



**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. 12/09

Date to Members: 27/03/09

Member's Deadline: 02/04/09

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE: 27/03/09

SCHEDULE NO. 12/09

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

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

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

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

Please note: - Reason for Referral

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

SIGNATURE

DATE

**Dates and Deadlines for Circulated Schedule
over the Easter and May Bank Holiday Period 2009**

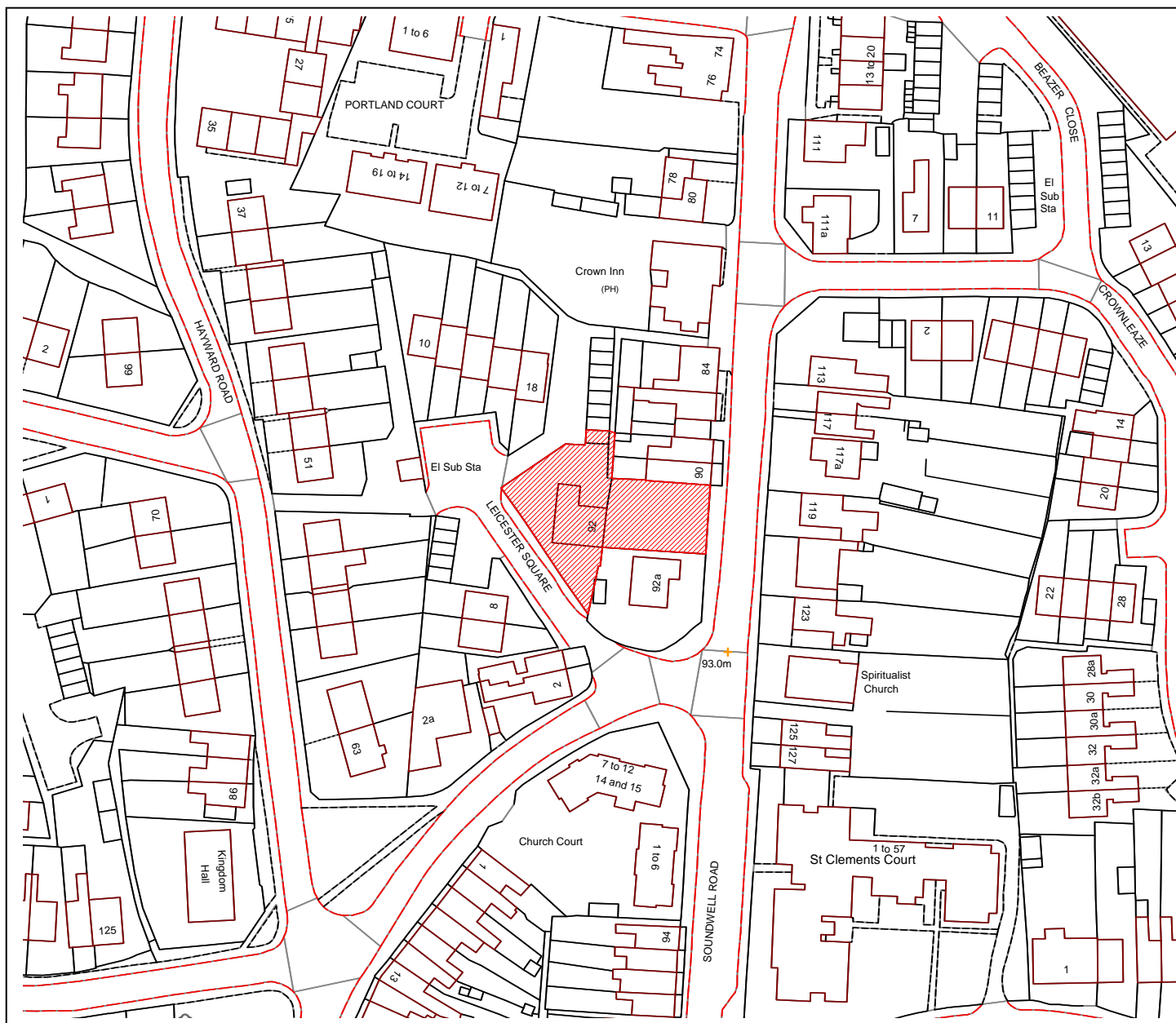
Schedule Number	Date to Members 9am on	Members Deadline 5pm on
13/09	Thursday 2 nd April 2009	Wednesday 8 th April 2009
14/09	Thursday 9 th April 2009	Friday 17 th April 2009
17/09	Thursday 30 th April 2009	Thursday 7 th May 2009
20/09	Thursday 21 st May 2009	Thursday 28 th May 2009

Circulated Schedule 27 March 2009

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
1	PK09/0262/F	Approve with conditions	92 Soundwell Road, Soundwell, South Gloucestershire, BS16 4RB	Staple Hill	
2	PK09/0277/F	Approve with conditions	14 Barrs Court Road, Barrs Court, South Gloucestershire, BS30 8DH	Parkwall	Oldland Parish Council
3	PK09/0301/O	Approve with conditions	37 Dorset Way, Yate, South Gloucestershire, BS37 7SW	Yate North	Yate Town Council
4	PT08/2436/RM	Approve with conditions	West Country Leisure Park, Trench Lane, Frampton Cotterell Winterbourne, South Gloucestershire, BS36 1RY		Frampton Cotterell Parish Council
5	PT09/0196/CLE	Approve with conditions	White Gables, Ruffet Road, Winterbourne, South Gloucestershire, BS36 1AN	Westerleigh	Westerleigh Parish Council
6	PT09/0259/F	Approve with conditions	16 Park Crescent, Frenchay, South Gloucestershire, BS16 1PD	Frenchay and Stoke Park	Winterbourne Parish Council
7	PT09/0288/O	Refusal	Land at 14 Medway Court, Thornbury, South Gloucestershire, BS35 2HL	Thornbury South and Alveston	Thornbury Town Council
8	PT09/0327/PN1	No objection	Communications Mast, Great Stoke Way North, Stoke Gifford, South Gloucestershire, BS34 8GG	Frenchay and Stoke Park	Stoke Gifford Parish Council

CIRCULATED SCHEDULE NO. 12/09 – 27 March 2009

App No.:	PK09/0262/F	Applicant:	Mr A Read
Site:	92 Soundwell Road, Soundwell, South Gloucestershire, BS16 4RB	Date Reg:	11th February 2009
Proposal:	Erection of 2 no. dwellings on 0.08ha of land with associated works.	Parish:	
Map Ref:	64786 75296	Ward:	Staple Hill
Application Category:	Minor	Target Date:	7th April 2009



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 100023410, 2008.

N.T.S

PK09/0262/F

INTRODUCTION

This application is reported on the Circulated Schedule due to the receipt of an objection.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of two semi-detached two storey dwellings fronting Soundwell Road in what is presently the garden of No. 92 Soundwell Road. The existing house is unusual in that its front garden extends between the existing properties fronting Soundwell Road, but it is orientated more towards Leicester Square, from where it derives vehicular access and an additional pedestrian access. No. 92 has a front door and two habitable room windows, one at ground and one at first floor facing Soundwell Road. Its path currently splits the site in two.
- 1.2 No. 92a occupies the corner plot next to the site and is a rendered bungalow. Other two storey dwellings in the vicinity are stone built, such as No. 90. Parking is proposed to be provided for the proposed dwellings from the rear of the site, accessed from Leicester Square, in the side garden of No. 92. This would leave that dwelling amenity space to its south and west, the former to be used for its parking area.
- 1.3 Amended plans show the two proposed houses would be closer to the front of the site, leaving a larger area behind them for rear gardens and allowing more of the front garden of No. 92 to be retained. The amended plans also showed the off street parking reduced to one space per new dwelling, while the available parking for the residual house would be unaffected. Reconsultation was carried out after the amended plans had been received.

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 Design
H2 Residential Development
H4 Development within residential curtilages
T7 Cycle parking
T8 Parking standards
T12 Highway Safety
- 2.3 Supplementary Planning Guidance
Design Checklist 2008

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/0729/O Demolition of two dwellings and erection of 15 flats
Withdrawn
- 3.2 PK03/3298/O Demolition of two dwellings and erection of 13 flats
Approved subject to S106 agreement - signed

4. **CONSULTATION RESPONSES**

4.1 Parish/Town Council

Unparished area

4.2 Other Consultees

Transportation

The application seeks planning permission for the erection of two new dwellings with associated works for each dwelling.

Both new dwellings would be provided with off-street parking spaces and sufficient parking provision would also be provided for the existing dwelling namely no. 92 Soundwell Road. Vehicular access to the proposed parking area would be from the rear of the site through access lane off Leicester Square. To improve road safety, it is proposed to provide pedestrian visibility splays of 2m by 2m between access lane to the rear and Leicester Square.

In view of the above, there is no highway objection to the proposal but the following planning conditions are recommended,

- 1) Prior to occupation of any new dwelling on the site, provide off-street parking for new dwelling in accordance with the submitted and approved plan and maintain these satisfactory thereafter.
- 2) Prior to occupation of any new dwelling on the site, provide off street parking for the existing dwelling namely no. 92 Soundwell Road in accordance with the submitted and approved plan and maintain these satisfactory thereafter.
- 3) Prior to commencement of new development on the site, provide 2m by 2m pedestrian splay between the access lane to the rear and Leicester Square as shown on drwg no. dated 01st Jan 2009 and maintain this visibility satisfactory thereafter.

Other Representations

4.3 Local Residents

One letter of objection was received in response to the original consultation, citing the following concerns:

- * Overlooking
- * Loss of privacy in rear conservatory in front and rear gardens
- * Additional on-street parking will lead to restricted access to existing driveway

No responses were received to the re-consultation on the amended plans.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The site, as garden land within the curtilage of No. 92, is a brownfield site, within the urban area and therefore, subject to the analysis below, is acceptable in principle for residential development and policies H2 and H4, in particular, apply.

