



**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. 06/10

Date to Members: 12/02/10

Member's Deadline: 18/02/10 (5pm)

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE: 12/02/10

SCHEDULE NO. 06/10

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

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

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

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

Please note: - Reason for Referral

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

SIGNATURE

DATE

CIRCULATED SCHEDULE – 12 February 2010

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK09/5978/R3F	Deemed Consent	Sir Bernard Lovell School North Street Oldland Common South Gloucestershire BS30 8TS	Oldland	Bitton Parish Council
2	PK09/6082/F	Approve with Conditions	Land And Garages Lower Street Dyrham Chippenham South Gloucestershire SN14 8EU	Boyd Valley	Dyrham And Hinton Parish Council
3	PK10/0036/F	Approve with Conditions	2 Muirfield Warmley South Gloucestershire BS30 8GQ	Parkwall	Oldland Parish Council
4	PT09/5664/F	Approve with Conditions	Land At Old Gloucester Road Hambrook South Gloucestershire BS16 1RS	Bradley Stoke South	Bradley Stoke Town Council
5	PT09/5715/F	Approve with Conditions	330 Passage Road Almondsbury South Gloucestershire BS10 7TE	Patchway	Almondsbury Parish Council

CIRCULATED SCHEDULE NO. 06/10 – 12 FEBRUARY 2010

App No.:	PK09/5978/R3F	Applicant:	Mr D Plumbridge
Site:	Sir Bernard Lovell School North Street Oldland Common South Gloucestershire	Date Reg:	24th December 2009
Proposal:	Installation of sprinkler tank to serve new sports hall.	Parish:	Bitton Parish Council
Map Ref:	367334 171703	Ward:	Oldland Common
Application Category:	Minor	Target Date:	10th February 2010



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 100023410, 2008. **N.T.S.** **PK09/5978/R3F**

INTRODUCTION

This application has been submitted by Sir Bernard Lovell School. The application site is owned by South Gloucestershire Council and as such the application is a Regulation 3 submission, which under the Council's current scheme of delegation, must appear on the Circulated Schedule. Furthermore Bitton Parish Council have raised an objection, which is contrary to the officer recommendation. The application was previously circulated to Members via Circulated Schedule No. 03/10 during which time a further letter of objection was received from a local resident, hence the requirement to re-circulate.

1. THE PROPOSAL

- 1.1 Sir Bernard Lovell School is situated on the south-western side of North Street, Oldland Common. The location is residential in character and the site is bounded to the south-west by the rear gardens of properties on West Street. To the south the site is bounded by the railway cutting which includes the Bristol to Bath Cycle Way; North Street lies to the front of the school campus, whilst to the north-west a narrow public footpath separates the site from the nearest residential properties on North Street.
- 1.2 A full planning permission is sought for the installation of a sprinkler tank to provide a water supply for the sprinkler system to be installed within the new Sports Hall that is currently under construction.
- 1.3 The proposed sprinkler tank would measure 5m x 4m x 2m high with an overall height of 2.48m; the capacity of the tank would be 30 cu.m. It is proposed to locate the tank at the front of the school adjacent to the recently installed electricity sub-station and close to the rear boundary of nos. 58 & 60 North Street.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 - Delivering Sustainable Development
PPG13 - Transport
Circ 11/95 – The Use of Planning Conditions
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 - Design
L1 - Landscape Protection
T8 - Parking Standards
T12 - Transportation Development Control Policy for New Development
LC4 - Proposals for Educational and Community Facilities within the Existing Urban Area and Defined Settlement Boundary.
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Check List SPD (Adopted) 23 Aug 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 P74/4298 Erection of two terrapin classrooms in accordance with revised plans received on 9th August 1974 (Previous ID: K245)
Approved 11th Sept 1974
- 3.2 P77/4345 Erection of single storey workshop block, floor space approx 2,120 sq.ft. (Previous ID: K245/1)
Approved 19th Sept 1977
- 3.3 P98/4390 Erection of extension to provide new facilities for Design Technology.
Approved 28th Aug 1998
- 3.4 PK00/0823/F Erection of extension to provide a new arts centre.
Approved 10th Aug 2000
- 3.5 PK03/3254/R3F Change of use from dwelling (Class C3) to offices (Class D1) as defined in the Town and Country Planning (Use Class Order) 1987.
Deemed Consent 16th Dec 2003
- 3.6 PK04/2608/R3F Erection of single storey classroom block on South East Elevation and enclosure of existing Atrium.
Deemed consent 01st Nov 2004.
- 3.7 PK05/2738/R3F Erection of extension to form canopy shelter for students (Retrospective).
Deemed Consent 09th December 2005
- 3.8 PK05/3624/R3F Erection of new sports hall and associated works. Construction of all weather football pitch and tennis courts with No.16 floodlights and fencing. Construction of new car park to front of school, new mounds and associated landscaping.
Approved 16th July 2008 S106 signed.
- 3.9 PK08/2901/F Erection of detached single-storey tennis clubhouse and associated works.
Approved 23rd Jan 2009
- 3.10 PK09/5317/R3F Erection of single-storey temporary office accommodation for a period of 5 years.
Approved 27 Nov 2009

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Object to the siting chosen for the proposed tanks. Alternative sites away from neighbouring properties are available, such as to the rear (south) of the Sports Hall. If the tanks are adjacent to buildings it will give rise to the possibility of rainwater run-off being used to fill them.

4.2 Other Consultees

None.

Other Representations

4.3 Local Residents

1no response was received from the occupant of adjoining no.58 North Street. The concerns raised are summarised as follows:

- I have not been consulted about this matter at any time.
- The storage tank and pump house would adversely affect visual amenity.
- The tanks could provide a platform for pupils to overlook no.58 or provide easy access for illegal intrusion.
- The concrete raft supporting the tanks would adversely affect the health of a Silver Birch tree.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy LC4 of the adopted South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits the development, expansion or improvement of education and community facilities within the existing urban area subject to the following criteria:

- A. Proposals are located on sites which are, or will be, highly accessible on foot and by bicycle; and
- B. Development would not unacceptably prejudice residential amenities; and
- C. Development would not have unacceptable environmental or transportation effects; and
- D. Development would not give rise to unacceptable levels of on street parking to the detriment of the amenities of the surrounding area and highway safety.

5.2 Policy D1 seeks to secure good quality designs in new development whilst Policies T8 and T12 relate to parking and highway matters.

5.3 The school is a well-established campus, located within the urban area, so subject to the above criteria the proposal would be acceptable in principle.

5.4 Supporting Information and Justification

In support of the application the applicant has submitted the following information:

- South Gloucestershire Education Department have required that all new school buildings should install sprinkler systems, hence the requirement for one in the new Sports Hall that is currently under construction.
- The sprinkler system could be run directly from the nearest main in North Street, where it has been demonstrated that there is currently sufficient water pressure. Bristol Water however has no statutory obligation to maintain this water pressure and in order to reduce the risk of leakage may

reduce the water pressure at some time in the future; as a result Bristol Water has declined to allow the sprinkler system to be fed directly from the water main in North Street; therefore in order to function, the system will require a water storage tank.

- Whilst the water to fill the tank would be sourced from the water main, the pressure to the sprinkler system would be provided by a pump located next to the tank.
- There is currently no sprinkler system in the main school buildings but if the school is re-developed in the future, there will be a requirement for a sprinkler system. The proposed tank could also be utilised to serve any future redeveloped buildings as well.
- Engineering considerations dictate that the tank must be located as close as possible to the buildings being served and the source of the water i.e. the main in North Street.

5.5 Scale & Design

The scale of the proposed tank is dictated by its functional requirements. The tank is to be located on a vacant piece of land on the northern perimeter of the school campus, next to a recently installed electricity sub-station. This would conveniently locate the tank midway between the Sports Hall, the main school building and the water main in North Street. Being located next to the main driveway would also allow easier access for maintenance.

5.6 The Parish Council have questioned the proposed siting of the tank and suggested that a more appropriate location would be to the south of the Sports Hall. This would be more remote from the water main and the western part of the main building. The areas around the Sports Hall are to be used for pedestrian circulation; by siting the tank on the plot proposed, this would not restrict any future re-development plans of the school buildings.

5.7 For safety reasons the tank needs to be kept full at all times, so replenishment by rainwater run-off would not be practical. Furthermore the tank has to be periodically emptied and cleaned, then immediately refilled, this again would not be possible using intermittent rainwater run-off.

5.8 Impact Upon Residential Amenity

The tank would be located adjacent to the rear gardens of nos. 58 & 60 North Street. The tank would be 2m high and the smaller pump house 2.5m high. There is however a substantial hedge and a mature Silver Birch tree on this boundary that would screen the tank and pump house from view from the north. It is also proposed to enclose the tank and pump, as well as the existing rather unsightly electricity sub-station, using a 2.5m high Hedera screen fence. This fence is sold in sections with ivy ready grown into the galvanised steel weldmesh, which provides both security and a growing support for the ivy. The proposed tank and pump would therefore not be visible from public or residential areas and would not be accessible for people to climb on.

