



**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. 50/08

Date to Members: 12/12/08

Member's Deadline: 18/12/08

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: 12/12/08

SCHEDULE NO. 50/08

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 December 2008

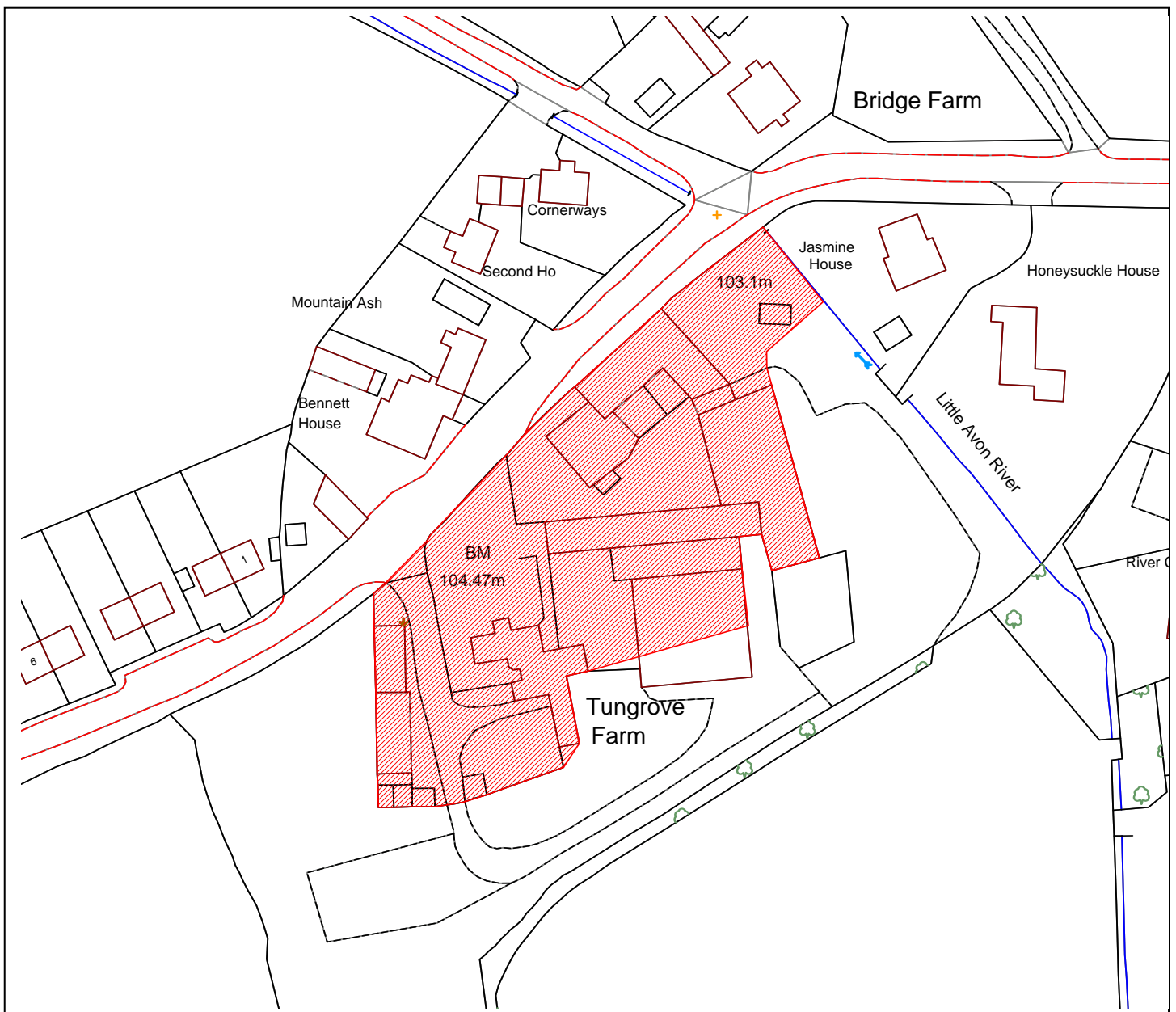
ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
1	PK07/0247/F	Approved subject to Section 106	Tungrove Farm Horton Road Horton South Gloucestershire BS37 6QH	Cotswold Edge	Horton Parish Council
2	PK07/2564/LB	Approve with conditions	Tungrove Farm Horton Road Horton South Gloucestershire BS37 6QH	Cotswold Edge	Horton Parish Council
3	PK08/2980/F	Approve with conditions	153 Badminton Road, Downend, South Gloucestershire, BS16 6NF	Downend	Downend and Bromley Heath
4	PK08/2982/RM	Approve with conditions	7 Rodway Hill Road, Mangotsfield, South Gloucestershire, BS16 9JD	Emersons Green	Mangotsfield Rural Parish Council
5	PT08/2629/F	Approve with conditions	Units 5010 & 5020 Govier Way Western Approach Distribution Park Severnside South Gloucestershire	Pilning and Severn Beach	Pilning and Severn Beach
6	PT08/2858/F	Approve with conditions	Land at Great Meadow Road, Bradley Stoke, South Gloucestershire, BS32 8DB	Bradley Stoke South	Bradley Stoke Town Council
7	PT08/2906/O	Approve with conditions	Lippiatt Stores, Main Road, Easter Compton, South Gloucestershire, BS35 5SJ	Almondsbury	Almondsbury Parish Council
8	PT08/2945/CLE	Approve with conditions	Land adjacent, The Larches, Stow Hill Road, Tytherington, South Gloucestershire, GL12 8UH	Ladden Brook	Tytherington Parish Council
9	PT08/2972/F	Approve with conditions	34 Hazeldene Road, Patchway, South Gloucestershire, BS34 5DS	Patchway	Patchway Town Council
10	PT08/3006/F	Approve with conditions	Prospect House, Knapp Road, Thornbury, South Gloucestershire, BS35 2HQ	Thornbury North	Thornbury Town Council