5.2 H2: Density of Development

The description of development states that the site extends to 0.08 hectares. With two dwellings proposed this would give a dwelling per hectare density of 25 dph. Given the constraints posed by the only practical access deriving from the rear of the site and the need to avoid access and parking in close proximity to the residual dwelling, it is considered that the only way that the scheme could be amended to provide a density of the target 30dph would be to split one of the dwellings into flats. Given the current state of the market, doing so is considered to run the risk of making the development unviable and therefore it is considered, on balance, that given the constraints on the site, including design as analysed below, lead to the conclusion that a greater density of development would be impractical on this site and therefore the proposal represents the best use of land as required by PPS3.

5.3 H2: Environmental Effects

The site fronts a relatively busy A road and building in the front garden is considered to form a fairly effective acoustic barrier preventing so much road traffic noise reaching No. 92. The proposed dwellings would complete a front building line with the terrace next to the site and therefore be exposed to any environmental effects to no greater degree than the housing in that terrace. It is therefore considered that this policy test has been satisfied by this proposal.

5.4 H2: Transportation

The plans have been amended to show a single parking space for each of the dwellings, with parking for No. 92 moved to the opposite side of the building than at present and provided in the open. The proposed open parking spaces for the new dwellings would therefore be in line with the Leicester Square garage court, extending the facilities closer to No. 92. The level of parking provision accords with the Council's parking standards in policy T8.

5.5 H2: Residential Amenity

The main concern under this heading is the situation created by the relationship between the rear of the proposed dwellings and the eastern elevation of No.92, with its two habitable room windows. With regard to these windows, the ground floor one's view would be curtailed by any boundary treatment to divide the properties. The first floor window would look into the rear gardens of the proposed dwellings, but it is considered that the view would not be unduly intrusive, at least for a significant amount of the gardens, as to deny them a satisfactory level of residential amenity.

The proposed dwellings have avoided any first floor habitable room windows in the rear elevation and thus not created any problems with intervisibility or loss of privacy for the dwelling behind. No. 90 to the north of the site has a blank side elevation and the bungalow at No. 92a is close enough to the boundary not to leave any garden overlooked, particularly now that the proposed dwellings have now been brought forward so that the side window of unit 2 would be virtually in line with the front building line of the bungalow.

With regard to overbearing impact, amended plans now show a separation distance of 11 metres between the proposed and residual dwellings. This distance is considered to be adequate to overcome any concerns regarding overbearing impact in either direction.

5.6 H4, D1: Design, Massing, Scale

It is considered to be imperative that the scale of the proposed two storey houses matches that of the terraced row to which they relate. That is why amended plans, reducing the original proposed height of two and a half storeys, have been requested and received. The amendments show a massing of built form at two storey which is considered to be appropriate to the street scene, respecting local distinctiveness through scale and materials. The design proposed is considered to be simple and sympathetic to its surroundings and accords with both policy D1 and H4.

5.7 H4: Amenity Space

The private, rear amenity space shown provided for the new houses would be 56 square metres and 54 square metres respectively, which is considered to be adequate to serve the needs of the occupants for each two bedroom dwelling. The residual dwelling would still stand in its own grounds and they would utilise mainly the garden on the northern side of No. 92, again this is considered to be an adequate to serve the needs of this established house.

5.8 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.9 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK09/0262/F**
Contact Officer: **Chris Gosling**
Tel. No. **01454 863787**

CONDITIONS

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

Reason:

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

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

Reason:

The rear gardens of the proposed dwellings are limited in space and are of a size commensurate with the requirements of occupiers of a two bedroom dwelling. Any change to this will require further evaluation, in order to accord with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development details/samples of the roofing and external facing materials proposed to be used shall be 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.

4. No windows other than those shown on the plans hereby approved shall be inserted at any time in any elevation of the property.

Reason:

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

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

Reason:

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

6. Prior to the first occupation of either of the two new dwellings, a 2m by 2m pedestrian splay between the access lane to the rear and Leicester Square shall be provided as shown on drwg no. 01 A. This visibility splay shall be maintain free of obstruction thereafter.

Reason:

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

7. Prior to occupation of any new dwelling on the site, off street parking for the existing dwelling namely no. 92 Soundwell Road shall be provided in accordance with the approved plans. This parking facility shall be maintained thereafter.

Reason:

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

8. 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.

CIRCULATED SCHEDULE NO. 12/09 – 27 March 2009

App No.: PK09/0277/F
Site: 14 Barrs Court Road, Barrs Court,
 South Gloucestershire, BS30 8DH
Proposal: Erection of 1no. detached dwelling with
 access and associated works.
Map Ref: 66273 72400
Application Category: Minor

Applicant: Mr A Milton
Date Reg: 12th February 2009
Parish: Oldland Parish
 Council
Ward: Parkwall
Target Date: 10th April 2009



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N.T.S

PK09/0277/F

INTRODUCTION

This application appears on the circulated schedule due to the receipt of four letters of objection from local residents.

1. THE PROPOSAL

- 1.1 The application seeks full planning consent for the erection of a detached dwelling in the rear garden of the existing property 14 Barrs Court Road. The proposed new dwelling would be a small single storey bungalow and would have two bedrooms. There is an existing detached garage on the site that would need to be demolished to make way for the new dwelling as proposed.
- 1.2 The application site relates to an unusual plot of land currently part of the curtilage of No. 14 Barrs Court Road. The existing curtilage of No. 14 is very unusual and the portion to be occupied by the new dwelling is largely detached from the rest of the garden. There is an existing garage on the site that would be demolished to make way for the new dwelling as proposed.
- 1.3 During the course of the application amended plans were received from the agent in order to simplify the design of the dwelling and reduce its scale. The plans were also amended to show the provision of one parking space for the existing dwelling. Re-consultation was carried out with the neighbouring properties.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
T7	Cycle Parking
T8	Parking Standards
H4	Development within existing residential curtilages
H2	Residential Development
T12	Transportation Development Control

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No response received

Other Representations

4.2 Local Residents

Four letters of objection have been received from local residents. A summary of the points of concern are as follows:

- The wall along the side of the road will block the vision of any car leaving the site
- The plans show a 1.8 high fence along the side of the property which will become dangerous with the road
- Unsure where the bathroom window will be in relation to the neighbours property
- The Design and Access Statement still calls the building a dormer bungalow
- Large articulated vehicles use Barrs Court Road to get to the commercial enterprise at the end – the road is not suitable for on street parking
- There is an underground brick built culvert under the site and the site has flooded in the past
- It is not the right design and is not in keeping with the rest of the street
- Parking and traffic problems
- Concerns about how close the house will be to the neighbours

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) allows for development within existing residential curtilages, including new dwellings, subject to there being no adverse impact on the existing visual and residential amenities within the immediate area. Therefore subject to these constraints, the proposal is considered acceptable in principle.

5.2 The site is located within the existing built up area, as defined on the Local Plan Proposals Maps. In accordance with Policy H2, new residential development will normally be permitted subject to compliance with several criteria. It is considered that Policy H4 of the South Gloucestershire Local Plan (Adopted) encompasses all the relevant issues of the above policies, for Policy H4 allows for the erection of a new dwelling within existing residential curtilages providing that that following criteria are complied with;

5.3 **(a) Development would respect the massing, scale, proportions, materials and overall design and existing property and the character of the street scene and surrounding area;**

Following the receipt of revised plans, it is now considered that the proposed new dwelling has been designed so that it, as far as practicably possible, integrates fully with the surrounding street scene. The new dwelling is now to be a very regular and simple single storey bungalow with hipped roofs on all sides. Whilst of slightly different scale and design, the silhouette of the new bungalow will be very similar to the neighbouring bungalow at No. 24 Barrs Court Road.

The proposed new building follows the existing building line and the proposed materials will match and reflect those of the surrounding street scene. The built form along the street is very varied ranging from commercial buildings to small detached bungalows. Given that the property immediately adjacent to this site is also occupied by a bungalow, the design is considered to be wholly appropriate.

The plans show the provision of additional off street parking to the front of the site. The additional hard standing is appropriate for the street scene and will replicate the situation at many of the surrounding dwellings. Subject to the attachment of conditions, the design of the new dwelling is considered to be appropriate.

5.4 (b) Would not prejudice the amenities of nearby occupiers;

Immediately to the west of the site lies another bungalow. There are no windows in the side elevation of this existing bungalow that could be adversely affected by the proposed development. The proposed new bungalow will be set in away from the boundary by 750mm further reducing its impact on this neighbouring dwelling. Following the receipt of revised plans, the application includes no windows above ground floor level. Views from these windows into the surrounding dwellings will be restricted by the existing and proposed 1.8 metre high fences. One roof light is still shown on the plans facing to the east but this window is to allow light into the hallway and is not to serve a habitable room.

The other surrounding dwellings to the north and east are set away from the proposed new bungalow - 12 metres at its closest point. Whilst this is a limited distance, because of the single storey nature of the development and the fact that the garden is to be surrounded by 1.8 metre high fences, there will be no detrimental impact upon existing levels of residential amenity.

Impact upon existing levels of residential amenity is therefore considered to be acceptable.

5.5 (c) Would not prejudice highway safety or the retention of an acceptable level of parking provision, and an acceptable level of parking provision is provided for any new separately occupied dwelling;

The proposed access arrangement is somewhat unusual. The plans do show the provision of two parking spaces for the existing bungalow and one parking space for the existing dwelling but the space for the existing dwelling is in front of the proposed bungalow. It is agreed by your officer that this is certainly not an ideal solution. However, planting and landscaping is to be installed around the space to ensure a degree of separation from the proposed bungalow.

Ideally, the replacement parking space to serve the existing dwelling would be more closely related to the property and would not be in front of the proposed bungalow. Unfortunately however there is no scope for the provision of a parking space in any other location. On balance your officer has concluded that the unusual parking arrangement is not sufficient to warrant the refusal of the planning application as sufficient off street parking is being provided to meet the requirements of Policy T8.

5.6 **(d) Would not prejudice the retention of adequate private amenity space, and adequate private amenity space is provided for any new separately occupied dwelling;**

The plans show how adequate private and useable amenity space will be provided to serve each of the existing and proposed dwellings. There is thus no objection to the proposed dwelling on the basis of adequate amenity space.