5.9 Landscape Issues

The plot of land to be utilised for the development merely comprises a grassed verge. A mature Silver Birch tree grows in the rear garden of neighbouring no.58 and to some extent the tree's branches overhang the application site such that part of the tank would be below them. The branches are high enough as to not affect the proposal but the root system would extend into the area to be excavated.

- 5.10 The applicant has confirmed that the proposed tank would sit on a concrete raft that would be sunk 300mm into the ground. The Council's Tree Officer has confirmed that although the life expectancy of the tree is short, the root system could be affected. In response the applicant has submitted a method statement confirming that any excavations below or within 1m of the canopy of the tree will be hand dug. Subject to a condition to secure this, there are no landscape objections.

5.11 Transportation Issues and PROW

The proposal would have no adverse impact on the existing parking and turning areas within the school campus. The scheme would not adversely affect the nearest PROW – PBN/14/20 which terminates outside the School Campus.

5.12 Environmental & Drainage Issues

The proposed scheme is modest in scale and would not result in any increased risk of flooding. There are therefore no objections on environmental or drainage grounds.

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 Use of Energy and Sustainability

None

5.15 Improvements Achieved to the Scheme

None required

5.16 Section 106 Requirements

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

6. CONCLUSION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. All excavation, associated with the development hereby approved, beneath or within 1 metre of the crown spread of the adjacent mature Silver Birch Tree (growing in the garden of no.58 North Street), shall be in accordance with the method statement submitted to and agreed by the Local Planning Authority on 18 Jan 2010.

Reason

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

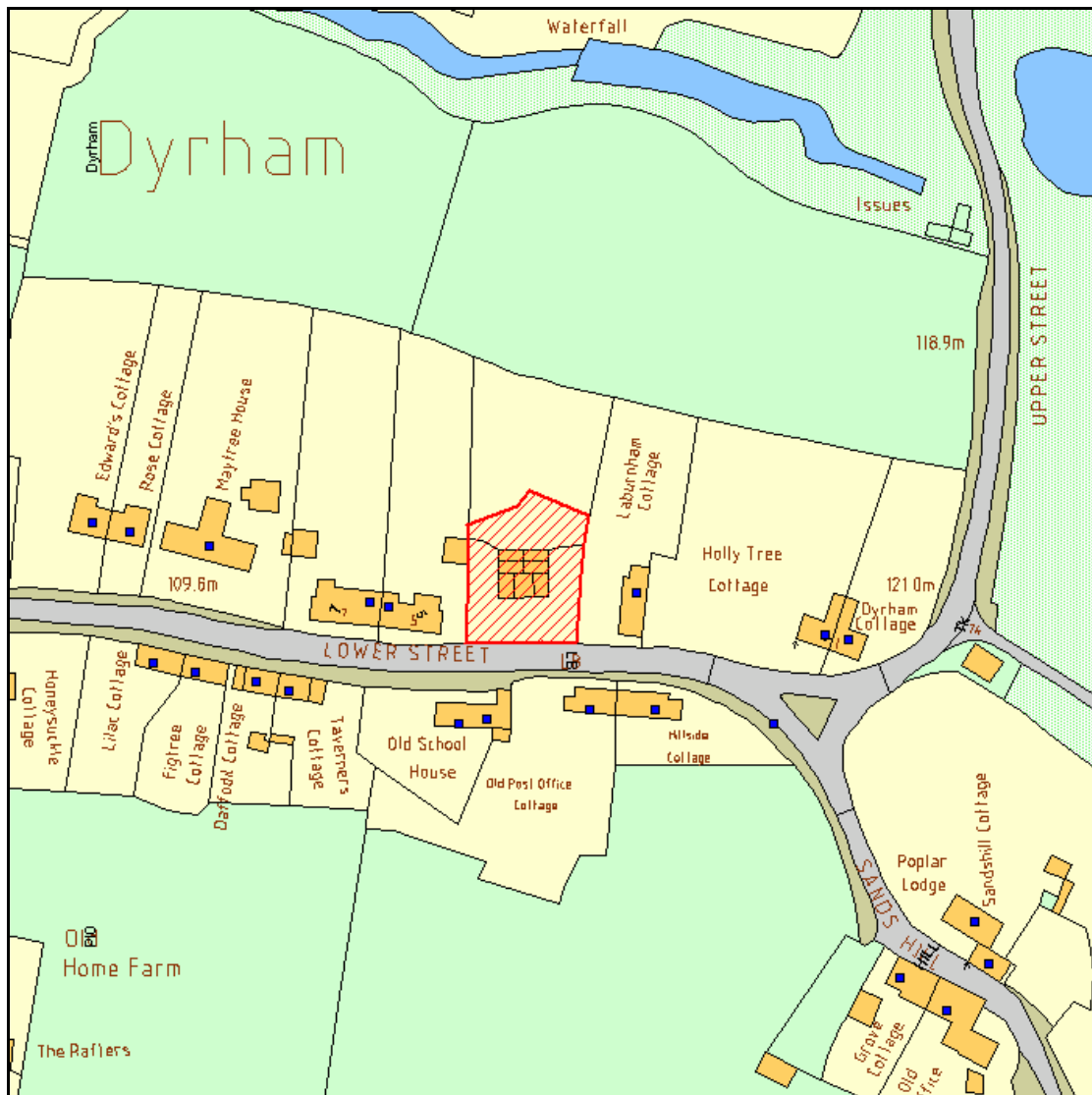
3. Prior to the first use of the development hereby approved, the screen fencing/planting shall be erected/installed in full accordance with the plans hereby approved.

Reason

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

CIRCULATED SCHEDULE NO. 06/10 – 12 FEBRUARY 2010

App No.:	PK09/6082/F	Applicant:	
Site:	Land and Garages Lower Street Dyrham Chippenham South Gloucestershire	Date Reg:	23rd December 2009
Proposal:	Demolition of existing garages to facilitate the erection of 2 no. dwellings with associated access, garaging and private amenity space.	Parish:	Dyrham And Hinton Parish Council
Map Ref:	373912 175627	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	11th February 2010



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 100023410, 2008. **N.T.S.** **PK09/6082/F**

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of 17 letters of objection from local residents and due to objections raised by Dyrham and Hinton Parish Council.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the demolition of existing garages to facilitate the erection of 2 no. dwellings with associated access, garaging and private amenity space at Lower Street, Dyrham. The proposed dwellings would be two storey semi detached properties which front onto Lower Street.
- 1.2 The application site is located within the settlement boundary of Dyrham, it is also within Dyrham Conservation Area, within the Bristol Bath Green Belt and within the Cotswolds Area of Outstanding Natural Beauty.
- 1.3 During the course of the application amended plans were requested to ensure the garages were adequately sized and to provided sufficient parking and turning space. The red line to show the application site has also been amended to ensure the rear of the plot is kept as open green space.

2. POLICY CONTEXT

- 2.1 National Guidance
 - PPS1 Delivering Sustainable Development
 - PPG2 Green Belt
 - PPS3 Housing
 - PPG13 Transport
- 2.2 Development Plans
 - South Gloucestershire Local Plan (Adopted) January 2006
 - D1 Achieving Good Quality Design in New Development
 - L1 Landscape protection and Enhancement
 - L2 Cotswolds Area of Outstanding Natural Beauty (AONB)
 - L5 Open Areas within the Existing Urban Areas and Defined Settlements
 - L12 Conservation Areas
 - L17 &18 The Water Environment
 - EP1 Environmental pollution
 - GB1 Development within the Green Belt
 - H2 Proposals for Residential Development within the existing Urban Area and Defined Settlement Boundaries.
 - T8 Parking Standards
 - T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
 - South Gloucestershire Design Checklist (Adopted) 2007.
 - South Gloucestershire Council Development in the Green Belt SPD (Adopted) June 2007

3. RELEVANT PLANNING HISTORY

3.1 None relevant to the application.

4. CONSULTATION RESPONSES

4.1 Dyrham and Hinton Parish Council

Have no objection to the houses in principle but raise an objection to the proposal on the following grounds.

- Garage position is unacceptable
- Only room for 2 cars, most rural families have more than two cars.
- Increased levels of on street parking resulting in damage to grass verges
- Only solution would be double yellow lines which would be out of keeping.
- Position of sewerage treatment plant located furthest point away from access.
- There is more than enough room to site garages in accordance with other cottages. Providing more off street parking.

4.2 Sustainable Transport

No objections to the proposal scheme have been raised subject to the attachment of conditions to ensure the provision of visibility splays and the provision and maintenance of the parking spaces and turning area.