**Dates and Deadlines for Circulated Schedule
over the Christmas and New Year period 2008/2009**

Schedule Number	Date to Members 9am on	Members Deadline 5pm on
50/08	Friday 12 December 2008	Thursday 18 December 2008
51/08	Thursday 18 December 2008	Wednesday 24 December 2008
52/08	Wednesday 24 December 2008	Tuesday 6 January 2009
01/09	No Circulated Schedule Production	*

CIRCULATED SCHEDULE NO. 50/08 – 12 DECEMBER 2008

App No.:	PK07/0247/F	Applicant:	Mr & Mrs A C Daniels
Site:	Tungrove Farm Horton Road Horton BRISTOL South Gloucestershire BS37 6QH	Date Reg:	30th January 2007
Proposal:	Conversion of 5 no. agricultural buildings to form 4 no. dwellings with associated works. (Resubmission of PK05/3106/F).	Parish:	Horton Parish Council
Map Ref:	75499 84479	Ward:	Cotswold Edge
Application Category:	Major	Target Date:	17th April 2007



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

INTRODUCTION

This application appears on the circulated schedule as a Section 106 agreement is required.

1. THE PROPOSAL

- 1.1 This full planning application seeks planning consent for the conversion of a series of agricultural barns to 4 residential dwellings. The application states that due to changes in the farming industry, the barns are no longer needed or useable in connection with their original agricultural use. The barns all lie within the defined settlement boundary of Horton. The application includes the demolition of two large modern agricultural buildings and also the removal of a corrugated sheet structure attached to the side of one of the historic buildings.
- 1.2 The barns subject of this application all lie within the former farmyard area of Tungrove Farm. To the south of the site lies open countryside and the Cotswold Area of Outstanding Natural Beauty and to the north of the site the road is lined with residential properties. Tungrove Farm is at a prominent position on the main road through the village of Horton.
- 1.3 Of the four new units proposed, one of the units is to be affordable and this will be secured via the attachment of a S106 agreement. This full planning application is supported by the associated listed building application reference PK07/2564/LB.
- 1.4 During the course of the application many sets of amended plans have been received. The scheme initially proposed the creation of five units but this has subsequently been reduced to four. The amendments made have all been in attempt to overcome the various concerns raised by the listed building officer, the planning officer and the enabling team.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG15	Planning and the Historic Environment
PPS3	Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection
L2	Cotswold Area of Outstanding Natural Beauty
L13	Listed buildings
EP6	Contaminated Land
T7	Cycle Parking
T8	Vehicle Parking
T12	Transportation Development Control
H2	Residential Development within the defined settlement boundaries
H5	Residential Conversions
H6	Affordable Housing

- 2.3 Supplementary Planning Guidance
Affordable Housing Supplementary Planning Document