5.7 Other Issues

During the course of the application the possible existence of a culvert running beneath the site has been raised by a neighbour. In response to this comments were received from Wessex Water to ensure the site was developable. Wessex Water note that there is a public surface water sewer crossing the site. Wessex Water normally requires a minimum three metre easement width on either side of its apparatus for the purpose of maintenance and repair. The developer would need to agree with Wessex Water prior to the commencement of any works on site a scheme to ensure that the infrastructure is protected. This agreement however would need to be reached outside of the planning system and an informative will be attached to remind the applicant of the need to do this also.

5.8 Section 106 Requirements

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

5.9 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That the application be approved subject to the following conditions;

Background Papers

PK09/0277/F

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason:

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

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted development Amendment) (No.2) (England) Order 2008 (as amended or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Class B) shall be carried out without the prior written consent of the Local Planning Authority.

Reason:

In light of the close proximity of the neighbouring dwellings to prevent any issues of overlooking or loss of privacy of gardens or habitable room windows. In order to comply with the requirements of Policy H2 of the Adopted South Gloucestershire Local Plan.

3. The off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose. One space as marked on the plans must be retained for the sole use of the occupants of No. 14 Barrs Court Road at all times.

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. Notwithstanding the submitted plans, no new boundary treatment exceeding one metre in height can be constructed forward of the main front wall of the proposed new bungalow.

Reason:

To ensure adequate visibility for road users and for the users of the proposed new parking spaces in order to comply with the requirements of Policy T12 of the Adopted South Gloucestershire Local Plan.

5. Prior to the first occupation of the dwelling hereby permitted, a 1.8 metre high timber fence must be erected along the northeastern site boundary (the bottom of the proposed garden).

Reason:

In order to ensure an adequate degree of privacy for the occupants of No. 15 Wraxall Road to the rear of the application site and to comply with the requirements of Policy H2 of the Adopted South Gloucestershire Local Plan.

6. Notwithsatnding the submitted details and 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. All areas of hardsurfacing - including parking spaces, pathways and patios shall incorprate SUDS.

Reason:

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

CIRCULATED SCHEDULE NO. 12/09 – 27 MARCH 2009

App No.:	PK09/0301/O	Applicant:	Mr & Mrs R Love
Site:	37 Dorset Way, Yate, South Gloucestershire, BS37 7SW	Date Reg:	17th February 2009
Proposal:	Erection of 1no dwelling (Outline) with access to be determined. All other matters reserved.	Parish:	Yate Town Council
Map Ref:	72089 83012	Ward:	Yate North
Application Category:	Minor	Target Date:	10th April 2009



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N.T.S

PK09/0301/O

INTRODUCTION

This application has been referred to the Circulated Schedule because objections have been received from local residents, which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The property is a detached 1970's dwelling house situated within a large open plan estate in the suburbs of Yate. The location is entirely residential in character. The existing property is two-storey with a large garden to the rear. Similar houses lie to the north, east and west of the site, but immediately to the south-east are 2no. bungalows, accessed off Elmhirst Gardens. No.37 has a detached single garage which is accessed via a driveway off Dorset Way but also has off-street parking to the south of the house, which is accessed off Elmhirst Gardens.
- 1.2 The application seeks outline consent only for the erection of 1no. detached dwelling with details of access to be determined. All other matters of scale, siting/layout, design/appearance and landscaping, would be the subject of a reserved matters application. The overall site is 0.07ha in area. The design and access statement indicates that the proposed dwelling would be a two-bedroom bungalow similar to nos. 1 & 2 Elmhirst Gardens. It is proposed to utilise the existing garage and parking access from Dorset Way to serve the new bungalow. The existing house would retain 2no. parking spaces accessed from Elmhirst Gardens.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

Joint Replacement Structure Plan

- Policy 1 - Principles
- Policy 2 - Location of Development
- Policy 17 - Landscape
- Policy 33 - Housing Provision and Distribution
- Policy 54 - Car Parking Provision

South Gloucestershire Local Plan (Adopted) 6th January 2006

- L1 - Landscape protection and enhancement
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- L17 & L18 - The Water Environment
- H2 - Residential development
- H4 - Development in Residential Curtilages
- D1 - Design
- T8 - Parking standards
- T12 - Transportation development control

3. RELEVANT PLANNING HISTORY

- 3.1 N1961 - Erection of 112 houses and 3 shops, construction of estate roads and footpaths.
Approved 23rd April 1976
- 3.2 N1961/25 - Erection of a single storey rear extension to provide dining room and lobby.
Approved 24th Dec 1981
- 3.3 P94/1414 - Erection of two bungalows and nine houses. Construction of estate road and associated parking spaces, screen walls, footpaths and driveways.
Approved 13th July 1994

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No objection.
- 4.2 Other Consultees
None

Other Representations

- 4.3 Local Residents
3no. letters of objection have been received from local residents. The concerns raised are summarised as follows:
- Car parking on the front garden will have an adverse impact on the open plan design of the estate and street scene.
 - Loss of garden area for parking.
 - The access and parking arrangements will cause a hazard for school children and pedestrians using the adjacent footpath.
 - Will result in increased on-street parking in Elmhurst Gardens.
 - Plot is too small – overdevelopment.
 - Will result in dangerous on-street parking on a bend in Elmhurst Gardens.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The site is within the established residential area as defined in the South Gloucestershire Local Plan (Adopted) 6th January 2006. Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes.

- 5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 2, the locational strategy, aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub regional centres.
- 5.3 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:
- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
 - B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
 - C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
 - D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.
- 5.4 Policy H4 permits development within existing residential curtilages subject to criteria similar to H2. Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to secure good quality designs.
- 5.5 The site is not subject to unacceptable levels of noise, disturbance, air pollution, smell, dust or contamination. There is adequate provision in the locality for Education, Leisure, Recreation and other Community Facilities to meet the needs arising from the proposal.
- 5.6 Density
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure, the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account. The proposal equates to roughly 30 no. dwellings per hectare which is considered appropriate for this site located within the urban area.
- 5.7 PPS3 (para.50) states that “*The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.*” Officers are satisfied that having regard to the site’s constraints relating to its location, landscape characteristics, access, and impact on residential amenity, it is unlikely that a larger scheme containing more than 1no. dwelling could be accommodated on the site and in this respect

the proposal represents the most efficient use of the land in what is a sustainable location, fairly close to the centre of Yate. The proposal therefore accords with government guidelines and in terms of its density, the development is not considered to be an overdevelopment of the site.

5.8 Scale and Design

The scale, siting/layout, design/appearance and landscaping of the scheme are not to be determined at this outline stage of the application but would be the subject of a subsequent reserved matters application, should outline consent be granted. An indicative site plan and elevations has however been submitted and the scale parameters indicate that the proposed dwelling would measure 6.8m x 11.0m with eaves set at 3.0m and roof ridge at 4.8m, which would be very similar in scale to neighbouring no.1 Elmhirst Gardens. The design and access statement indicates that the building would be single-storey only with no living space in the roof area.

- 5.9 Given the very large size of the existing garden to no.37, a bungalow of the proportions proposed would slot quite comfortably into the plot and subject to appropriate design, would not look out of place next to the existing bungalows nos. 1 & 2 Elmhirst Gardens. Like nos. 1 & 2 the proposed bungalow would be set back from the road frontage and the main building line formed by the front elevations of nos. 37 – 39 Dorset Way. The proposal would therefore integrate adequately within the existing grain of development within the area and existing street scene. Given the existing street scene, officers consider it justified to impose a condition to restrict the height of the bungalow to no more than 4.8m.

5.10 Landscape

All matters of landscaping would be the subject of a subsequent reserved matters application. The general character of the estate is open plan but in some places this has been compromised by the erection of low front boundary walls or planting of hedgerows. In this instance the proposed two car parking spaces for no.37 would be located to the side of the house, directly adjacent to Elmhirst Gardens but more forward of the front elevation of the house. Since the house is at the end of those properties on Dorset Way, this arrangement would not significantly affect the open plan character and with appropriate landscaping the parking spaces could be adequately screened from view.

5.11 Transportation

The existing dwelling currently has two vehicular accesses, one onto Dorset Way and one onto Elmhirst Gardens. It is proposed to allocate the Dorset way access and parking to the proposed bungalow and to widen the Elmhirst Gardens access to provide two spaces for the existing dwelling. In each case the parking provision i.e. two spaces each plus the garage for the bungalow, is considered to be adequate and conforms with the Council's maximum parking standards listed under Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006. The access onto Elmhirst Way would be a widened version of the existing access and is similar in size and character to the accesses serving nos. 1 & 2 Elmhirst Gardens. There is no highway objection to the accesses as proposed.

5.12 Impact upon Residential Amenity

Adequate private amenity space would be available to serve both the existing and proposed dwellings, the proposal is not therefore an overdevelopment of

the site. The respective rear gardens of the existing and proposed dwellings would be well enclosed by 1.8m high fences and existing boundary treatments, providing adequate privacy. There is only one small non-habitable room window in the side elevation of no.1 Elmhirst Gardens. As there are likely to be only ground floor windows in the proposed dwelling, there would be no significant loss of privacy due to overlooking of neighbouring property; any issues of inter-visibility could no doubt be designed out at the reserved matters stage. The proposed building would be set back from the rear elevation of no.37 and would not have an overbearing impact for neighbouring property, being only single storey and restricted in height. The location is already a residential one and the introduction of one small dwelling is unlikely to introduce a significant amount of additional noise. The impact on residential amenity would therefore be acceptable.

5.13 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this can be adequately mitigated for by imposing a condition to limit the hours of construction. There are therefore no objections on environmental grounds. In terms of drainage the Council's Drainage Engineer has raised no objection to the proposal; conditions would however be required to secure the submission of a full drainage scheme to be approved prior to the commencement of any development on the site.

5.14 Community Services Department

The proposal is for 1no. dwelling only and since this falls below the 10 unit threshold for contributions to Community Services, no contributions are requested in this case.

5.15 Education Service

Due to the small size of the development, including only 1no. dwelling, it is considered that no contributions to education provision can be justified for this development.

5.16 Affordable Housing

The site area is below 0.5 hectares in area and the proposed number of units (1) is below local and national policy guidance on the threshold for requiring affordable housing (15). There is therefore no requirement for the provision of affordable housing in this case.