Other Representations

4.3 Local Residents

Seventeen letters of objection have been received from local residents raising the following concerns:

- Location and orientation of garages out of keeping.
- Concerned regarding further infill on the rear plot at a later date
- The proposed windows in the gable ends are out of keeping
- The existing garages are unattractive but necessary for the cottages who do not have parking facilities.
- Access from the A46 via Sands Hill is very narrow and extra vehicles could result in problems with cars passing each other.
- Boundary of Holly Tree Cottage shown on plan is inaccurate.
- Loss of outlook and light to main rooms of neighbouring property
- Overlooking and loss of privacy
- Traffic for the two cottages would pass the entire frontage of the neighbouring property, detracting from the setting of Laburnum Cottage.
- Location of garages would impinge on the quiet enjoyment of the rear garden of the neighbouring property.
- Garages would exclude light from the patio of the neighbouring property.
- Not enough parking.
- Unsafe access, poor visibility.
- Additional cars in the road would erode grass verges and cause problems for the movement of heavy farm machinery.

- Plans do not show location of septic tank or indicate provisions for gas cylinders for central heating. This is of concern as heavy vehicles could be using the access lane for deliveries.
- Neighbouring cottage is locally listed
- Over-development of the site.
- Slack material specification.
- Side extension out of character.
- Loss of parking space
- Garden space too small and out of keeping
- Concern regarding maintenance of hedges and access road.

Further to the re-consultation of revised plans the following additional concerns were received.

- Garage size has increased but will still only accommodate one car.
- Increase in tarmac
- Back land will become a car park
- Garages should be as close to the western boundary as possible
- The land is not level and would undermine the neighbouring garden

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The South Gloucestershire Plan (Adopted) 2006 identifies the site as lying within a defined settlement boundary. As such the proposal should be assessed against Policy H2 which allows for residential development within settlement boundaries providing that highway safety would not be compromised, adequate parking and amenity space is provided and that there is no unacceptable impact on residential amenity. The site is also located within the Green Belt, therefore Policy GB1 is relevant. Policy H2 allows for new residential development providing that the following criteria are complied with:-

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

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

Transportation Issues

The applicant is seeking planning permission to demolish 7 existing garages and to replace them with a pair of semi-detached properties and associated works. It has been confirmed that the existing garages are not allocated to any of the existing properties, furthermore the existing garages are substandard in size, and mostly used for ancillary domestic storage rather than the garaging of vehicles. It should be noted that the hard-standing that surrounds the garages is retained by the applicant and is solely available to the garage occupiers for access to their units, as such, no third party has a right to park there. Consequently, the Council's Transportation Officer considers that the removal of the existing garages would not adversely impact on the parking arrangement for the neighbouring properties.

From a traffic point of view, it is considered that traffic movements to and from the existing garages, if these garages are used, would be similar to that potential traffic from two residential dwellings on the site. With this in mind then there can be no highway objections to the proposal on traffic grounds.

With regards to access, the applicant is proposing a new access to serve the development but no details of visibility have been submitted with the proposal. The Highways officer's view is that correct visibility splays, as recommended by the 'Manual for Street' guidance, can not be achieved at this location. It is possible to provide visibility splays of 2m by 25m (to the right of the access) across the application site by maintaining new boundary wall and vegetation to below 1m height. However, visibility to the left of the new access would remain restricted due to the earth bank and boundary hedge in third party ownership. Given the extant use of the site, it is not considered that a refusal reason based on visibility could be justified or substantiated at appeal, furthermore, a condition would be attached should planning permission be granted to ensure that visibility splays of 2m by 25m across the site frontage clear of any obstruction above height of 0.9m above the road level are provided.

The parking requirement for this development is two spaces per dwelling. The applicant is proposing off-street parking in the form of two garages, in addition a turning area and space for two more cars to park parallel with the site boundary is proposed. Subject to a condition to ensure the provision and maintenance of the parking spaces and turning area, the proposal meets the Councils required parking standards. Further with no objections from the Councils Transportation Officer the proposal is considered acceptable.

Residential Amenity

The side elevation the proposed Cottage No. 1, would be adjacent to the front drive area and side elevation of No. 5 Lower Street. Whilst the proposed cottages are slightly higher than No. 5 Lower Street, the single storey side store of Cottage No.1 would be located approximately 1.2 metres away from the boundary with this neighbouring property, with the two storey main bulk of the cottage being located 3.8 metres away from the boundary. As such, given the location of the cottage away from the boundary with No. 5 Lower Street, in combination with its modest scale, it is not considered that the proposal would result in any significant overshadowing or overbearing effect on this neighbouring dwelling. In addition it is considered that the proposed detached garages would also be set far enough away from any boundaries with the neighbouring properties, being approximately 7 metres from Laburnham Cottage, to not result in any overshadowing or overbearing impact.

The side elevation of Cottage No.2 would be located 4 metres away from the boundary with the neighbouring property, Laburnham Cottage. Given the slight slope of the land, this property would be slightly raised up from the application site. Laburnham Cottage is of an unusual orientation in the street scene, positioned so that it faces the application site. Concern has been raised regarding the loss of outlook from this property and loss of light to the main rooms. Whilst it is inevitable that the proposed development would result in some increase in overshadowing on the existing situation, given the scale and location of the proposal over 13 metres away from the front elevation of this

property, on balance it is not considered that the scheme would significantly adversely affect the residential amenity of this property. Furthermore loss of outlook is not a material planning consideration.

Concern has been raised regarding the first floor side elevation windows and the overlooking and loss of privacy that would result from these windows. The western side elevation windows would be located approximately 10 metres from the blank side elevation of No. 5 Lower Street, and would overlook the front drive area associated with this property. Further, whilst these windows would serve habitable rooms they are small in scale and are not considered to be the principle windows serving these bedrooms. The eastern side elevation windows would be located approximately 13 metres away from the front elevation of Laburnham Cottage. The applicant has agreed for these windows to be obscurely glazed to overcome any potential issues of inter-visibility and loss of privacy, furthermore a condition would be attached to the permission to ensure these windows remain obscurely glazed.

Concern has been raised regarding the location of the garages leading to the movement of vehicles along the boundary of Laburnham Cottage. Whilst it is accepted that the driveway associated with the proposed dwellings would extend further along the boundary with Laburnham Cottage than the existing garage plot does, given the extant use of the site and the fact that vehicles could currently be manoeuvring to the front this property, it is not considered that the proposal would result in such a significant increase in noise and disturbance over and above the existing situation to justify the refusal of the application.

The plans show adequate private and useable amenity space would be provided to serve both the proposed cottages. Therefore on balance the impact on residential amenity is considered to be acceptable.

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

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.

A density calculation on the site provides a density of approximately 26 per hectare. Officers are satisfied that having regard to the sites constraints, the pattern and scale of existing development, access and impact on residential amenity, no more than two dwellings could be accommodated on the site.

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

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

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

The proposal is only for 2 dwellings and therefore would not have a significant impact on the area in terms of service provision.

5.6 Design / Visual Amenity

The buildings on Lower Street are predominantly aligned parallel with the road and set back behind small gardens, low stone walls and grass verges. Buildings are predominantly two storeys, of natural rubble construction with clay tile roofs, ridge stacks and small casement windows. The buildings have a distinctly robust, vernacular character with a high solid-void ratio and horizontal emphasis and comprise terraces of small cottages, with a handful of larger detached dwellings. The general built form of the area is that of buildings facing the road, with open gardens to the rear, with small garages and outbuildings set slightly behind the main house. Laburnham Cottage is the only building to be built at right angles to the main road.

The application site is currently occupied by a flat roofed block of seven garages which are not particularly aesthetically pleasing or desirable. These garages would be demolished to facilitate the construction of the proposed cottages and associated works.

It is considered that the proposed pair of semi-detached cottages would be of an appropriate standard in design and would reflect the character of the surrounding properties. The dwellings would be constructed in natural stone and would have a clay tile roof to match to match the surrounding properties. In addition, the properties would be set back from the road and would respect the existing front building line of the neighbouring properties. Whilst the proposed cottages would be higher than No's 5 and 7 Lower Street, the ridge height of the proposed cottages is lower than the neighbouring Laburnham Cottage. Furthermore land levels do rise along Lower Street from west to east, so its context is one of buildings with varying ridge heights.

Concern has been raised regarding the location and orientation of the detached garages to the rear of the proposed cottages. The proposed garage would be located at a slight angle to the proposed cottages, this is to give the appearance of a traditional rural outbuilding. Given the modest scale and location of the proposed garages, to the rear of the site and partially screened by the proposed dwellings, it is considered that the design of this aspect of the proposal is acceptable. Consequently it is considered that the proposal would not be harmful to the character and appearance of the area and would be a suitable addition to the street scene, furthermore it is considered that the proposed cottages are a vast improvement on the existing flat roofed garage block.

5.7 Green Belt

The application site is located within the Bristol Bath Green Belt, where limited infilling within the boundaries of settlements are permitted provided that the proposal would not have an adverse impact on the visual amenity of the Green Belt and would not compromise the openness of the Green Belt.