3. RELEVANT PLANNING HISTORY

- 3.1 PK05/3106/F Conversion of 5 no. agricultural buildings to residential accommodation with associated works. Erection of 2 no. semi-detached cottages and 4 no. detached garages. Construction of vehicular access.
Withdrawn January 2006
- 3.2 PK05/3111/LB Demolition of units 6 & 7. Internal and external alterations including part demolition to farmhouse. Internal and external alterations including part demolition to units 1-5 to facilitate conversion to residential accommodation.
Withdrawn January 2006

4. CONSULTATION RESPONSES

- 4.1 Horton Parish Council
Have no objection to the scheme but would like to request the affordable unit remains affordable and that local natural stone is used wherever possible
- 4.2 Ramblers Association
Do not object but notice that a public right of way will be affected.

Other Representations

- 4.2 Local Residents
No letters of objection have been received from local residents

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application relates to a series of agricultural buildings within the defined settlement boundary of Horton. In accordance with policies H2 and H5 of the adopted South Gloucestershire Local Plan the scheme is acceptable providing a series of criteria relating to the character of the area, highway implications, residential amenity and design are satisfied. The site is not within but borders the edge of the Cotswold Area of Outstanding Natural Beauty and thus the requirements of Policy L2 must be given due weight and attention. Policy L15 is also of importance given the fact that Tungrove Farmhouse is a Grade II listed building. Finally, as the site is within a rural area and has a size of more than 0.2ha, the requirements of Policy H6 must be taken into account and affordable housing is required.
- 5.2 Policy H5 allows for the conversion of non-residential properties for residential use providing the following criteria are satisfied:

5.3 Development would not prejudice the character of the surrounding area; and

Tungrove Farm is at a very prominent position on the main road running through Horton. It is surrounded by open countryside to the south and west with residential development to the east and north. Whilst the site is very rural in character, the buildings are all within the defined settlement boundary and are well related to the rest of the village. The existing buildings to be converted contribute significantly to the character of the area. There are several unattractive modern agricultural buildings at the site but these are to be demolished as part of the application. The removal of these existing unattractive buildings would have a positive impact on the character of the area.

When viewed from the highway the attractive features of the site would be retained. The large Copper Beech trees that contribute positively to the character of the area are to be retained. Similarly the northern elevation of units 3 (the building that runs along the edge of the road and thus most visually prominent) will remain free from any new windows and doors and thus will still look like an agricultural building.

The application does include the change of use of some land from agricultural to residential. The areas of residential curtilage to be afforded to each of the dwellings is shown on the submitted landscaping plan (4/42004-36). Some of the gardens to the four new properties will fall just outside of the defined settlement boundary – they will not however encroach into the Area of Outstanding Natural Beauty. The creation of the gardens in accordance with the landscape plan will facilitate the removal of large areas of hard standing current associated with the agricultural use of the land. Whilst not readily visible from the public realm, it is considered that the proposal will help preserve and enhance the character of the area and the adjacent AONB.

5.4 Development would not prejudice the amenities of nearby occupiers; and

There are a limited number of nearby occupiers that could possibly be affected by the proposed development. Jasmine House and Honeysuckle House lie to the east of the application site – closest to proposed units no's 3 and 4. The application site is separated from these two neighbouring properties by a watercourse with vegetation. Given that there is a distance of over 30 metres from the proposed development to these two existing house, it is not considered there will be any impact on existing levels of residential amenity.

The other houses closest to the application site are those to the north of the site – on the opposite side of Horton Road. Again it is not considered that the proposed development would have any impact on these properties because of the distances between them. It is also important to re-iterate that that the proposal is to convert existing buildings and demolish other unsympathetic buildings only – there is to be no new build as part of the application. It is therefore considered that the scheme will actually 'open up' the site when viewed from the road and thus the impact on existing levels of residential amenity could be argued to be improved.

5.5 Would identify and acceptable level of off-street parking; and

The plans clearly show the provision of ample off street parking to serve the new development. Unit 1 will have a single garage whereas all other units will be provided with a double garage. Should the application be successful, a condition would be attached to ensure that the garages are provided and retained. Whilst clearly the intention is to ensure all vehicles park in the garages provided, there is ample space on site to park any additional vehicles.