5.17 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Adopted) 23rd August 2007.

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 decision to grant outline planning 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 outline planning permission be GRANTED subject to the following conditions:

Background Papers PK09/0301/O

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

1. Approval of the details of the layout, scale and appearance of the building, 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 three years from the date of this permission.
Reason:
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason:
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
5. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and

areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason:

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

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

Reason:

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

7. 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/EP1/EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The drainage scheme approved, incorporating Sustainable Drainage Systems (SUDS), shall be implemented in accordance with the approved details before the development is occupied.

Reason:

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

9. The off-street car parking and access facilities shown on the Site Block Plan No. 2654 Rev A hereby approved shall be provided before the building is first occupied, and thereafter retained as such and used only in conjunction with the occupation of the buildings purpose.

Reason:

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

10. Building operations shall not be commenced until samples of the roofing and external facing materials proposed to be used have been submitted to and approved by the Council and all such materials used in construction of the building(s) hereby authorised shall conform to the details so approved.

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy D1/H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. The hours of working on the site for the period of construction of the development hereby approved, shall be restricted to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 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. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies EP1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

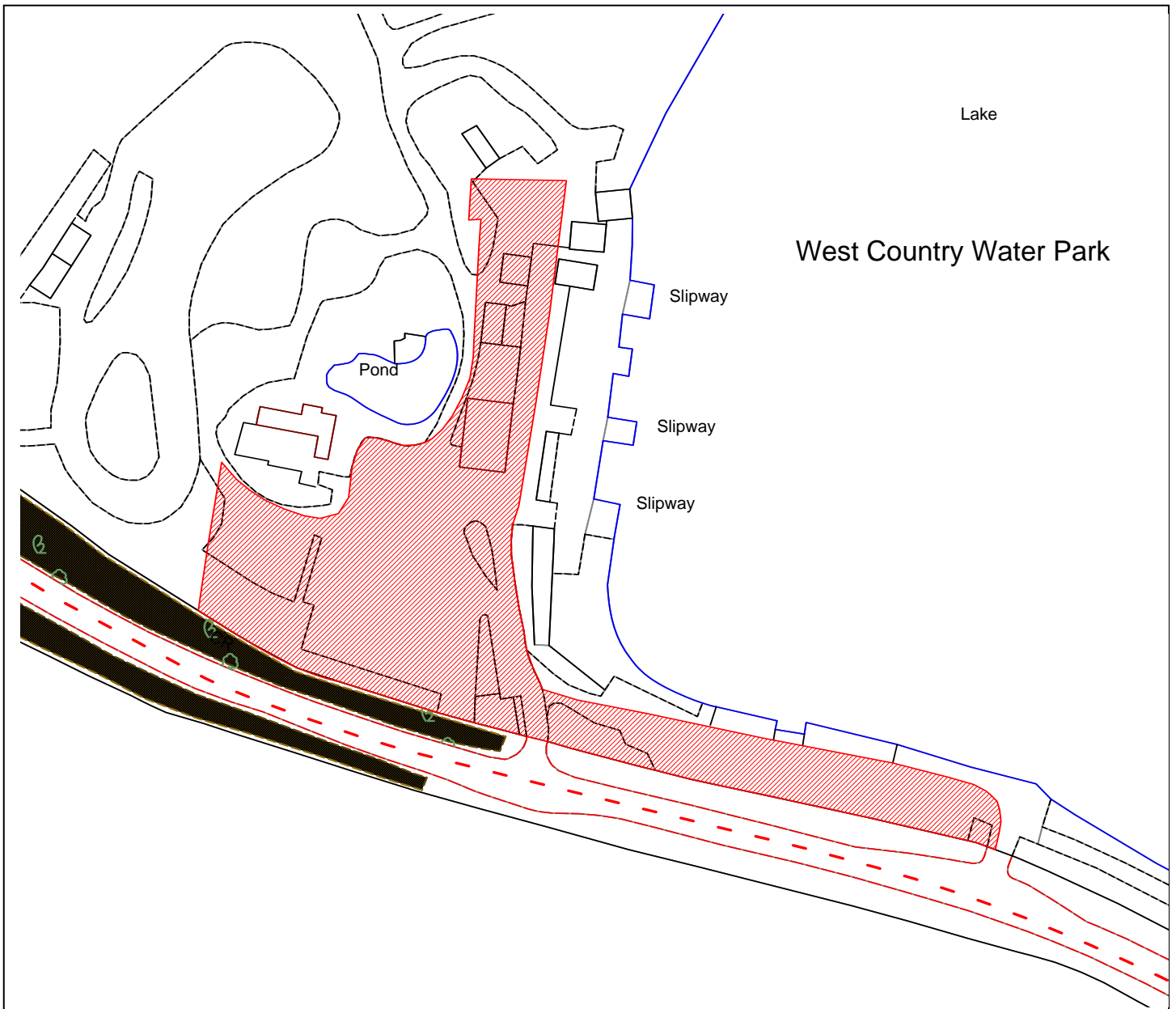
12. The building hereby approved shall not exceed 4.8m to roof ridge height (as measured from the existing ground level front elevation).

Reason:

To ensure a satisfactory standard of external appearance and to ensure that the development would, in terms of scale and massing, respect the character and visual amenity of the location in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 12/09 – 27 JULY 2009

App No.:	PT08/2436/RM	Applicant:	West Country Leisure Park Ltd
Site:	West Country Leisure Park, Trench Lane, Winterbourne, South Gloucestershire, BS36 1RY	Date Reg:	1st September 2008
Proposal:	Erection of clubhouse, access, appearance, landscaping and layout. (Approval of reserved matters to be read in conjunction with planning permission PT05/0277/O).(Re-Submission of PT08/1134/RM)	Parish:	Frampton Cotterell Parish Council
Map Ref:	62821 82703	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	15th October 2008



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INTRODUCTION

This application appears on the Circulated Schedule as a result of the Parish Council Objection which conflicts with the officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks to agree the reserved matters remaining following outline planning permission to erect a replacement clubhouse at this established water park. The reserved matters to be agreed at this stage are access, design, landscape and external appearance.
- 1.2 The application site is on Trench Lane, outside any settlement boundary and within the Green Belt. The site offers go-karting facilities as well as activities associated with the water park.
- 1.3 The building would house toilet and changing facilities, kitchen and café facilities, an office, shop, demonstration area and storage facilities.
- 1.4 The agent advises that the site already attracts 11,000 individuals each year and is one of the largest tourist sites in the South Gloucestershire Area. Current facilities are 26 years old and no longer offer the level of service required by users of the water park. The proposal is put forward as an essential facility to cater for existing and future clientele. In addition the landscape works proposed are put forward as an improvement to the amenity of the site.
- 1.5 The building will essentially be used as seven main areas.
Office 24m². Managing the 11,000 visitors to the site (water park and karting centre administration).
 - i) Toilets (22m²) and changing areas with additional toilets (77m²), additional toilet upstairs (5.5m²).
 - ii) Kitchen (22m²) capable of serving up to 62 diners at any one time.
 - iii) The café (148 split between ground and first floor) is capable of seating 62 diners and will serve the existing leisure use of the site, including the water related activities, quad bike and go-kart tracks. Day long courses are run and participants are provided with a meal.
 - iv) The shop (78m²) will sell goods relating to the site's leisure uses. This is likely to include large items such as windsurfers and canoe equipment which can be tried on the lake prior to purchase. Also sold would be wetsuits and other water sports accessories such as wet boots, gloves, hats, sunglasses and sunblock. In addition it would sell clothing for the go-kart and quad bike racks, as well as wet suits and other water sports accessories. The shop needs to be sufficient in size to accommodate these items.
 - v) Safety/demonstration area (51m²) dedicated area for crucial safety briefs and classes to educate participants of the potential hazards and how to best enjoy the leisure facilities on site. Safety briefings are an essential operation to comply with the site's insurance.
 - vi) Site storage area indicated with boats and external doors only (50m²).

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS7	Sustainable Development in Rural Areas
PPG13	Transport
PPS17	Sport and Recreation

2.2 Joint Replacement Structure Plan

Policy 1	Sustainable development
Policy 2	Locational strategy
Policy 3	Environmental principles
Policy 16	Green belt
Policy 17	Landscape
Policy 43	Recreation and leisure development
Policy 45	Recreation in the countryside
Policy 47	Transport
Policy 54	Car parking
Policy 59	Transport

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape
GB1	Green Belt
T7	Car parking
T12	Transportation
LC5	Outdoor sport and recreation outside the urban area and settlement boundaries

2.3 Supplementary Planning Guidance

Development in the Green Belt (Supplementary Planning Document) Adopted May 2007
South Gloucestershire Design Checklist (Supplementary Planning Document) Adopted 2007

3. RELEVANT PLANNING HISTORY

3.1	P87/0360/5	Retention of temporary buildings Approved
3.2	P89/0360/9	Clubhouse (255square metres) Approved (not implemented)
3.3	P90/0360/10	Renewal of P87/0360/5 Approved.
3.4	P91/0360/11	Use of land for go-karts Approved on appeal.
3.5	P92/0360/14	Renewal of P90/0360/10 Approved.

- 3.6 P94/0360/15 Construction of vehicular access, gates and wall.
Approved
- 3.7 P98/2558 Erection clubhouse. This included café area, retail area, sauna spa relaxation area and small changing areas at ground floor. A members lounge and security accommodation was provided at first floor. Refused on green belt grounds as the size and nature of the building was considered disproportionate to the permitted activities on the site and very special circumstances had not been proven.
- 3.8 PT05/0277/O Erection of club house with one bedroomed flat over. (Outline). Approved but without the use as a dwelling.
- 3.9 PT08/1134/RM Erection of clubhouse, access, appearance, landscaping and layout. (Approval of reserved matters to be read in conjunction with planning permission PT05/0277/O). Withdrawn to reconsider details at suggestion of officer.

4. CONSULTATION RESPONSES

4.1 Frampton Cottrell Parish Council

Objection:

This application appears to be outside of the agreed three year period as in Condition 3 of the Decision Notice PT05/0277/0. It appears that the application was granted within three years of 20th January 2005.