Given that the proposal would be located within the settlement boundary of Dyrham and would be situated within the existing street scene and viewed against a backdrop of existing residential buildings, it is not considered that the proposal would have any detrimental impacts on the visual amenity or openness of the Green Belt. Furthermore the proposed dwellings would replace an existing block of garages. As such the proposal is considered to be in accordance with Policy GB1 of the South Gloucestershire Local Plan

5.8 Conservation Area

This site is located within the conservation area of Dyrham village, an important historic settlement with particular picturesque qualities dominated by the 17th century Dyrham Park, a popular National Trust property and Registered Park and Garden. Lower Street is one of two lanes in the conservation area that run east-west either side of the River Boyd. A number of neighbouring properties are locally listed, as such any proposals in close proximity should ensure that the setting of these Locally Listed Building is not compromised.

The site presently comprises a large plot with a centrally placed, single-storey block of garages, with access on three sides. The garage block is set back in the plot with a turning arc off the main road, creating an inappropriate void in the street-scene which detracts from the character of the conservation area. To the rear are open gardens, historically allotments, which extend all behind the houses along Lower Street.

The proposal is to erect a pair of modest, 2 storey semi-detached cottages set back from the highway. They would be constructed in natural stone, with clay tile roofs, timber windows and cast iron rainwater goods and they should, therefore, reflect the traditional construction used elsewhere in the conservation area. The incorporation of small outside stores should reduce the need for additional outbuildings and the simple garage provides off-road parking. As such it is considered that the proposal would be a positive enhancement on the existing situation and would not compromise the setting of the nearby Locally Listed Buildings or the character of the conservation area.

The plans are provided at 1:100, as such the finer detail of the scheme is not clear, whilst this information was requested during the course of the application, the agent has agreed to this information being subject to conditions. Larger scale details of the key design elements such as the windows, door/porch, dormers, eaves/verge etc would be conditioned to ensure that the scheme is designed and appropriately constructed to sit comfortably in this historic and sensitive setting.

5.9 Landscape Issues

The site does not contain any noteworthy landscape features and there would not appear to be any 'in principle' landscape objection to the proposal. The open area to the rear of the site is considered significant in terms of Policy L5 as it reflects the historic settlement pattern of frontage development with large open areas to the rear. This pattern is repeated and is intact along the whole of the northern side of Lower Street. Revised plans have been submitted to show the reduced red line boundary of the site. Furthermore the proposed boundary treatments are shown on the plan to divide the application site from the

remaining plot of land to the rear that stretches north towards the River Boyd. Whilst the area of hard standing has been slightly increased, the boundary treatments would be conditioned to ensure that the land to the north of the application site is not encroached on and to ensure this plot of land doesn't become an informal extension to the rear gardens or parking area associated with the proposed cottages. Furthermore prior to the commencement of development full details of the hard surfacing would need to be submitted and approved by the Council. Subject to the attachment of a condition to ensure details of all boundary treatments and hard surfacing there are no landscape objections.

Given the scale and location of the dwellings within the Bristol Bath Green Belt, it is considered reasonable to remove the permitted development rights for the properties.

5.10 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. There are therefore no objections on environmental grounds. In terms of drainage additional information has been submitted in accordance with the Councils Drainage Engineers comments as such there are no objections to the proposal with regard to environment and drainage issues.

5.11 Other Issues

Concern has been raised regarding the development of the land to the rear of the site. This would be subject to a separate application, however Officers consider that this land should remain undeveloped since backland development in this area would significantly erode the character and appearance of the conservation area and set an unwelcome precedent for development elsewhere in the conservation area. It has been noted that the boundary for Holly Tree Cottage is not shown correctly on the plans, this property does not bound the application site and as such this issue is not considered relevant to the application.

Concern has also been raised regarding the maintenance of hedges and the access road, whilst this is not a planning consideration, these should be maintained by the owner of the land.

Concern has been raised regarding the plans not showing the location of gas cylinders for central heating, it is considered that there is ample space in the rear gardens of the proposed dwellings for gas cylinders to be sensitively located. Whilst these and the sewerage treatment plant would need to be accessed from time to time, this would be infrequent and is not considered to be of sufficient concern to justify the refusal of the application.

The neighbouring property has raised a concern regarding the land not being level and the possibility that their property will be undermined. This would be addressed under non planning legislation in the form of the Building Regulations, The Party Wall Act and other related legislation. However, for the avoidance of doubt, three informatives would be attached to the decision notice

to ensure that the applicant / agent is aware that planning permission does not grant rights to carry out works on land outside of the control of the applicant; consent must be sought from the owner of the land; and, that the Building Regulations must be complied with. It has been confirmed by an Officer of the Council's Building Control team that several construction techniques could be used to address this issue.

5.12 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.

5.13 Use of Energy and Sustainability

No additional measures proposed.

5.14 Improvements Achieved to the Scheme

Garage sizes have been increased to ensure the garages are of a sufficient size to accommodate the size of a modern car and the parking and turning area has been resized to allow space for two parked cars and turning space. The east side elevation windows have been obscurely glazed to ensure no loss of privacy is experienced by the neighbouring property. Furthermore the red line to show the boundary of the application site has been reduced to ensure the rear of the plot is retained as open green space.

5.15 Section 106 Requirements

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

6. CONCLUSION

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

6.2 It is considered that the proposed pair of semi-detached cottages would be of an appropriate standard in design and would reflect the character of the surrounding properties. Furthermore the proposed dwellings would be a positive enhancement compared to the existing garage block. As such the proposal accords with policies D1, L2 and L12.

Given the location and scale of the proposal, on balance it is considered that the scheme would not prejudice the amenities of neighbouring occupiers, in accordance with Policy H2.

Given the extant use of the site there are no highways objections to the proposal in terms of traffic movements, furthermore the proposal meets the Councils required parking standards. As such the proposal accords with Policies T8 and T12 of the South Gloucestershire Local Plan.

The proposal would be located within the settlement boundary of Dyrham and would be situated within the existing street scene and viewed against a backdrop of existing residential buildings. As such the proposal is considered to be in accordance with Policy GB1 of the South Gloucestershire Local Plan

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

7. RECOMMENDATION

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

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

2. Notwithstanding previously submitted details, prior to the commencement of development, the design and details including materials and finishes of the following items shall be submitted and approved in writing by the local planning authority:
- a. eaves
 - b. verges
 - c. ridges
 - d. rainwater goods
 - e. all windows (including cill and head treatments)
 - f. reveals
 - g. lintols
 - h. all external doors (including furniture & fittings)
 - i. all extract vents and flues
 - j. chimneys (including pots).
 - k. dormer windows
 - l. garage doors
 - m. porch
 - n. all new gates

The design details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with cross section profiles. Cross sections through a typical glazing bar shall be submitted at full size. The scheme shall be implemented strictly in accordance with the approved details.

Reason

To ensure that the development is of an appropriate quality and thereby serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

3. All doors and windows shall be of a traditional painted timber construction and finished in a colour to be agreed in writing by the local planning authority and thereafter so maintained in the approved colour unless an alternative is first approved in writing by the local planning authority.

Reason

To ensure that the development is of an appropriate quality and thereby serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

4. No wires, pipework, satellite dishes or other aerials, alarms or other paraphernalia shall be affixed to the external elevations of the development hereby approved otherwise than with the prior written agreement of the local planning authority.

Reason

To ensure that the development is of an appropriate quality and thereby serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

5. Prior to the commencement of development a sample panel of facing stonework (for the new houses and garage) of at least one square metre, showing the stone, coursing, joints, mortar and pointing, shall be constructed on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved panel, which shall be retained on site until the completion of the scheme, to provide consistency.

Reason

To ensure that the development is of an appropriate quality and thereby serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

6. Prior to the commencement of development a sample panel of dry stone walling (for the boundary walls) of at least one square metre, showing the stone, coursing and joints, shall be constructed on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved panel, which shall be retained on site until the completion of the scheme, to provide consistency.

Reason

To ensure that the development is of an appropriate quality and thereby serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

7. Prior to the commencement of development a representative sample of clay pantile shall be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample.

Reason

To ensure that the development is of an appropriate quality and thereby serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

8. Prior to the commencement of development full details of all means of enclosure within the site (including heights, materials and finishes) shall be submitted to and agreed in writing by the local planning authority. The proposed development shall thereafter be implemented strictly in accordance with the agreed details and thereafter so maintained.

Reason

To ensure that the development is of an appropriate quality and thereby serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed

in the traditional local manner to ensure that the development is compatible with its surroundings.

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1, GB1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The glazing on the East elevation of Cottage 2 shall at all times be of obscured glass to a level 3 standard or above.

Reason

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

11. 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 in accordance with BS5837:2005; 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. The boundary treatments shall be retained and maintained in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policies H2, D1, L1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. Prior to the first occupation of either of the dwellings visibility splays of 2m by 25m across the site frontage must be provided. There shall be no obstructions to visibility exceeding 0.9 metres in height within the splayed areas.

