection relating to precedent, planning policies H4 and GB1 already allow for the principle of residential extensions. Each application is required to be carefully assessed on its own planning merits. In addition, when considering the merits of proposed extensions planning policies GB1 and H4 have no regard to the affects on the availability of affordable housing and this is not considered to be a relevant consideration in this instance. Although the site does not benefit from a vehicular access, it is considered that it is unlikely to be

impossible to construct the extension without a vehicular access. If a neighbouring vehicular access/garden area is required to be used during construction, then the permission of the landowner will be required. The applicant has signed Certificate A in the application form to certify that he was the sole owner of the site 21 days before the date of the application. The objections relating to the potential to overload the existing sewerage system are noted. The applicants have specified that the proposal would connect to the mains drainage system and this is considered to be acceptable in principle. The objections relating to the potential to overload the drainage system are noted, however, given the scale of the proposed annexe, it is considered that it would be very unlikely to materially impact on the existing drainage system.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report for the following reasons:

The proposed extension represents a proportionate addition to the dwellinghouse, which constitutes appropriate development in the Green Belt – policies GB1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006 and the South Gloucestershire Development in the Green Belt SPD (adopted).

The concerns of the neighbouring occupiers are noted, however, the proposal would not have a significant adverse impact on the residential amenity of the neighbouring occupiers through loss of natural light, outlook or privacy – policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposed extension would function as ancillary to the main dwellinghouse instead of as a separate residential unit. Therefore, it would not have a significant adverse impact on local highway conditions in terms of parking or congestion – policies T12 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal is considered to be in-keeping with the existing dwelling and surrounding dwellings in terms of scale, form, siting and materials and would not have a significant adverse impact on the character or openness of the surrounding area – policies D1, H4 and GB1 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. No first floor windows shall at any time be inserted into the southern side elevation of the extension hereby permitted.

Reason

To preserve the privacy of the neighbouring occupiers and to accord with policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

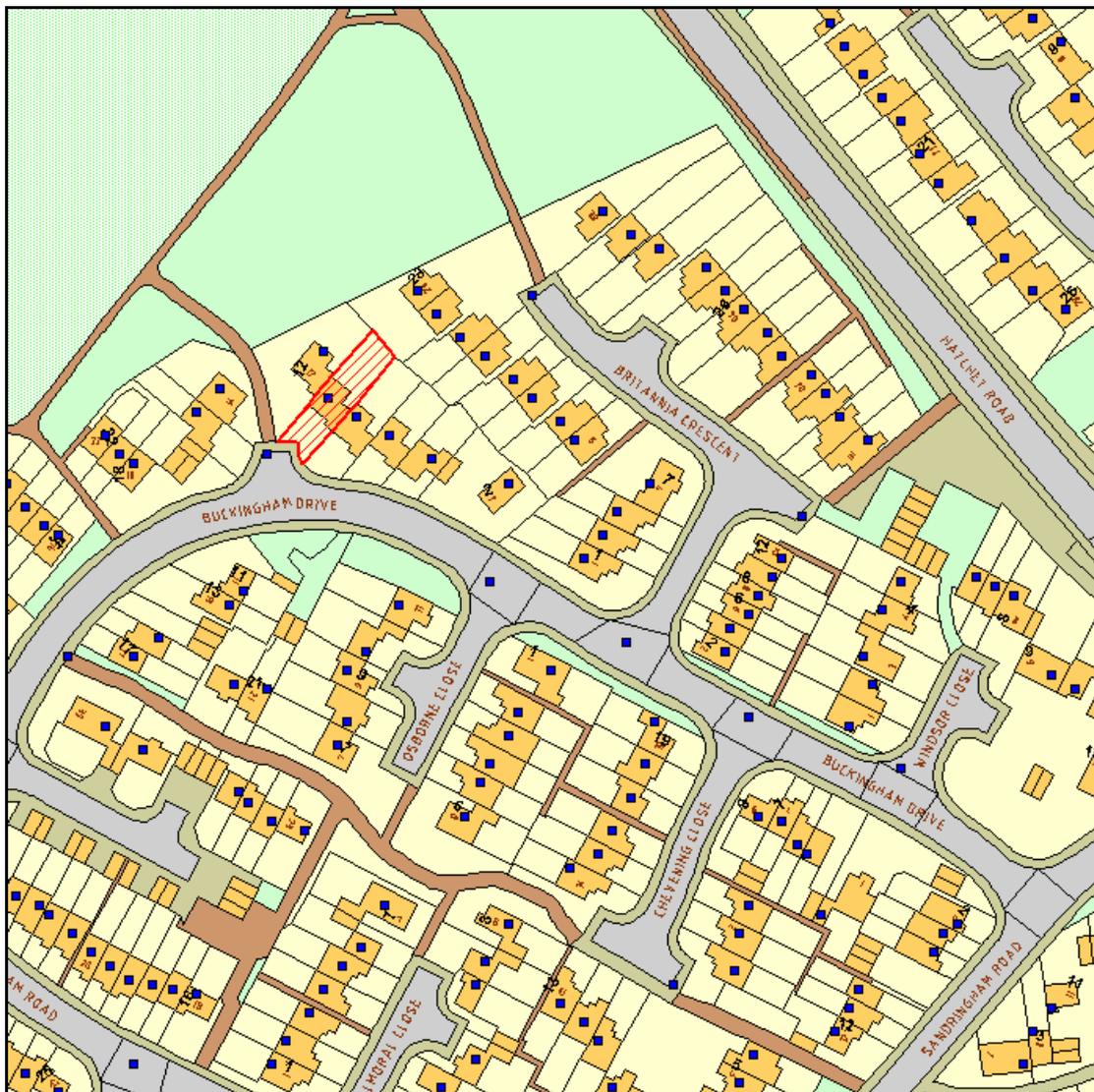
3. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 17 Southlands.