The proposed meeting room is not "an essential facility" for outdoor recreation and makes the building unnecessarily large in height for this Green Belt location (see condition 12).

If meetings are needed they can be held in the Cafe which seems similar in size to the proposed meeting room.

If the Council is minded to grant consent the Parish Council would like a condition attached that no living accommodation be provided without prior permission of the Planning Authority.

The Parish Council would ask that Condition 10 is repeated and that all works take place to remove all buildings as stated first before any new building works take place.

4.2 Highways Officer

The principle of this application was agreed in highway terms under the previous application, PT06/2062/F, subject to the eastern access being closed. The closure of the eastern access remains and is shown in the submitted drawings. The parking arrangements are also satisfactory. No transportation objection is therefore raised subject to the following conditions:-

1. Prior to the commencement of on-site works the eastern access shall be stopped up and its use permanently abandoned in accordance with the site layout labelled "Landscape plan, proposed planting" received 23 January 2009.

2. Prior to first occupation the cycle parking facilities shall be completed as shown in submitted drawing "THO/PL/0109/001/I received 23 January 2009"

submitted and approved by the LPA.

- 4.3 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of the erection of a clubhouse was established under the Outline application subject to a number of conditions. Condition 12 restricts the floor space of the clubhouse to no more than 562 square metres. The clubhouse would have a floor area of 475 square metres. The reserved matters application needed to be received within three years of 1st September 2005. This application was received on 20 August 2008 and as such this application is within the terms of the outline consent.

5.2 Green Belt

The application site is in the Green Belt. PPG2 (Green Belts) advises that the construction of new buildings that provide for essential facilities for outdoor sport and recreation is not inappropriate. However, such essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it.

- 5.3 Policy 16 of the Joint Replacement Structure Plan supports “appropriate opportunities for outdoor sport and recreation near urban areas”. The detailed advice of PPG2 is reflected in Policy GB1 of the adopted South Gloucestershire Local Plan. The main issue to be whether the proposed uses in the building represents “essential facilities” to serve the existing and authorised use. If the proposal does not represent essential facilities then there needs to exist very special circumstances to justify the grant of planning permission.

- 5.4 The proposed clubhouse is intended to serve the existing uses on the site that includes the water park and go-kart centre. The existing clubhouse is proposed to be demolished along with other specific buildings on site. This is controlled by condition ten of the outline consent. The amount of floor space proposed needs to represent essential facilities to serve the use of the land. To this end the agent has explained why the seven elements of the building are necessary. The Parish Council were concerned at the provision of a ‘meeting room’ on the superseded plans and that it should be possible to carry out briefings in the café area. The agent advises that safety briefings take place throughout the day and as such it appears impractical to have briefings being undertaken within a potentially busy and noisy canteen area and as such a separate briefing area in addition to the public space of the canteen is accepted as necessary. Officers accept that the elements of the building proposed in the proportions shown are essential and as such the floor space is accepted in principle under Policy GB1.

5.5 Design

The building is set well within the site at the location of the existing clubhouse building. The access and parking arrangements would be improved by the closure of an inappropriate access and by appropriate new and replacement planting within the Leisure Park. Indeed the landscape proposals show that

there will be an improvement in the on site landscaping as inappropriate recent planting is to be removed in favour of new native planting. A cycle store and dedicated disabled parking are also provided for better leisure access.

5.6 The building itself is a long, hipped roof building with a ridge height of 7.9m. The building could be reduced in height by the formation of a shallower roof but given that the building is little visible from outside of the site and will be well screened by the new planting, this essential facility to serve the existing outdoor leisure facilities on site, it is not considered to have an adverse impact on the visual amenities of the Green Belt. New landscaping and the removal of a number of buildings (indicated as part of the outline consent and conditioned to be removed) will improve the general appearance of the site. The building is within the maximum floor area permitted in the outline application and the building is able to be constructed without detriment to the wider countryside. The building will be constructed as a pine log timber building with a slate grey Stonewold tiled roof.

5.7 The outline application proposed a flat in the roof space which was not permitted but the flat was not considered to impact adversely on the openness of the green belt. The size and scale of the building is considered acceptable given that the uses within the building are now reasonably related to and considered to be essential facilities for the site. The slate grey Stonewold tiles and pine log timber building are considered appropriate materials in this location and as such the form and scale of the building are considered acceptable under policies GB1 and D1.

5.8 Transportation

The application site is located close to the north fringe of Bristol and is an established facility. In terms of location and accessibility, there is no objection to the proposed development. The existing western access to the site has substandard visibility and the proposed access, parking and landscape scheme show the western access to be completely blocked off. The blocking off of the western access was required before first use of the development by condition of the outline consent and the details submitted in this application satisfy that condition. Duplication of that condition is unnecessary. A free standing cycle parking shelter is shown in an appropriate location and form. These details accord with the local plan and will improve safety at the site. There is no objection from the Highways Officer.

5.9 Visual/Landscape Impact

The proposed clubhouse confirms that such a building is possible that does not result in an unacceptable landscape impact. Existing bunding provides some screening to the proposed building.

5.10 Residential amenities

There are no nearby amenities that will be affected by the proposed development.

5.11 Drainage

Drainage details will be agreed by condition of the outline consent although no principle objection is raised by the Council's drainage engineer.

5.12 Other issues

The Parish Council requests conditions relating to the removal of existing buildings and the prevention of living accommodation being provided. These are not necessary as the conditions relating to these matters are set out on the outline consent and these continue to be valid planning conditions. To duplicate them is therefore not necessary.

5.13 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document

5.14 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

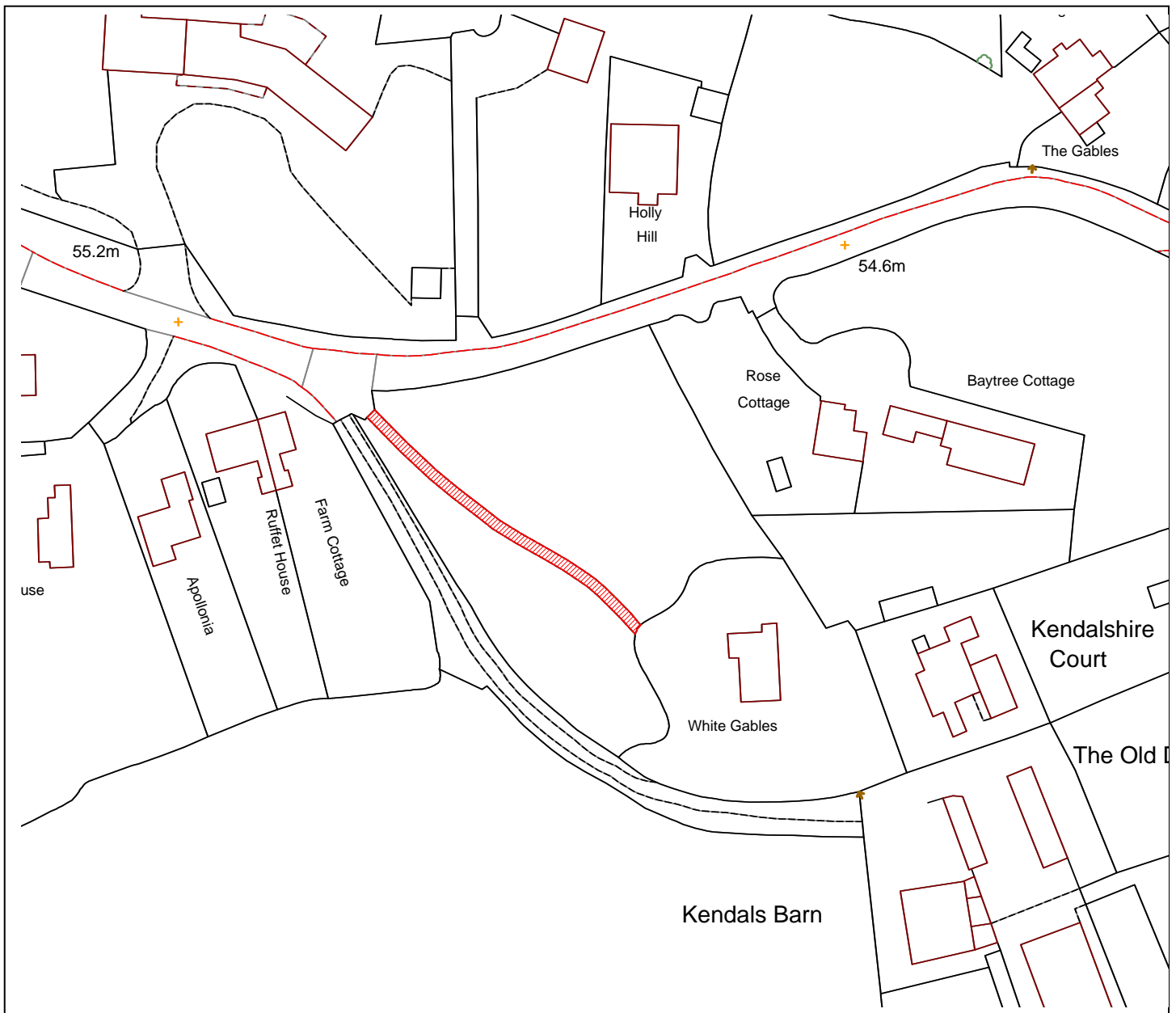
- 7.1 That planning permission is granted for the reserved matters of access, appearance, landscaping and layout subject to the following conditions.

Background Papers **PT08/2436/RM**

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

CIRCULATED SCHEDULE NO. 12/09 – 27 MARCH 2009

App No.:	PT09/0196/CLE	Applicant:	Mr & Mrs Nash
Site:	White Gables, Ruffet Road, Winterbourne, South Gloucestershire, BS36 1AN	Date Reg:	3rd February 2009
Proposal:	Application for Certificate of Lawfulness for the existing serving White Gables access track.	Parish:	Westerleigh Parish Council
Map Ref:	66453 79319	Ward:	Westerleigh
Application Category:	Minor	Target Date:	6th April 2009



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 100023410, 2009.