Reason

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

13. The two off-street parking spaces per dwelling and sufficient turning space as shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

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

Reason

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

15. 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. 06/10 – 12 FEBRUARY 2010

App No.:	PK10/0036/F	Applicant:	Mr Xena
Site:	2 Muirfield Warmley Bristol South Gloucestershire BS30 8GQ	Date Reg:	12th January 2010
Proposal:	Erection of single storey side extension to form garage.	Parish:	Oldland Parish Council
Map Ref:	366432 172832	Ward:	Parkwall
Application Category:	Householder	Target Date:	8th March 2010



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 100023410, 2008. **N.T.S.** **PK10/0036/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a single storey garage to be attached to the side of the existing dwelling. There is an existing open sided porch to the front of the dwelling and the proposed garage would be erected out to the front line of the existing porch. The proposed garage would be constructed of materials to match the existing dwelling.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Extensions and New Dwellings
T8 Parking Standards
T12 Transportation Development Control
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist Adopted August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 None Relevant

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No objection

Other Representations

- 4.2 Local Residents
One letter has been received from a local resident who confirms they have no objection to the application providing the garage stands flush with the house and there is no overlapping causing obstruction of light

As the proposed garage stands forward of the existing dwelling by 500mm it is therefore assumed that the neighbour objects to the application.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for development providing it is in keeping with the character of the area and satisfies several criteria relating to design, scale, highway and impact upon visual and residential amenities being met. Policy T8 seeks to ensure that adequate levels of off street parking are provided to serve each residential unit.

5.2 Design/ Visual Amenity

The application seeks consent for a single storey extension to the side of the existing dwelling to form a garage. The garage would project 500mm forward of the main front wall to be in line with the existing front canopy. The roof of the garage will have a pitch to match that of the main dwelling and will be constructed of materials to match the existing. The extension is in proportion to and respects the character and simple design of the host dwelling. The design of the proposed garage is therefore considered to be entirely acceptable.

5.3 Residential Amenity

The proposed extension will be erected to the side of the property adjacent to a parking area and row of garages with flat above. The side wall of the garage would form part of a new boundary wall between the application property and the parking area. The proposed garage will have no impact upon existing levels of residential amenity for the parking area or flat above.

It is noted that the owner of the attached residential property, No. 4 Muirfield, is concerned that because the garage projects forward of the existing dwelling, it could result loss of light and overshadowing for windows in their dwelling. As the extension only projects 500mm forward of the main front wall, is in line with the existing front canopy, and is over 4 metres away from the boundary with the concerned neighbour, this minimal front projection will not result in any overshadowing of No. 4 Muirfield.

Adequate private amenity space will remain to serve the dwelling and therefore impact upon existing levels of residential amenity is deemed to be acceptable.

5.4 Transportation

The proposed garage is small in size having internal dimensions of only 2.35m wide by 5.45m deep. At this small size it is considered unlikely that a car will be parked in the garage and rather it is more likely that the garage will be used for storage. Nonetheless, one off street parking space remains on the existing driveway and this is sufficient to meet the needs of a two bedroomed dwelling. Sufficient off street parking is therefore provided to satisfy the requirements of Policy T8 of the South Gloucestershire Local Plan (Adopted).

5.5 Use of Energy and Sustainability

None above building regulations statutory minima.

5.6 Improvements Achieved to the Scheme

None required

5.7 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The proposed garage is of good design respecting and enhancing the character of the existing dwelling. The materials to be used in the construction of the garage match those in the existing dwelling further encouraging its successful integration. Due to its siting alongside the existing dwelling with only a minimal 500mm projection beyond the main front wall, it will not result in any issues of overshadowing, overbearing or loss of privacy for neighbouring dwellings. Adequate off street parking will remain on the driveway to meet the needs of the dwelling.

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

7. RECOMMENDATION

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

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

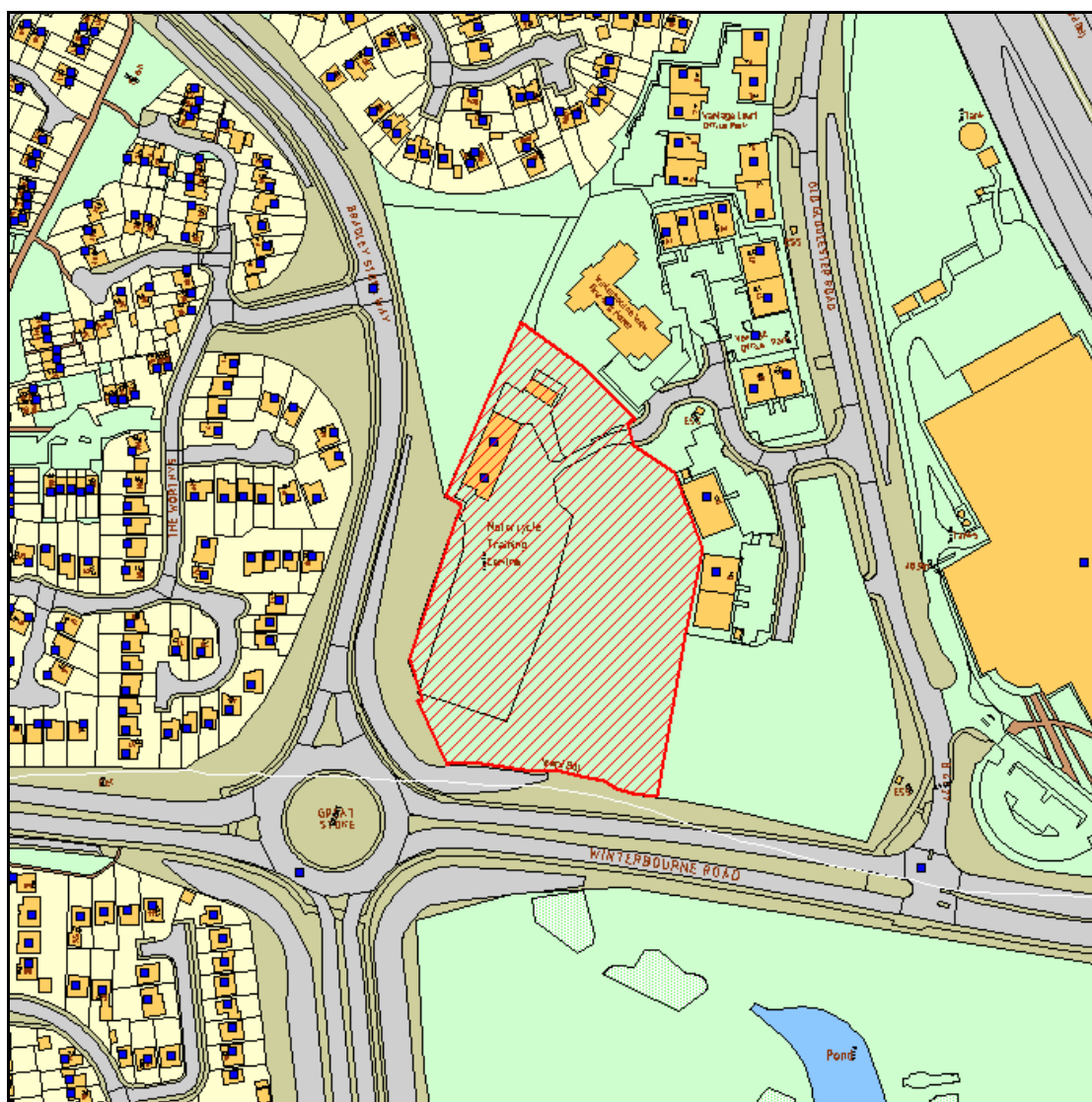
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 06/10 - 12 FEBRUARY 2010

App No.:	PT09/5664/F	Applicant:	Mr T K PhillipsBrown Grey International Ltd
Site:	Land At Old Gloucester Road Hambrook Bristol South Gloucestershire BS16 1RS	Date Reg:	7th December 2009
Proposal:	Change of use Motorcycle training centre (sui generis) to land for the sale, storage and distribution of motor vehicles (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)	Parish:	Bradley Stoke Town Council
Map Ref:	363312 180575	Ward:	Bradley Stoke South
Application Category:	Major	Target Date:	2nd March 2010



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100023410, 2008.

N.T.S.

PT09/5664/F

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of an objection from Bradley Stoke Town Council is contrary to the Case Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the change of use of a motorcycle training centre (sui generis) to land for the sale, storage and distribution of motor vehicles (sui generis).
- 1.2 The application site is approximately 1.5ha in area. This is situated in an elevated position, and the site has been split into two terraces. The site is situated adjacent to an established business park. The site is within the Bristol North Fringe urban area and is designated as a Safeguarded Employment Area.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1: Delivering Sustainable Development
- PPS4: Planning for Sustainable Economic Growth
- PPG13: Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1: Achieving Good Quality Design in New Development
- L1: Landscape Protection and Enhancement
- EP1: Environmental Pollution
- EP6: Contaminated Land
- T12: Transportation Development Control Policy for New Development
- E3: Employment Development within the Urban Area
- E4: Safeguarded Employment Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/0365/F Change of use of land for sale, storage and distribution of motor vehicles (Renewal of planning permission P97/1330 dated 2 March 1999).
Approved 11.11.2004
- 3.2 P98/1823 Change of use of land from motor cycle training centre to sales, storage and distribution of motor vehicles
Refused 03.12.1998
- 3.3 P97/1330 Change of use of land for sale, storage and distribution of motor vehicles.