Reason

Further consideration is required with regards to whether it could provide an adequate standard of separate living accommodation, as well as the impacts on highway safety and residential amenity.

CIRCULATED SCHEDULE NO. 28/11 – 22 JULY 2011

App No.:	PT11/1846/F	Applicant:	Mr Garratt
Site:	10 Buckingham Drive Stoke Gifford Bristol South Gloucestershire BS34 8LN	Date Reg:	15th June 2011
Proposal:	Erection of single storey side and rear extension and conversion of part of existing garage to form additional living accommodation and storage area	Parish:	Stoke Gifford Parish Council
Map Ref:	361908 180052	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	4th August 2011



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 100023410, 2008. **N.T.S.** **PT11/1846/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule given the comments that have been received from the Parish Council and two neighbouring residents.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the conversion of an existing garage and the erection of a single-storey rear extension.
- 1.2 The application relates to a two-storey link detached property on the north side of Buckingham Drive, 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 in New Development

H4: House Extensions

T8: Parking Standards

T12: Transportation Development Control Policy for New Development

South Gloucestershire Core Strategy -Submission Draft (December 2010)

CS1: High Quality Design

CS17: Housing Diversity

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/3265/F: Erection of rear conservatory. Permitted: 5 November 2004

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

Objection – concerns about garage becoming ‘lived in area’ could affect residential amenities to neighbouring house’.

4.2 Other Consultees

No comments received

Other Representations

4.3 Summary of Local Residents Concerns

Two letters received expressing the following concerns:

- The proposal aligns the noisiest areas of the applicant's property (will house various domestic appliances in constant use) with the quietest rooms of the neighbours' property- living and dining rooms;
- It would extend to the side of the neighbours' conservatory;
- It would increase the risk of damage to the party wall from plumbing, electrical problems and fire;
- 4- 12 Buckingham Drive are link detached and of the same design, the proposal (with the increased height and elevational changes) would make the adjoining property appear as 'common terraced housing';
- The increase in roof height will limit sunlight to the neighbours' garden and conservatory;
- The increased roof height might allow its future use as second floor accommodation increasing noise and disturbance;
- The application is effectively a two-storey extension in all but name.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design/ Visual Amenity.

The application relates to a link-detached two-storey dwelling on the north side of Buckingham Drive. The property forms one of five dwellings that are all linked and which are all of the same design.

5.3 The proposal would facilitate the change of use of the garage and a new rear extension. These works would allow a store in the front half of the garage (retaining the garage door) with a WC behind and a new enlarged kitchen. The proposed rear extension would infill the existing recessed area behind the garage aligning with the rear wall of the main dwelling. A new pitched roof that would replace the dummy pitch and flat roof above the existing garage would encompass the rear extension and garage.