INTRODUCTION

This application is for a Certificate of Lawfulness, and as such, under the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

1.1 This application is for a Certificate of Lawfulness for the existing use of an access track, serving the property known as White Gables.

1.2 This is a detached farmhouse off Ruffet Road, set in open countryside and in the Green Belt.

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

No relevant history.

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

The applicant has submitted an aerial photograph dated 4th September 1999 showing the access lane in situ to the front of the property.

5. SUMMARY OF CONTRARY EVIDENCE

None.

6. OTHER REPRESENTATION RECEIVED

None.

7. EVALUATION

The application for a Certificate of Lawfulness is not a planning application and 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. As such the applicant needs to provide precise and unambiguous evidence.

In this instance the applicant needs to demonstrate that the access track has been in site for a continuous period of at least four years immediately prior to the submission of this application as the development relates to the construction of an access track serving a residential property.

The aerial photograph submitted with the application dated 4th September 1999 is also verified by the Council's own aerial photograph dated summer 1999 which also clearly shows the access track as being in situ and plotted on the Council's Mapping system.

Given this evidence and considering the well established appearance of the access track and gate adjacent to Ruffet Road, the claim that the access track has been in existence for in excess of 4 years has been demonstrated on the balance of probability. It is demonstrated that the access track has been in situ and serving White Gates for the requisite period.

8. RECOMMENDATION

8.1 A Certificate of Lawfulness for the existing access track serving White Gables is **GRANTED**.

Background Papers **PT09/0196/CLE**

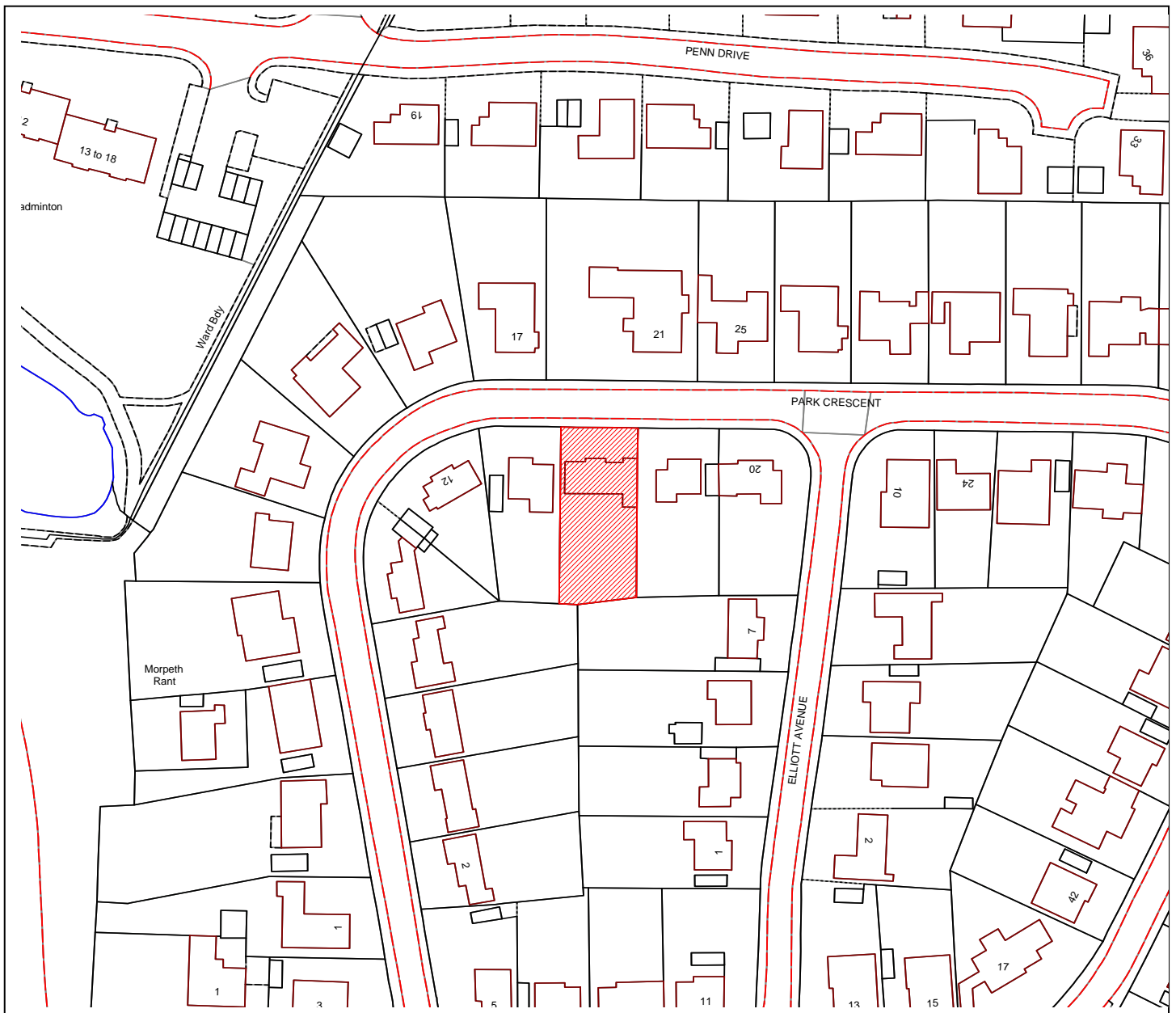
Contact Officer: **Will Collins**
Tel. No. **01454 863819**

CONDITIONS

1. The applicant has demonstrated that on the balance of probability the access track has been in use for a continuous period of 4 years up to the date of this application.

CIRCULATED SCHEDULE NO. 12/09 – 27 MARCH 2009

App No.:	PT09/0259/F	Applicant:	Mr N Patterson
Site:	16 Park Crescent, Frenchay, South Gloucestershire, BS16 1PD	Date Reg:	11th February 2009
Proposal:	Erection of two storey side extension to provide additional living accommodation.	Parish:	Winterbourne Parish Council
Map Ref:	64283 78210	Ward:	Frenchay and Stoke Park
Application Category:	Householder	Target Date:	8th April 2009



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 100023410, 2009.

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a two storey side extension to provide additional living accommodation.
- 1.2 This is a modern detached property within the existing urban area of Frenchay. The proposal consists of a two storey extension to the side with stone faced blocks to match existing, 10.4 m deep, 3.7 m in width and 8.7 m in height. A single storey 3 m wide lean to is also proposed at the rear of the building.

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

3. RELEVANT PLANNING HISTORY

No relevant history.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection – proposed UPVC windows do not match existing.
- 4.2 Local Residents
No response

5. ANALYSIS OF PROPOSAL

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

5.2 Residential Amenity Overbearing Analysis

Due to the overall scale and size of the proposed development and sufficient boundary treatment between the neighbouring properties the proposal would not be overbearing on the residential amenity of neighbouring occupiers. In terms of loss of light, no. 18 Park Crescent does have windows in its west elevation however these windows already receive little light due to the close proximity of the east elevation of no. 16 Park Crescent.

Privacy Analysis

One small window is proposed in the east elevation that could potentially result in a loss of privacy to the neighbouring property (no. 18 Park Crescent) which has a large window in its west elevation wall. As a result it is considered necessary to include a condition in the decision notice requiring any windows in the east elevation of 16 Park Crescent to be obscure glazed at all times.

Amenity Space

Whilst the proposed extension does project into the rear garden its modest size means that sufficient garden space will remain to serve occupiers of the property.

Highway Safety Analysis

The property currently benefits from having two off street parking spaces in the form of an attached garage and space in front of this garage. As a part of the proposal a small garage is retained plus provision is made for new pressed concrete/block paviors to be laid providing further off street parking. The proposal is considered acceptable in highways terms.

5.3 Design / Visual Amenity

An objection was received on the grounds that the windows proposed were UPVC and did not match the existing aluminium bar style windows as seen throughout the entire estate and on the existing dwelling. It was subsequently confirmed by the applicant that the front windows will match the existing and a condition will be attached to the decision notice ensuring the materials match.

Overall it is considered that the proposal is modest in scale and fits with the character of the existing property. The chosen construction materials, which match the palette of materials displayed in the existing building, means that this is an appropriate addition to the dwelling and streetscene. The proposal is visible from the public realm to the side and front and the extension is considered to be of an acceptable scale and mass.

5.4 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT09/0259/F**

Contact Officer: **Will Collins**

Tel. No. **01454 863819**

CONDITIONS

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

Reason(s):

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

2. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the east elevation 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(s):

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

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the east elevation of the property.

Reason(s):