4. **CONSULTATION RESPONSES**

4.1 Bradley Stoke Town Council

OBJECTION. Council has already objected to several previous planning applications for this site. Council sees fit to repeat its original objections that unacceptable additional traffic would be created, there is no information on the number and types of vehicles, traffic flow will be compromised in any case by the 'traffic calming' roadworks that have been introduced on the approaches, extra traffic will mean more noise and pollution and the visual quality is not helped by developments of this kind. These proposals only relate to part of the whole site. The status of numerous planning application for this area has been confused to say the least - distribution units, dwellings, care homes, motor cycle training facilities etc. A policy for the whole site should have been determined before allowing any development at all.

4.2 Local Residents

None received.

5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission to change the use of the motorcycle training centre to land for the sale, storage and distribution of motor vehicles. The main issues to address in this application are:

1. The site's planning history.
2. The principle of the development.
3. The impact upon transportation.
4. The impact upon residential amenity.
5. The impact upon design and landscape.
6. The impact upon the environment – noise and air quality.

5.2 Planning History

The site has been subject to three previous planning applications to change the use of the land to the sale, storage and distribution of motor vehicles (*sui generis*). The most recent of these was in 2004 (PT04/0365/F) where consent was granted. Since this decision there have been several material changes to planning policy that need to be considered under this application:

- The publication of Planning Policy Statement 4: Planning for Sustainable Economic Growth in December 2009.
- The adoption of the South Gloucestershire Local Plan in January 2006.

- The adoption of the South Gloucestershire Design Checklist SPD in August 2008.

5.3 Principle of the Development

The application site is located in an out of centre location within the Bristol North Fringe urban area. The site is also designated as a Safeguarded Employment Area. In such areas planning permission will only be granted for employment generating uses.

- 5.4 Employment generating uses are generally considered to consist of uses that fall within Class B of the Use Classes Order. It is acknowledged that in this application the proposal is for a *sui generis* use overall which has characteristics of retail and storages uses. Retail policy advocates a sequential approach, whereby town centre options are thoroughly assessed before considering less central sites areas. In this instance it is considered that the sequential site assessment would not be required.

- 5.5 This is because the proposal is for a *sui generis* use, that is to say a class of its own. The sale of motor vehicles in itself is recognised as a '*sui generis*' use than and a retail use (Class A1). This recognises that it is unlikely that such a use could be suitably located within a town centre location, due to the size of the product and its associated transportation requirements. Nevertheless, it is considered that the proposal would be a form of economic development as defined in PPS4, and thus would be an appropriate employment generating use for a Safeguarded Employment Area. The Planning Inspector took a similar view in 1998 in considering this a suitable site for such a *sui generis* use. Whilst this consent does not necessarily mean future applications must be allowed for similar uses, equally a fundamental policy difference would need to justify taking a difference stance.

- 5.6 The proposal should therefore be assessed against the following criteria of Policy E3 of the adopted local plan:

- A. Development would not have unacceptable environmental effects; and
- B. Adequate provision is made for the servicing and delivery requirements and development would not give rise to unacceptable levels of vehicular traffic, especially heavy goods vehicles, or on-street parking, to the detriment of the amenities of the surrounding areas and highway safety; and
- C. Development would not prejudice existing residential amenities; and
- D. The character of the area or settlement is not adversely affected; and
- E. The maximum density compatible with the site's location, it's accessibility and it's surroundings is achieved.

- 5.5 In addition to this Policy EC10 (Determining Planning Applications for Economic Development) of the PPS 4 states that all planning applications for

economic development should be assessed against the following impact considerations:

- a) Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to climate change.
- b) The accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to trunk road network) after public transport and traffic management measures have been secured.
- c) Whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions.
- d) The impact on the economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives.
- e) The impact on local employment.

5.6 The impact upon transportation

The proposed development would utilise the existing access road that runs through the adjacent business park onto Old Gloucester Road. Moreover since the previous application a signalised junction has been installed between Old Gloucester Road and Winterbourne Road to improve highway safety. This is therefore a material consideration.

- 5.7 The Council Highways Engineer has assessed the access and parking arrangements and concluded that the traffic movements associated with the proposed use are comparable with the number generated by the existing motorcycle training centre. On this basis it is considered that there would be adequate provision for the servicing and delivery requirements of the development, and moreover the development would not give rise to unacceptable levels of vehicular traffic or on street parking that would be detriment of the amenities of the surrounding areas and highway safety.

- 5.8 It is acknowledged that the Town Council have raised objection to the impact of the proposed development on the recently completed traffic calming measures. It is considered that the Town Council are referring to the new signalised junction. Notwithstanding these concerns, the Highways Engineer stated that the accident record suggests that the site has subsequently operated without incident and therefore the proposed development would not compromise the operation of the signalised junction.

5.9 The impact upon residential amenity

The proposed development is detached from the nearby residential area, and adjacent to an established business park. It is therefore considered that the proposed development would not harm residential amenity. Notwithstanding this, in the previous applications conditions were attached to protect residential amenity. It is recommended that these are re-attached to this application.

- 5.10 The impact upon design and landscape
The proposed development would not involve any external changes. Nevertheless it is acknowledged that the storage and distribution motor vehicles would have an impact on the landscape. This issue was also identified within the comments from the Town Council.
- 5.11 The application site occupies a very prominent location, on plateau which is elevated above an existing business park development. The application includes a full landscaping scheme including extensive tree planting to screen the sales display areas from distant views. This is the same scheme considered and approved by the Inspector in the determination of the appeal. It is therefore considered that adequate mitigation is provided to soften the appearance of the car sales from distant views and that the scheme would not prejudice the visual amenity of the wider area.
- 5.12 It is acknowledged that the applicant has only submitted the original written landscape report that was approved under the previous planning applications P97/1330 and PT04/0365/F, however the landscape plan itself has not been submitted. The Council's Landscape Architect considers that the principles established in the landscape report remain acceptable, however a landscape plan detailing the enhancements to planting is still required. It is therefore considered necessary to attach a condition requiring a landscaping plan to be submitted and agreed prior to the commencement of the proposed development.
- 5.13 The impact upon the environment – contamination, noise and air quality
In the previous applications issues were raised with regard to the contamination from the previous use of the site as a brick works and the potential for high concentration of methane gas. Under the previous applications this matter was dealt with by attaching a condition requiring a mitigation strategy for the contamination on the site to be submitted and agreed prior to the commencement of the development. It is considered that this remains an appropriate method to deal with this matter.
- 5.14 The Town Council have raised concerns with regard to noise and air quality. It is acknowledged that the proposed use would give rise to some vehicular movements, which would have consequential noise and air quality impacts. Nevertheless, the application site is currently used as a motorcycle training centre and is situated within an established employment area, in close proximity to a M4 Motorway, and away from residential dwellings. It is therefore considered to be an appropriate location for the proposed use and the activities that would arise from it.
- 5.15 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.
- 5.16 Use of Energy and Sustainability
None.

5.17 Improvements Achieved to the Scheme

None.

5.18 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.

- a) The proposed development includes appropriate landscape proposals that would facilitate the incorporation of the development into the wider landscape. It is considered that the landscape proposal would maintain and enhance the character, distinctiveness, quality and amenity of the landscape. The proposed development therefore accords to policies D1 and L1 of the South Gloucestershire Local Plan (adopted) January 2006, and the South Gloucestershire Design Checklist (adopted) August 2007.
- b) The proposed development makes adequate provision for servicing and delivery requirements and development would not give rise to unacceptable levels of vehicular traffic, especially heavy goods vehicles, or on street parking. The proposed development therefore accords to policies T12 and E3 of the South Gloucestershire Local Plan (adopted) January 2006.
- c) The proposed development would be detached from the nearby residential area and thus would not materially harm residential amenity. The proposed development therefore accords to policy E3 of the South Gloucestershire Local Plan (adopted) January 2006.
- d) The application site is believed to contain a contamination hazard. As such an appropriate planning condition is attached to ensure an appropriate mitigation strategy is agreed prior to the commencement of development. The proposed development therefore accords to policy EP6 of the South Gloucestershire Local Plan (adopted) January 2006.
- e) The proposed development would be located in an established employment area and would be detached from residential areas. It is therefore considered that the development would not unacceptably harm the environment, or the health, safety, and amenity of the site and surrounding land, as a result of

pollution to air or through noise. The proposed development therefore accords to policy EP1 of the South Gloucestershire Local Plan (adopted) January 2006.