5.4 When viewed from the front, it would be the increase in roof height above the garage that would be apparent. However, despite the concerns that have been raised, it is considered that this would still appear single-storey (the ridgeline would come two thirds the way up the first floor windows) and thus would retain the spaciousness around this dwelling and its 'detached' appearance. On this basis, and with the rear extension not readily visible from public viewpoints, there is no objection to the proposal on design/ amenity grounds. To this extent, it is considered that any refusal reason related to the impact of the proposal on this row of link-detached properties would be inappropriate and very unlikely to prove sustainable.

5.5 Residential Amenity

The proposal would align with the rear wall of the main dwelling and thus would extend 1m alongside the neighbours rear conservatory; this forms a brick built structure on this boundary with high-level windows. In this regard, in view of

the concerns that have been raised, it is noted that the rear gardens are northeast facing thus the proposal would only impact on very late afternoon sunshine. On this basis, and given the small size of the extension, it is not considered that any significant adverse impact in residential would be caused whilst given that 3m extensions to properties of this type would generally be acceptable, it is again considered that any refusal reason would be very unlikely to prove sustainable.

5.6 Having regard to the further comments raised, it is not considered that permission could be reasonably withheld having regard to the position of the kitchen/ utility alongside the neighbours' living and dining rooms with these concerns also generally covered by building regulations.

5.7 All other neighbouring properties are positioned at an appreciable distance from the site of the proposal thus it is not considered that any significant adverse impact in residential amenity would be caused.

5.8 Highway Safety

The proposal would result in the loss of the existing garage but there is an area of hardstanding to the front of the property that provides parking for three vehicles. Accordingly, there is no transportation objection to this current application.

6. CONCLUSION

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

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

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

1. The design of the proposal would be in keeping with the character and design of the host property and the link-detached design of the adjoining dwellings. Accordingly, the proposal is considered to accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and H4 (House Extensions) of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposal would not cause any significant adverse impact in residential amenity and would accord with Planning Policy H4 (House Extensions) of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The proposal would be acceptable in highway safety terms and accord with Planning Policies T8 (Parking Standards) and T12 (Transportation