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

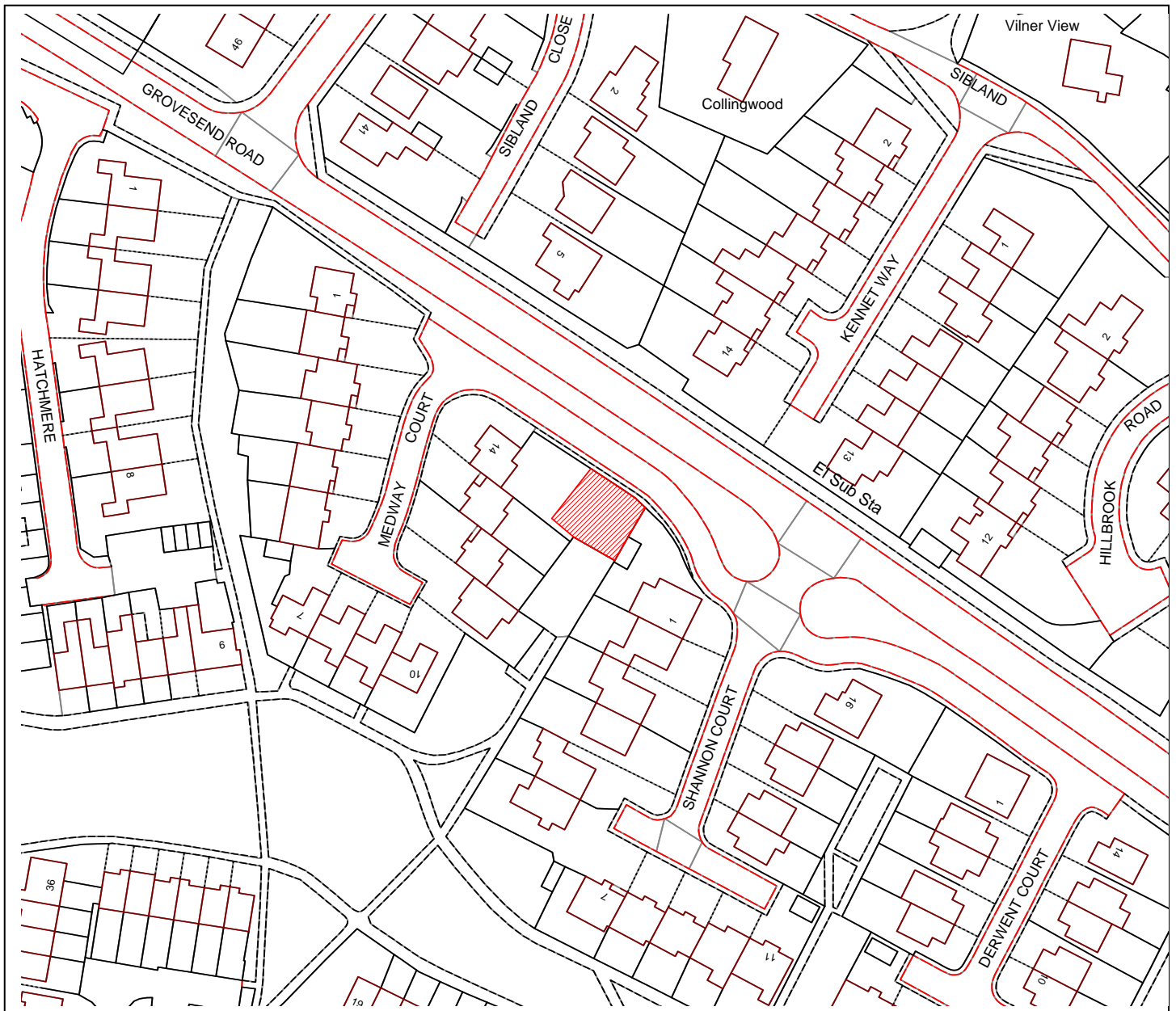
4. The windows to be used in the front (north) elevation of the development hereby permitted shall match those of the existing building in colour, type and profile.

Reason(s):

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. 12/09 – 27 MARCH 2009

App No.:	PT09/0288/O	Applicant:	Mr T Cook
Site:	Land at 14 Medway Court, Thornbury, South Gloucestershire, BS35 2HL	Date Reg:	16th February 2009
Proposal:	Erection of 1 no. detached dwelling with integral garage (Outline) with access, landscaping and scale to be determined. All other matters reserved.	Parish:	Thornbury Town Council
Map Ref:	64726 89710	Ward:	Thornbury South and Alveston
Application Category:	Minor	Target Date:	20th April 2009



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INTRODUCTION

This report appears on the Circulated Schedule as a letter of support has been received from a local resident which is contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This outline application relates to the erection of a 3 bed detached two storey dwelling with integral garage at 14 Medway Court, Thornbury. Means of access, landscaping and scale have been indicated on the application form for determination but the only details submitted are the siting of the dwelling and the proposed new access. No landscaping or details of scale have been submitted and as such these reserved matters cannot be assessed under this outline application.
- 1.2 The dwelling is to be located within the rear garden area of the property. Access to the site is via Medway Court, a cul-de-sac serving 14 dwellings. A new vehicular access to serve the dwelling is proposed off Medway Court, adjacent to an existing vehicular access serving a garage. The proposed dwelling has a footprint of 7.5m by 9m and the site has an area of some 0.0195 hectares.
- 1.3 The site lies within the settlement boundary of Thornbury. It backs onto an area of tarmaced open space/play area. The rear of the dwelling is close to the rear boundary and the proposed amenity space is located to the front and side of the dwelling.
- 1.4 This application is a resubmission of outline application PT08/3010/O which was refused on the grounds of constrained nature of the site; inadequate garden area and detrimental impact to street scene. The floor area of the proposed dwelling is the same as the previous application but the size of the site has increased by approximately 78sq.m.

2. POLICY CONTEXT

- 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
- 2.2 Development Plans
Joint Replacement Structure Plan

Policy 1	Sustainable Development Objectives
Policy 2	Location of Development
Policy 33	Housing Provision and Distribution
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H2	Proposals for Residential Development Within the Existing Urban Area and Defined Settlement Boundaries
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8	Parking Standards

2.4 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/1826/F Erection of 1 dwelling with integral garage. Construction of new vehicular access.
Refused 25 July 2008 on the following grounds:-
1) constrained size of site would result in cramped form of development;
2) overlooking/loss of privacy;
3) lack of inadequate private amenity space;
4) inadequate garage space.
- 3.2 PT08/3010/O Erection of 1 dwelling (outline) with access and layout to be determined.
Refused 11 December 2008 on the following grounds:-
1) constrained nature of the plot would result in a cramped form of development;
2) inadequate garden area;
3) detrimental to visual amenities of street scene.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection.
- 4.2 Sustainable Transport
No objection.
- 4.3 Local Residents
9 letters have been received objecting to the proposal on the following grounds:-
a) overcrowded/cramped appearance;
b) overlooking/loss of privacy;
c) very small garden;
d) loss of parking;
e) highway/pedestrian safety;
f) location of sewage pipe;
g) proposal does not overcome previous refusal reasons;
h) loss of light;
i) out of keeping with surrounding area;
j) drainage;
k) set a precedent;
l) loss of openness;
m) overbearing impact.
One letter welcoming the proposal has been received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

As can be seen from the recent planning history, residential development on the site has twice been refused on numerous grounds, the main issue being the constrained and limited size of the plot. Although it is recognised that the site area has increased under the current application, it is still considered that it does not overcome this fundamental issue.

5.2 Advice contained within PPS3 states that Local Planning Authorities should make effective use of land by re-using land that has been previously developed. Using land efficiently is a key consideration in planning for housing. Additional housing on previously developed land within existing towns and cities promotes more sustainable patterns of development. This policy stance is reflected in policies contained within the Adopted Joint Replacement Structure Plan and the South Gloucestershire Local Plan (Adopted) January 2006. However, such development must integrate with and complement neighbouring buildings and the local area and be acceptable in terms of its impact upon the character of its surroundings.

5.3 Policy H2 of the adopted Local Plan specifically relates to new residential development within the boundaries of settlements and allows such development provided it is acceptable in transportation and residential amenity terms; is appropriate in terms of its density and design and provides adequate amenity space. These issues will be addressed below.

5.4 Transportation Issues

In transportation terms, the proposed dwelling incorporates 1 parking space within the integral garage. No objection is raised to the proposal subject to a condition requiring detailed plans to show the provision of car and cycle parking facilities.

5.5 Residential Amenity

With regard to residential amenity issues, the proposal is considered unacceptable by virtue of the cramped and constrained nature of the plot. The proposal is at odds with the grain of surrounding development. The area is characterised by residential development on significantly larger plots which allows for a degree of openness to be maintained between the built form. The application site is small and constrained, and the proposal results in an overdevelopment of the plot that is wholly out of keeping with the immediate locality, detracting from the visual amenities of the area. In addition, the restricted size of the plot and the two storey nature of the development are likely to result in possible overlooking/loss of privacy issues, further detracting from surrounding residential amenity.

5.6 Density

The application site has an area of some 0.0195 hectares resulting in a density of some 51 dwellings per hectare. A minimum density of 30 dwellings per hectare is advocated within the Local Plan, with higher density development of upwards of 50 dwellings per hectare in urban areas that are well served by public transport. The proposal would be cramped in appearance, occupying a site that is substantially smaller than any other residential development in the immediate locality. As a consequence, the adverse effects of the proposal

would outweigh any benefits in terms of efficient use of the land and as such the proposal fails this criterion.

5.7 Design

Policy H4 of the emerging local plan is also relevant as it relates to residential development within existing residential curtilages and is concerned with more detailed design issues. This policy allows for new development provided the massing, scale, proportions, materials and overall design and character of the existing property and street scene are respected; the amenities of nearby occupiers are not adversely affected; highway safety/parking is acceptable and adequate private amenity space is available for the existing and proposed dwelling. Of the above, design and garden area have not been covered in any depth under the preceding paragraphs. Although the application is in outline with details of appearance reserved for future consideration, details of proposed siting have been submitted. Advice contained within PPS3 states the importance of good design in housing development and in particular it should be well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access. Consideration of design and layout must be informed by the wider context, townscape and landscape of the wider area. This advice is reflected in Policies D1 and incorporated more generally in policy H4 of the adopted plan.

5.8 The wider locality largely consists of 1960's dwellings, semi-detached or linked detached in nature and not of any particular merit. However, surrounding plot sizes are significantly larger. The constrained nature of the site and the siting of the dwelling, tight against the rear boundary with the depth of front garden under 5m would make the development incongruous within the street scene, cramped in appearance and out of keeping with its surroundings. The proposal is therefore unacceptable in this respect.

5.9 Garden Area

The area of amenity space has increased under this application. However, much of the amenity area is located to the front of the property and this cannot be regarded as private amenity space unless the front of the plot is enclosed by 1.8m boundary treatment. Enclosing the site frontage would be unacceptable in visual amenity terms. The dwelling would have no identifiable frontage, a poor outlook and would fail to integrate within the street scene. In order to overcome this issue the area of garden to the side of the property could be enclosed by a fence on line with the front elevation of the dwelling. However, the amount of garden area still falls below 40m². This is considered inadequate to serve the size of dwelling proposed and as a consequence the proposal also fails in this regard.

5.10 Conclusion

In conclusion, the proposal falls contrary to design, housing and transportation policies D1, H2, H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 as well as the adopted SG Design Checklist SPD.

5.11 Design and Access Statement

The Design and Access Statement submitted with the application is not considered to demonstrate that the applicant has adopted a design approach

consistent with the Council's Design Checklist Supplementary Planning Document.