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

7. RECOMMENDATION

- 7.1 Planning permission to be **GRANTED** subject to the following condition(s): -

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. Prior to the commencement of development a scheme of landscaping, 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 and during the first planting and seeding seasons following the commencement of the use hereby permitted. For the avoidance of doubt, the scheme shall be carried out in accordance with the Landscape Assessment (536/R1).

Reason

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

3. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment(s) to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details.

Reason

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

4. 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. Where SUDS is not practicable it must be demonstrated that an acceptable alternative means of surface water disposal is incorporated. 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 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. All surface water run-off from outside storage, parking or vehicle washdown areas shall pass through a properly constructed oil/ petrol interceptor or such other alternative system as may be agreed with the Local Planning Authority, before discharge to the public sewer, or other drainage system.

Reason

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

6. The development of the site shall not begin until a scheme to deal with the contamination of the site has been submitted to and approved by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and measures to be taken to avoid risk to the public, buildings and environment when the site is developed. The scheme shall be implemented in full accordance with the approved details before the use hereby authorised is commenced.

Reason

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

7. Prior to the first occupation of the development hereby authorised details of the surfacing and demarcation of the sales and customer parking areas shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use and thereafter retained unless otherwise agreed in writing by the Local planning Authority.

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 T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The hours of working at the premises shall be restricted to 8am to 8pm Mondays to Saturdays and 8am to 4pm on Sundays and 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 Policy E3 of the South Gloucestershire Local Plan (Adopted) January.

9. No external tannoys/announcement system/amplified or other music shall be played/used on the premises which is audible outside the premises.

To minimise disturbance to occupiers of nearby buildings, and to accord with Policy E3 of the South Gloucestershire Local Plan (adopted) January 2006

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

To minimise disturbance to occupiers of nearby buildings, and to accord with Policy E3 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 06/10 – 12 FEBRUARY 2010

App No.:	PT09/5715/F	Applicant:	Mr S Waring
Site:	330 Passage Road Almondsbury Bristol South Gloucestershire BS10 7TE	Date Reg:	20th November 2009
Proposal:	Coverion of 1 no. existing dwelling into 2 no. semi-detached dwellings and the erection of 2 no. new dwellings with integral garages with new access and associated works.	Parish:	Almondsbury Parish Council
Map Ref:	357042 180222	Ward:	Patchway
Application Category:	Minor	Target Date:	8th January 2010



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 100023410, 2008. N.T.S. PT09/5715/F

INTRODUCTION

The application appears on the Circulated Schedule as neighbours' comments conflict with the officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the erection of a dwelling to the side of the existing house in order to form a pair of semi-detached houses and the erection of two detached houses. Also involved is the alteration of the existing vehicular access and the creation of another to serve three of the resulting dwellings. The site area is 0.13 hectares comprising a single house located centrally at the front end of the plot. The site is situated within the urban area.
- 1.2 To the immediate north of the site lies 332 Passage Road a bungalow and to the south is the vehicular access to 328 passage Road which is located to the southeast of the site and 326 Passage Road. Immediately east of the plot is the extensive garden associated with Deorham.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transportation
PPG24	Planning and Noise

2.2 Adopted Joint Replacement Structure Plan

Policy 33	Housing
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2.3 South Gloucestershire Local Plan (Adopted) January 2006

L1	Landscape Protection and Enhancement
L9	Protected Species
D1	Achieving good quality design in new development
H2	New housing development in the urban areas and settlement boundaries
H6	Affordable Housing
LC1	Provision for Built Sports, Leisure and Community Facilities
LC2	Provision of Educational Facilities
LC8	Open space and Children's Play associated with new Residential Development
S1	Service Infrastructure in New Development
E5	Filton Airfield Safe guarding
T12	Transport
T8	Parking
EP1	Environmental Pollution
EP4	Noise Sensitive Development

- 2.4 Supplementary Guidance
The South Gloucestershire Design Checklist (SPD) Draft for Public Consultation: September 2006

3. RELEVANT PLANNING HISTORY

- N5812 Erection of two detached dwellings. Construction of new vehicular access (Refusal)
- N5551/AP Erection of dwelling (Approved)
- P85/2145 Erection of detached bungalow and construction of vehicular access (Refused)
- P90/2920 Erection of detached bungalow (Refused)
- PT06/2187/F Erection of 14 no. dwellings repositioning of access and associated works (Withdrawn)
- PT07/0207/F Erection of 14 no. dwellings repositioning of access and associated works Refused but granted on appeal subject to conditions and a unilateral undertaking to provide a £30,000 contribution towards a pedestrian crossing point.
- PT09/5223/F Conversion of 1 no. existing dwelling into 2 no. semi-detached dwellings and the erection of 1 no. new dwelling and garage with associated works. Withdrawn.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
Objection - it is felt that the proposal is over development of the site. There is also concern over loss of privacy for neighbouring properties
- 4.2 Sustainable Transport
The parking facilities for all four dwellings are satisfactory. All parking from the shared access has an independent turning area which will reduce the potential for conflict caused by reversing vehicles. The turning provisions for unit D are limited though any inconvenience would be restricted to the site rather the adjoining highway. A turning area is not necessarily a requirement from a class 3 road such as Passage Road provided the access is not shared between dwellings. Therefore, the hardstanding that serves unit B accords with standards.
- The proposed access has adequate visibility in both directions and is considered acceptable.
- Accordingly no transportation objection is raised.

4.3 Local Residents

Letters of objection have been received from two neighbours during the consultation period relating to this planning application. The comments can be summarised as follows;

- 1 concern regarding the location of the wall and eaves close to the access to 328 Passage Road in respect of ownership, construction and maintenance matters. These would conflict with access required to the writers dwelling.
- 2 No garage provision for two properties
- 3 Development in the rear garden would set a precedence for other large gardens close by to be redeveloped. Additionally SGC refused housing scheme here.
- 4 Side way facing means overlooking of nearby garden and into the writers bedroom window at 328.
- 5 All around are bungalows, houses are out of character particularly as the site is under the final descent line for Filton Airfield.
- 6 Access to the rear houses would be difficult,
- 7 Landscaping is inadequate (conifers will only screen plot D and are often a menace and requested to be removed by mortgage companies.)
- 8 Loss of privacy at rear of 326.
- 9 Concern about accuracy of Design and Access Statement.
- 10 Concern about living conditions of plots C and D due to conifer trees blocking light.
- 11 No safe crossing point.

5. ANALYSIS OF PROPOSAL

5.1 The proposed development consists of the construction of 3 further dwellings (to make four overall) on land within the Bristol North Fringe Urban Area. The principle of allowing housing on this land was established at appeal in 2007 when a housing development of fourteen houses was allowed contrary to the councils concerns over noise. That site included the current site, that to the north and part of the garden to the east. That full planning consent remains valid until December 2010 and would have involved the demolition of 330 and 332 Passage Road and the provision of fourteen dwellings in their place. The current site would have housed the bulk of four houses, the majority of the garden area of another house and part of the single access to the extant consent. The developer in relation to the 14 dwellings scheme reference PT07/0207/F has since gone into liquidation;

as such there is minimal prospect of that scheme proceeding. However a condition making it clear that this proposal is an alternative to that scheme is considered necessary.

5.2 Principle of the Development

Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 indicates that proposed residential development within the urban areas and within defined settlement boundaries is acceptable subject to the following considerations.

5.3 Density

PPS3 advises that new residential development should take place within existing settlements and should make the most efficient use of the site. In line with this advice, Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 requires that new residential development should achieve the maximum density compatible with the site and its surroundings but the expectation is that new residential development should achieve a minimum density of 30 dwellings per hectare.

The density of the development is 30.7 dwellings per hectare which meets this requirement. This is consistent with the requirements of PPS3 and Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006. Given the characteristics of the site which, although within the urban boundary, is remote from local services, not particularly well served by Public Transport Links it is not considered that this density should be higher. This approach is in line with the Design Checklist.

5.4 Design and Character issues

Policies D1, H2 and H4 supported by PPS1 and PPS3 of the South Gloucestershire Local Plan (Adopted) January 2006 seek to achieve good design in new development. This is supported within the South Gloucestershire Design Checklist (SPD) having regard to the site and its surroundings. The following appraisal follows the requirements set out in the design checklist.

5.5 It is considered that the development provides sufficient amenity space in terms of size.

5.6 PPS1, PPS3 and Local Plan Policy D1 promote development with a distinctive character that responds to the local context and also, a lack of local character is not a justification for a development not to have a distinctive character of itself.

5.7 This is acknowledged that the house subject of this application is surrounded by bungalows and that the gardens of the neighbouring properties are generally very generous. However given that there is an extant consent on site for rear garden development, the rear garden in question is around twenty metres wide by 44m long and the site is located in an urban area among other very large gardens the development of the rear garden can be undertaken without material harm to the character and appearance of the street. Furthermore there are larger houses on the opposite side of the road and further down Passage Road which would not be unlike plots A and B in mass. The

materials of white render and tiles to match the existing house are proposed and are considered acceptable. This would need to be secured by a condition.