7. RECOMMENDATION

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

Contact Officer: Peter Burridge

Tel. No. 01454 865262

CONDITIONS

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

Reason

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

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

Reason

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

3. No windows shall be inserted at any time in the southeast (side) elevation of the property.

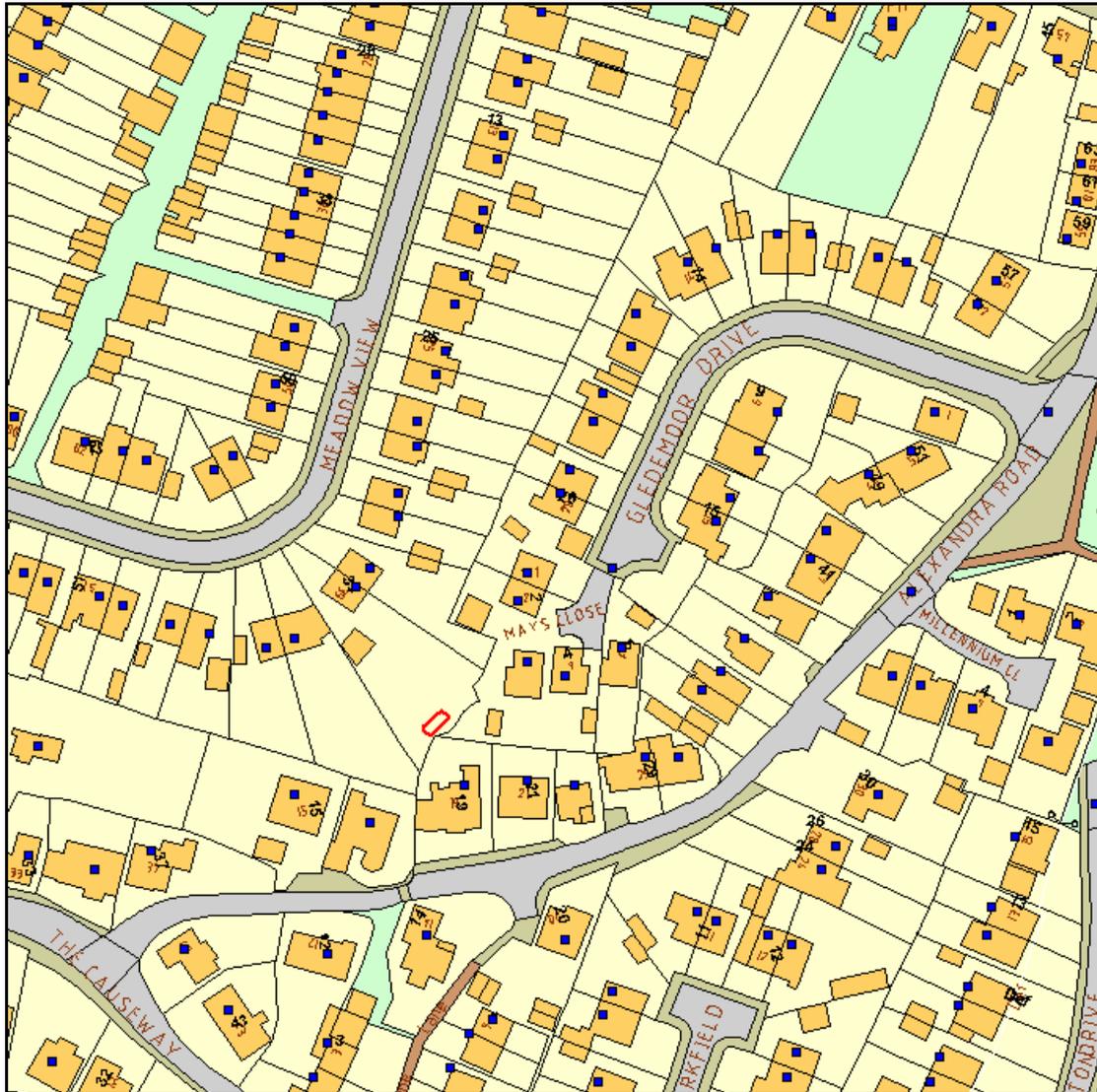
Reason

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

CIRCULATED SCHEDULE NO. 28/11 – 22 JULY 2011

App No.: PT11/1860/TRE
Site: 39 Meadow View Frampton Cotterell
 Bristol South Gloucestershire BS36 2NF
Proposal: Works to fell 1 no. Oak Tree covered by
 South Gloucestershire Council Tree
 Preservation Order 05/02 (37 and 39
 Meadow View) dated 3rd January 2003
Map Ref: 367569 181356
**Application
 Category:**

Applicant: Mrs Celia Blackmore
Date Reg: 14th June 2011
Parish: Frampton Cotterell
 Parish Council
Ward: Frampton Cotterell
**Target
 Date:** 4th August 2011



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 100023410, 2008. **N.T.S.** **PT11/1860/TRE**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is being circulated to Members because the officer's recommendation is contrary to written representations received from local residents.

1. THE PROPOSAL

- 1.1 This application seeks permission to fell 1no. Oak tree covered by a Tree Preservation Order.
- 1.2 The Oak tree is located on the rear boundary of the applicant's curtilage in the neighbouring domestic garden. The reason for this application arises from concerns regarding two stems of this oak tree which may pose a problem in the future.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Town and Country Planning (Trees) Regulations 1999

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
Objection.
- 4.2 Tree Officer
Objection.
- 4.3 Ecologist
Objection.

Other Representations

- 4.4 Local Residents
2 letters were received from local residents supporting the proposal on the following grounds:
 - a) tree too close to house;
 - b) leaves falling off tree means having to continuously collect them;
 - c) unable to park on driveway as pigeons in trees foul the drive;
 - d) in high winds large branches fall off;
 - e) trees are too large in a small area.
2 letters were received from local residents objecting to the proposal on the following grounds:
 - a) detrimental to visual amenity of area
 - b) TPO recently established no reason to remove it so soon after;

- c) detrimental impact on wildlife;
- d) bats are in the area;
- e) owner would prefer tree to remain.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application is considered under the Tree Regulations 1999, where the principal reason for protecting trees is their visual amenity. This then is main issue against which the proposal is assessed. By way of background policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) seek to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.

5.2 Assessment of Proposal

The trees are situated on the rear boundary of the property within a group of other Oak trees. The trees are made up of a number of stems. This application would imply that the whole lot are removed. This would be detrimental to the visual amenity of the area and as such the felling of the whole Oak tree is unacceptable. Notwithstanding this, there is a need to remove two stems which are growing as part of a number of stems originating from the same root plate of the same tree.

The two stems in question are crossing and have rubbed against each other creating a weakness and a point of potential failure.

As the stems overhang the garden of the neighbouring property 3 Mays Close it is considered due to the inherent weakness, that the stem could present a health and safety hazard in the future and should be removed. It is noted that these two stems do not present sufficient hazard to be called dangerous at the present time.