6. CONCLUSION

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

Background Papers PT09/0288/O

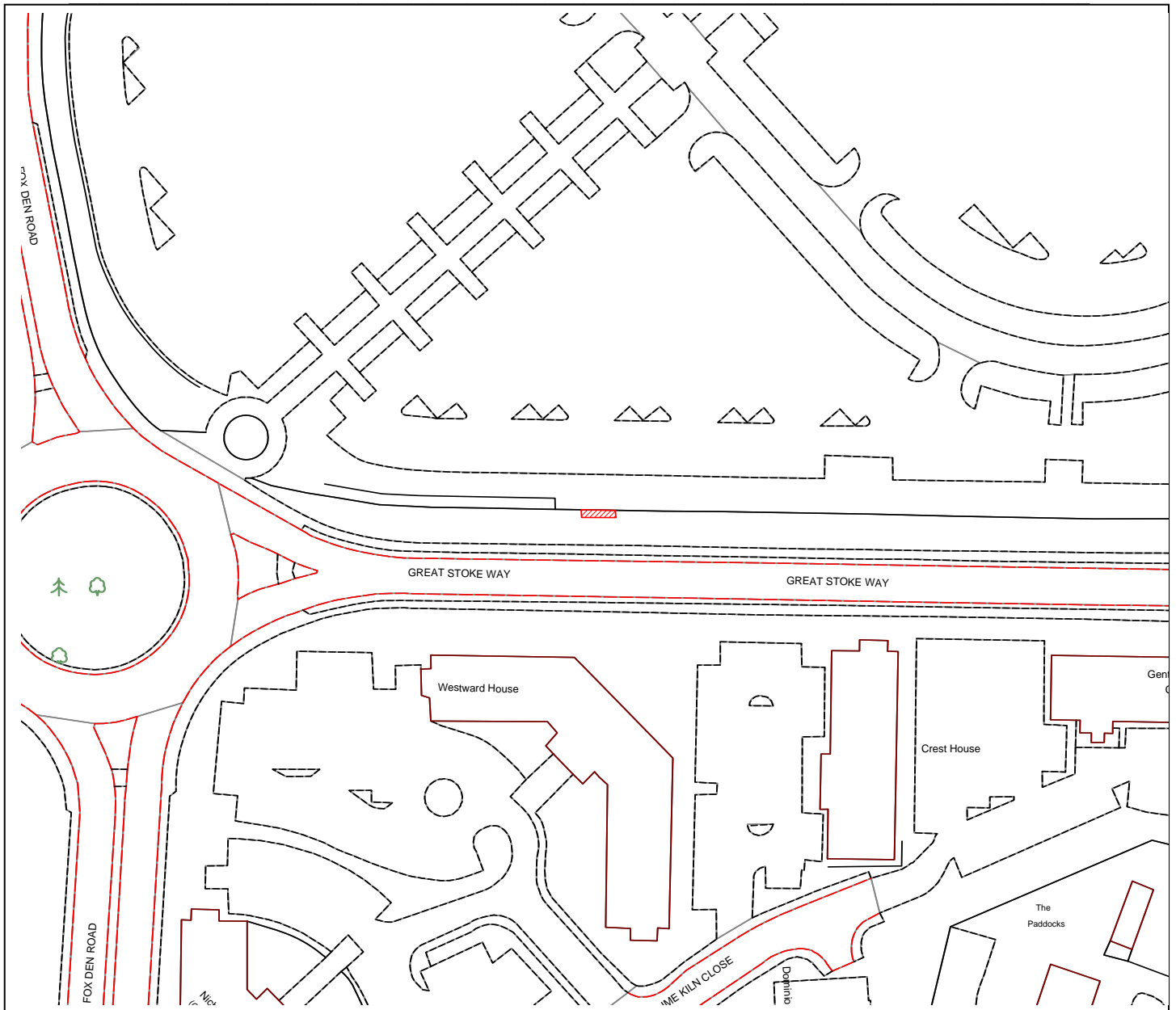
Contact Officer: Vivian Butt
Tel. No. 01454 863427

REFUSAL REASON

1. The proposed development by reason of the restricted size and constrained nature of the plot would result in a cramped form of development, out of keeping with the street scene and the grain of surrounding development, detrimental to the amenities of the occupiers of adjoining dwellings and the visual amenities of the locality. The proposal would therefore be contrary to advice contained within PPS1, PPS3, Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Adopted South Gloucestershire Design Checklist SPD.
2. The proposed area of garden that could be considered as private amenity space would be less than 40 square metres. This is considered inadequate to serve a 3 bed dwelling and would detract from the residential amenities of future occupiers of the property, contrary to Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 12/09 – 27 MARCH 2009

App No.:	PT09/0327/PN1	Applicant:	Telefonica 02 UK Ltd
Site:	Communications Mast, Great Stoke Way North, Stoke Gifford, South Gloucestershire, BS34 8GG	Date Reg:	19th February 2009
Proposal:	Prior notification of the intention to install 1 no. 12.5 metre linear column and ground base equipment with ancillary development.	Parish:	Stoke Gifford Parish Council
Map Ref:	62001 79124	Ward:	Frenchay and Stoke Park
Application Category:	Minor	Target Date:	15th April 2009



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INTRODUCTION

This application appears on the circulated schedule as an objection has been received from Councillor Howells that is contrary to the case officer's decision of no objection. However, there is insufficient time to refer to the next Development Control (West) Committee as it is after this application expires. Should the Local Planning Authority fail to notify the applicant of their decision by 15th April 2009, then the applicant can carry out the development in any event.

1. THE PROPOSAL

- 1.1 The applicant seeks prior notification of the intention to install 1 no. 12.5 metre linear column and ground base equipment with ancillary development.
- 1.2 The development is required to provide '3G' coverage for consumer demand within the Harry Stoke area.
- 1.3 The application site relates to an adopted highways verge on Great Stoke Way, Harry Stoke, an area characterised by mixed uses including predominantly commercial office (in the immediate locality), residential and retail; located within the development boundary and in the ward of Stoke Gifford.
- 1.4 The proposed installation will be sited at the West end of Great Stoke Way, approximately 75 metres from the roundabout, and at the central rear of the grass verge adjacent to a fence and an existing tree.

2. POLICY CONTEXT

- 2.1 National Guidance
PPG8 Telecommunications
Code of Best Practice on Mobile Phone Network Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
Policy S5 Telecommunications
- 2.3 Supplementary Planning Guidance
Telecommunications Network Infrastructure (Adopted) August 2005

3. RELEVANT PLANNING HISTORY

No relevant history.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Town Council
No objection.
- 4.2 Highways Officer
No Objection
- 4.3 Landscape Officer
No Objection

- 4.4 Community Services Officer
Objection to original landscape scheme.
- 4.5 Cllr J Howells
Objection due to high numbers of masts in area and lack of mast sharing.
- 4.6 Local Residents
One letter of concern was received which requested the following information:
- The mast frequency & power
 - A copy of Telefonica O2 risk assessment
 - Advice on effect the mast can have on existing coms such as Voice over IP, Networks etc.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
The principle of development is permitted by Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995. The issues for consideration here are the siting and visual appearance of the intended equipment.

An additional consideration is Policy S5 of the South Gloucestershire Local Plan (Adopted) January 2006. This policy specifically relates to proposed telecommunications equipment and seeks to protect the environment from negative impact relating to telecommunications equipment. In accordance with advice contained in PPG8, the policy encourages discreet siting where possible. Alternatively the use of site sharing or the use of other existing structures to position telecommunications should be considered where the technical needs of the operator can be achieved. In all cases, PPG8 advises that telecommunications equipment installations should be sited, designed and landscaped in order to minimise the negative impact on the built and natural environment.

- 5.2 Consideration of Alternative Sites and Mast Sharing
The applicant has submitted evidence, which identifies that four alternative sites have been considered as potential options. Two were discounted for reasons relating to the required substantial redevelopment of existing masts located on highways verges, unsuitability of one for maintenance access, and reason for not using existing structures was due to a lack of interest from property owners. Additionally the council's mast register has been searched for other options, none could be found that would provide for the required coverage area. This suitably demonstrates there are no other suitable locations, existing masts, tall building or other structures, which would meet the technical needs of the applicant.

Given that there is the Filton High school located approximately 500m to the North East and a large residential estate located 400m to the West and from analysis of the coverage afforded by the masts, indicated on the provided plots; the justification for presenting the development at this particular location is given further weight.

With regards to the comments received by Cllr Howells, whilst the planning department would prefer mast sharing to avoid proliferation, in this instance from analysis of the masts within the vicinity it is concluded that none of these would be able to appropriately accommodate the applicant's proposal without substantial redevelopment that would result in an increased prominence within the street scene.

5.3 Design and Visual Amenity

The mast is to have a 'galvanized' finish, which will give a shiny metallic appearance. The cabinet on ground level will be finished in green. It is considered that the mast will resemble many of the lampposts visible on Great Stoke Way, thus minimising any potential loss of visual amenity that could result from the proposal.

The immediate surrounding area is characterised as a commercial office area, featuring a cluster of similar medium sized units to the other side of the road to the South and to the North across a car park there is a large unit. Paragraph 148 of the Code of Best Practice states that "masts should have an unfussy design and should be placed by similar structures for example industrial and commercial premises and lamp posts". Therefore the siting of this proposal is considered to have been best chosen to be appropriately integrated into the surrounding area.

The Community Services section objected to some landscaping as originally proposed because it was on public highway land. This has now been removed from the scheme.

5.4 Residential Amenity

There are no residential properties in close proximity to the proposed location of the telecommunications mast and therefore the proposal would have no adverse impact on residential amenity.

A letter of concern was received from the adjacent office that requested further information relating to the health implications of the mast. Telefonica O2 UK Ltd replied to this with the requested information. However it is noted that from a planning perspective health issues are not a material consideration providing that the mast complies with the ICNIRP regulations. A signed certificate identifying this compliance was submitted with the application.

5.5 Health Issues

The proposal is submitted with a certificate of conformity with ICNIRP guidelines in relation to the proposed telecommunications equipment. Therefore health concerns need not be addressed as part of this submission.

6. **CONCLUSION**

- 6.1 The decision 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.

Background Papers PT09/0327/PN1

Contact Officer: Toby Adams

Tel. No. 01454 863819