Subject to the above considerations the design of the proposed development is considered acceptable.

5.8

Residential Amenity

Policies H2 and H4 require an assessment of the impact of development upon the amenity of neighbouring occupiers. It is not considered given the scale and location of the proposed buildings that any part of the development would appear oppressive/overbearing to neighbouring occupiers.

Concern has been raised that the proposed development will result in loss of privacy to adjoining occupiers with the principle concern relating to No.s 326 and 328.

With respect to No.326 any impact would be from Plot C. It should be noted that there is a gap of approximately 18 metres between the closest proposed first floor windows to the ground floor living accommodation (extensions) at the rear of the bungalow. The 'Block plan- proposed' does not show these extensions and it is also noted that the indication of a garage to the north side of No.326 is out of date as this area forms part of the garden. Factoring in the extensions to the rear of that neighbour the proposed windows at first floor would over look part of the rear garden of 326 but at a distance of around 18m and at around a 45degree angle would not materially harm the privacy of the neighbours. This is only modestly below the 21m back to back distance generally considered acceptable and the juxtaposition occurring between these houses is far from a standard back to back relationship as the properties are situated at 90 degrees to one another. It is not considered that any impact would be so significant such as would justify the refusal of the application.

Turning to No.328, Plot D the closest property would be located some 23m from the front of the bungalow and again any outlook toward that neighbour would be through an angle of around 45 degrees.

It is not considered that the development would result in any significant loss of amenity to the adjoining properties.

5.9

Landscaping

Policy L1 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006 work together to ensure that new development would not harm the landscape character of the site and its surrounding area.

5.10

The site is largely surrounded and visually contained by residential development. It is therefore considered unlikely that the proposed development will have any detrimental visual impact in the broader landscape. The proposal will also not entail the loss of any vegetation that contributes to the character and distinctiveness of the locality. Three garden trees are likely to be removed but these have limited value except within the site and can not reasonable be maintained. It is further considered that the site meets none of

the criteria to be considered a significant open area within the existing urban area.

Indicative landscape proposals shown on the site layout suggest it will be possible to provide an appropriate level of landscape enhancement. It is anticipated that the conifer hedge, concrete walling and other fencing along the south of the site would be removed and this should be replaced with a new fencing/walling scheme with new trees to replace those lost on site. These trees could be located at key points between buildings in order to create more privacy between properties. The hedges to the north and east of the site could be maintained and enhanced by the proposal subject to detailed consideration. Details of boundary treatment and landscaping can be secured by condition.

5.11 Ecology

The site is not covered by any statutory or non-statutory nature conservation designations.

Policy L9 considers development which would directly or indirectly have an adverse impact on those species that have been designated as protected under relevant legislation principally the Wildlife and Countryside Act 1981 (as amended) or the CROW Act 2000. Slowworms, song thrush and hedgehogs are listed on the emerging South Gloucestershire Biodiversity Action Plan (BAP) as species which the Council will require or carry out work to enhance populations. Song thrush is also a Priority Species on the UK BAP and is furthermore listed as a 'species of principal importance for biological diversity' by the Government.

A survey was undertaken by Wessex Ecological Consultancy in 2006 for slowworms, hedgehogs and bats as part of PT07/0204/F which encompassed a larger area. It was reported that there were slow worms present and signs of hedgehogs and it was recorded that there were no signs of bats being present in the house.

Slowworms are protected against intentional or reckless killing or injury under the Wildlife & Countryside Act 1981 (as amended) and CROW Act 2000. Slowworms are also listed on the South Gloucestershire Biodiversity Action Plan as a species for which the Council will require specific measures to conserve and enhance populations.

A mitigation strategy to safeguard the colony therefore needs to be drawn up and agreed with the Council prior to any development or site clearance commencing.

Similarly as with slowworms, a mitigation strategy to avoid killing any hedgehogs and to safeguard the colony needs to be drawn up and agreed with the Council prior to any development or site clearance commencing, in line with the approach suggested in the ecological report.

These mitigation strategies form the basis of suggested planning Conditions. As such the application complies with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.12 Trees

The site has been assessed by the Council's Tree Officer. There are not considered to be any trees of significance worthy of protection on the site. It is considered that the proposal is in accord with the aims and objectives of Policy L1.

5.13 Drainage

Policy EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 seek to ensure that new development would not have a detrimental effect upon the water environment as a result of flooding or pollution.

Subject to a condition to ensure the use of best drainage practice there is no objection to the proposed development.

5.14 Noise

The question of noise was considered in depth at inquiry for the existing planning permission and the Inspector allowed the consent without conditions relating to noise attenuation despite the Council's concerns. The Planning Inspector was satisfied that there was no necessity for a condition as the matter would be adequately addressed by the Building regulations. As such it is considered unnecessary to impose any noise conditions at this time.

5.15 Transportation Issues

Concerns have been raised that the proposed development will result in transportation problems, in particular, being able to join the existing flows of traffic at school times and being able to safely cross local roads.

Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact upon the highway safety and amenity of the surrounding locality. These principles are supported by Policies H2 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

The site is located on Passage Rd, an unclassified loop off the duelled Cribbs Causeway. Passage Road is residential in nature typically at least 5 metre wide and has a footway on its eastern side. The two junctions with Cribbs Causeway have acceptable visibility. The proposal is essentially for one new three metre wide access (the other being a replacement) to serve three dwellings. Each dwelling has two parking spaces. This is considered acceptable and accords with policies T6, T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006. There is no request for a planning obligation in relation to a crossing point for this scale of development.

5.16 Affordable Housing Requirements

The proposal is for the provision of 3 further dwellings. This falls below the threshold for the requirements of H6 of the South Gloucestershire Local Plan (Adopted) January 2006. Equally there was no requirement for affordable housing contributions on the extant consent as the threshold for provision is 15 dwellings or 0.5Ha in this area. Neither the site size nor number of units triggered the requirement for affordable housing.

5.17 Community Services Provision

Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006 March 2005 requires that, where local provision for community facilities is inadequate to meet the projected needs arising from the occupiers of new residential development, provision in kind will be required from the developer in respect of that need. In this instance, only three further dwellings are proposed and as such this application falls below the threshold where such provision might be sought to meet a need locally. Similarly no provision was provided in the extant scheme.

5.18 Education Provision

Policy LC2 of the South Gloucestershire Local Plan (Adopted) January 2006 requires that, where local provision for school places (pre-school, primary and secondary) is inadequate to meet the projected needs arising from the occupiers of new residential development, provision in kind will be required from the developer in respect of that need. In this case the increase of three houses be likely to have limited need of education places and would fall below the point where education contributions might be sought. Similarly no provision was provided in the extant scheme.

5.19 Design and Access Statement

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

5.20 Use of Energy and Sustainability

To be constructed to meet building Regulations standards.

5.21 Improvements Achieved to the Scheme

None sought except to get clarification for the agent that the development would occur within the applicants land.

5.22 Section 106 Requirements

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

6. CONCLUSION

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

The proposal has been designed to be in keeping with the character of the house on the plot taking into account the design, siting, height and materials of the existing house and surrounding area – Policies H4 and D1 South Gloucestershire Local Plan (adopted) January 2006; South Gloucestershire Design Checklist SPD.

The concerns of nearby residents in relation to design and overlooking have been properly considered. And through careful design the proposals will not harm the amenities of neighbouring properties by reason of loss of privacy or natural light - Policies H4 and D1 South Gloucestershire Local Plan (adopted) January 2006.

The concerns of nearby residents in relation to additional vehicular movements from the site have been properly considered and it is shown that the visibility in both directions is acceptable and the number of parking spaces complies with the Council's parking requirements - Policies T7 and T8 South Gloucestershire Local Plan (adopted) January 2006.

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

7. RECOMMENDATION

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

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

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

Reason

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

3. 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.

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

Reason

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

5. No development or site clearance shall commence until a mitigation strategy to safeguard the colony of Slowworms has been submitted to and approved in writing by the Local Planning Authority. The requirements of the mitigation strategy shall subsequently be carried out in accordance with the approved details.

Reason

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

6. No development or site clearance shall commence until a mitigation strategy to safeguard the colony of Hedgehogs has been submitted to and approved in writing by the Local Planning Authority. The requirements of the mitigation strategy shall subsequently be carried out in accordance with the approved details.

Reason

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

7. 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 D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment(s) to be erected shall be submitted to the

Local Planning Authority for approval. The boundary treatment shall be completed before any one of the new dwellings are occupied. Development shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with Policies H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times Monday to Friday 07.30 to 18.00, Saturdays 08.00 to 13.00 and no working shall be carried out at any time on Sundays or Bank Holidays.

Reason

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

10. The development hereby permitted shall be carried out as an alternative to the permission granted for 14 dwellings at 330 and 332 Passage Road Reference PT07/0207/F but not in addition to it, to the intent that the applicant may carry out one of the developments permitted but not both, nor parts of both developments.

Reason

To prevent an unsatisfactory mix of development and/or over-development of the site.