5.3 In removal of these two stems, rather than the whole tree, there should be no loss of visual amenity as the trees are growing as a group. The remaining trees will soon spread fill any spaces created by the removal of the two stems.

5.4 On this basis it is recommended that the application be refused and a new application submitted for works to remove 2no.stems of an oak tree covered by a tree preservation order

5.5 Ecology

The application omits to include any ecological information. There are anecdotal accounts of bats being associated with the oak tree.

All species of bats and their roosts are protected under the Wildlife & Countryside Act 1981 (as amended) and Countryside & Rights of Way Act 2006, as well as by European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('the Habitats Directive 1992'), which is transposed into British law by the Conservation (Natural Habitats & c) Regulations 2010 ('the Habitat Regulations'). Additionally, some species are also included on both the UK and South Gloucestershire Biodiversity Action Plan and are listed by the UK Government as being 'a species of principal importance for biological diversity in Britain' under Section 41 of the NERC Act

2006 and thus protected under PPS9 on Biodiversity and Geological Conservation.

- 5.6 As a European Protected Species (EPS), if bats were present a licence under Regulation 53/56 of the 1994 Habitat Regulations would be required for development to be lawful.
A recent judicial review (2009, Woolley v East Cheshire BC) directed that, to fully engage with the Habitats Directive/Habitat Regulations, planning authorities should subject planning applications to the same 'tests' under Regulation 53/56 as European Protected Species licences. Satisfying these 'tests' necessitates providing the detail of a mitigation strategy.
- 5.7 Whilst the accounts of bats using the oak as a roost may well be merely foraging activity, given their European status and as the application is to fell the tree, the works should not be unlawful and contrary to the Habitat Regulations 2010.
- 5.8 It would be appropriate for the applicant to have a recommended tree surgeon who is experienced in bats, undertake an initial assessment of the stems to be removed in order to ensure that there are no openings or areas of potential roosting. Notwithstanding this, bats and other wildlife are protected by different legislation and whilst it is a prosecutable offence to disturb bats or their roosts under such legislation, it cannot be amount to a material consideration in this application under the Tree Regulations. Applications for works to protected trees are assessed on the visual amenity offered by the tree to the area and not on protected species. As such the potential presence of bats and lack of ecological information is not sufficient to refuse the application.

7. RECOMMENDATION

- 7.1 That consent be **REFUSED** for the following reason:

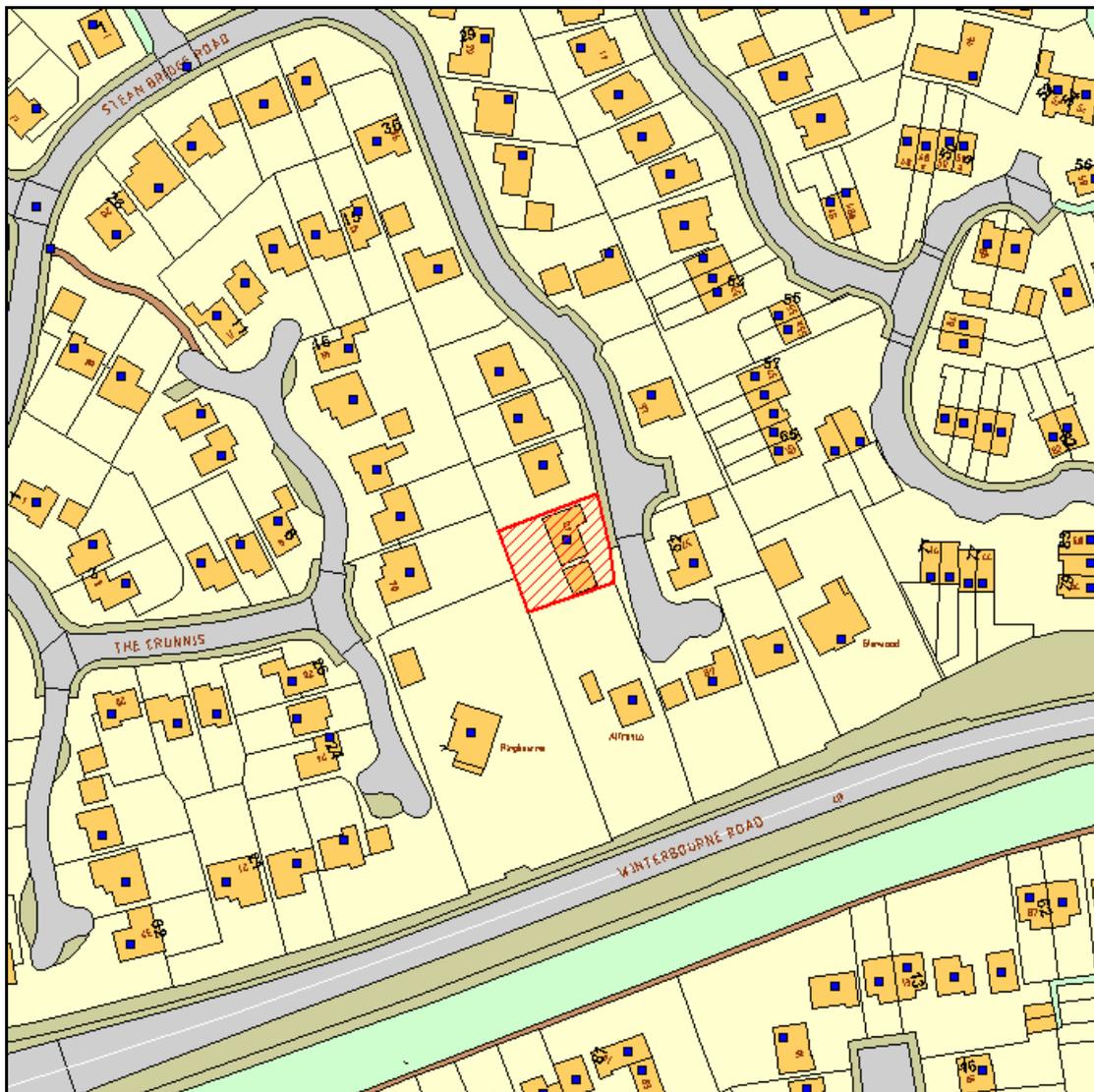
Contact Officer: Genevieve Tuffnell
Tel. No. 01454 863438

REASONS FOR REFUSAL

1. The proposed works would be detrimental to the appearance of the tree and the visual amenity of the locality and as such would be contrary to Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006

CIRCULATED SCHEDULE NO. 28/11 – 22 JULY 2011

App No.:	PT11/1880/F	Applicant:	Mr Simon Anstey
Site:	46 Stean Bridge Road Bradley Stoke Bristol South Gloucestershire BS32 8AH	Date Reg:	16th June 2011
Proposal:	Erection of first floor extension over existing garage and link to main house to form additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	362219 180626	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	8th August 2011



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 100023410, 2008. **N.T.S.** **PT11/1880/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a first floor extension over an existing garage and link to the main house to form additional living accommodation.
- 1.2 The application site comprises a large detached corner property situated on the western side of the cul-de-sac Stean Bridge Road within the established residential area of Bradley Stoke.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
H4 Residential Development within Existing Residential Curtilages
T12 Transportation Development Control Policy for New Development

South Gloucestershire Core Strategy -Submission Draft Proposed Changes (December 2010)
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/3076/F, erection of rear conservatory, 08/10/04, permitted development.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection

Other Representations

- 4.3 Local Residents
Two letters of objection have been received from neighbouring occupiers. The following is a summary of the objections received:

- Loss of natural light;

- Loss of outlook;
- Loss of privacy;
- Detrimental impact on the character of the area;
- Devaluation of property;
- Out of keeping with the character of the area;
- Overbearing impact
- Noise, dust and disturbance during construction.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Planning policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 allows for the principle of the proposed development. The main issues to consider are whether the proposal achieves a high standard of design in keeping with the character of the surrounding area (policies D1 and H4 of the Local Plan), the impact on the residential amenity of neighbouring occupiers (policy H4 of the Local Plan) and transportation effects (policies T12 and H4 of the Local Plan).

5.2 Appearance/Form

The proposal would extend over an existing detached single storey garage and form a walkway to the rear garden below. The proposal would be set back by approximately 0.65 metres from the front elevation of the dwellinghouse and extend flush with the rear elevation. The first floor windows would be partly built into the roof so that the eaves and ridge level would be set down lower than the existing dwelling giving the proposal a subservient appearance. The double garage would be retained at ground floor level along with the 2no. up and over doors on the front elevation and pedestrian access door and single window on the rear elevation. At first floor level the proposal would comprise 2no. dual pane windows on the front elevation and a dual pane window, as well as a Juliet balcony on the rear elevation. The applicant has specified the materials facing brick for the walls, concrete roof tiles and uPVC fenestration, which are considered to be acceptable in principle and can be conditioned to match the appearance of the existing dwelling if permission is granted. Although the proposal is large in scale, it is considered that it is sufficiently in-keeping with the scale, form, siting and materials of the existing dwelling and surrounding built form. An objection has been received from a neighbouring occupier on the basis that the end of the close has a unique open aspect, which would be adversely affected by the proposal and reduce the value of their property. The affect on property values is not a relevant planning consideration in this instance. Consideration is required with regards to the impact of the proposal on the character of the area. It is noted that properties are located around the turning head at the end of the cul-de-sac in a spacious arrangement. Whilst the proposal is relatively large in scale, and extends tight to the curtilage boundary, the property benefits from its corner location with separation distance of approximately 22 metres to the property to the south. Therefore, it is considered that it would not appear adversely cramped or have a significant adverse impact on the character of the area given the overall appearance of the proposed extension.

5.3 Residential Amenity

Objections have been received from the occupiers of no. 52 opposite the host dwelling on the basis of loss of privacy, loss of light and loss of outlook. With regards to loss of privacy, it is noted that the proposal would directly face the neighbouring property. However, there would be a separation distance of approximately 16 metres to the neighbouring property and this is not considered to be an unusually close relationship for a residential cul-de-sac. It is considered that the separation distance is such that any loss of privacy would not be to an extent where it would be significantly harmful to the residential amenity of the neighbouring occupiers. With regards to loss of sunlight, the neighbouring dwelling is situated directly to the west of the host dwelling. Whilst there may be some loss of light to the neighbouring occupiers in the late afternoon, the orientation and separation distance of the dwellings are such that it is considered that it would not significantly adversely effect the living conditions of the neighbouring occupiers. With regards to loss of outlook, it is considered that there would be a sufficient distance between the proposal and neighbouring property to ensure that it would not be adversely oppressive or overbearing. Therefore, the loss of outlook would not have an adverse impact on the amenities of the neighbouring occupiers.

5.4 An objection has been received from the occupiers of the property Alfrsco to the south on the basis that the extension would have an overbearing impact on them. The extension would be situated within close proximity to the southern neighbouring boundary, therefore, the concerns of the neighbours are noted. Whilst the extension would sit tight to the boundary, the neighbouring property benefits from a large rear garden and the proposal would be approximately 22 metres from the rear of the neighbouring dwelling. Given the proximity to the neighbouring dwelling and the size of the neighbouring garden, it is considered that the proposal would not have a significant adverse impact in terms of loss of outlook or natural light. No first floor windows are proposed in the southern side elevation and this can be conditioned if permission is granted. The neighbouring occupiers have also objected on the basis of noise, dust and disturbance created during the construction. These concerns are understood, and whilst it is not envisaged that there would be significant noise, dust or disturbance given the scale of the proposal and the fact that there would be no significant demolition, a condition can be applied if permission is granted to restrict time of working on the site in order to reduce the impacts on the neighbouring occupiers.

5.5 The proposal would be contained within the existing front and rear elevations of the host dwelling and therefore, would not have a significant adverse impact on no. 44 to the north and it is considered that all other neighbouring properties are situated at a sufficient distance from the site to not be significantly adversely affected by the proposal.

5.6 Transportation

No alterations are proposed to the existing parking and access arrangements and it is not considered that the extension would have a materially affect on local highway conditions.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report for the following reasons:

The proposed extension is sufficiently in-keeping with the scale, form, siting and materials of the host dwelling and surrounding properties and would not adversely effect the character of the area – policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

Whilst the concerns of the neighbouring occupiers are noted, the proposal would not significantly adversely effect the residential amenity of the neighbouring occupiers through loss of natural light, privacy or outlook – policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

No alterations are proposed to the existing parking and access arrangements and the proposal would not materially effect local highway conditions – policies T12 and H4 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

3. No first floor windows shall at any time be inserted into the southern side elevation of the extension hereby permitted.

Reason

To preserve the privacy of the neighbouring occupiers and to accord with policy H4 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:

8:30am to 6:30pm on Monday to Friday

8:30am to 1:00 on Saturday

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

In the interests of the amenities of the neighbouring occupiers and to accord with policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.