With regards to the other highway safety issues, the proposal will utilise existing access points and does not involve the creation of any new vehicle accesses onto Horton Road. Ample turning and manoeuvring space is provided on site and this will be finished with a permeable surface. The plans also clearly show each of the units to be provided with a large bin and cycle store to ensure that adequate cycle storage sufficient to satisfy the requirements of Policy T7 are provided. Whilst the number of vehicles using the site is likely to increase from its current authorised agricultural use, the types of vehicles using the accesses must also be taken into consideration. In its current agricultural use it is likely that the accesses are used by large, heavy and slow farm vehicles. The substitution of this with a slightly higher number of cars is considered to be wholly acceptable and will have no detrimental impact on existing levels of highway safety.

5.6 In the case of buildings not previously used for residential purposes, the property is located within the existing urban areas and the boundaries of settlements , as defined on the proposals map.

The buildings are all within the settlement boundary as defined on the proposals map.

5.7 Affordable Housing Provision

33.3% affordable housing on site has been agreed in line with Local Plan Policy H6 and the findings of the JHA Housing Needs Survey 2004 (JHA HNS). The planning application is in a rural location and proposes the provision of a total of 4 dwellings on a site of 0.58ha and therefore the Councils Enabling Department has agreed to take 1 of those to be an affordable home.

It is confirmed that unit 3 offered by the applicant meets the requirement for affordable housing under policy H6 and give our approval to drawing 4/4/2004/6D Rev E. All affordable housing delivered through planning obligations to be in line with the definitions contained in PPS3.

The unit will be for social rent to meet identified housing need reflecting the local housing need identified in the JHA HNS for affordable housing in the Districts rural areas.

The unit agreed on for affordable housing is a 3 bedroomed, 5 person dwelling which would meet identified need as based on the findings of JHA HNS, and would therefore be acceptable. The internal floor area of barn unit 3 is over the minimum requirement of 85m² for a 3 bedroomed 5 person dwelling.

This affordable housing will be delivered without any public subsidy.

The Councils Enabling Team are aware that the buildings are listed and that therefore certain design standards will not be reached but it is understood that the applicant is making every effort to comply with Code for Sustainable Homes Level 3/ Joseph Rowntree Foundation Lifetime Home Standards/ Secured by Design. In addition to this the affordable housing should be built to standards equal to the other dwellings on site and to the requirements of the RSL design brief and HCA design and quality standards applicable at the time the S106 agreement is drawn up or at 6 months prior to start on site.

Delivery is through Western Challenge Housing Association, the Councils rural RSL partner and member of the South Gloucestershire Housing Partnership. Western Challenge have confirmed that they will take the unit as shown in drawing 4/4/2004/6D Rev E.

In relation to phasing the affordable house should be built at the same time as the rest of the housing on site in line with agreed triggers as per S.106 agreement.

The applicant will also confirm agreement to the following through completing the S106 agreement.

- The Council will define affordability outputs in the S.106 agreement and currently that would be social rents to be set at target rents
- Social rented accommodation to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided.
- 100% initial and 75% subsequent nomination rights for the Council. A local connection lettings cascade will be required due to the location.
- As only one unit is expected to be provided no specific pepper potting strategy is required by the Council.

The applicant has agreed to the above terms/criteria and has indicated this in the submitted plan of unit 3 drawing 4/4/2004/6D Rev E subject to signing of an appropriate agreement (Section 106), the proposed development is therefore considered in accord with Policy H6 of the South Gloucestershire Local Plan (Adopted January 2006) and PPS6.

5.8 Other Issues

There is a public right of way that runs across the south eastern corner of the site. This public right of way will effectively run through the garden of proposed unit no. 4. An informative will be attached to any consent granted to remind the applicant that it is an offence to stop up a public right of way. Should the applicants or future occupants of unit 4 wish to have the footpath diverted they would need to apply for a footpath diversion under section 257 of the Town and Country Planning Act 1990.

5.9 Design and Access Statement

The Design and Access Statement submitted with the application is detailed and is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document. The statement clearly explains the rationale behind the scheme and how it will integrate successfully with its setting.

5.10 Section 106 Requirements

In this instance, having regard to the above advice, the provision of affordable housing contributions are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

- 7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the signing of a bilateral Section 106 agreement to secure the following:

- Provision of 1 affordable housing unit in accordance with the details agreed with the applicant (see Paragraph 5.7 above)

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

Should the agreement not be complete within a period of six months from the date of the resolution, that authority be delegated to the Director of Planning, Transportation and Strategic Environment to refuse planning permission due to the failure to complete the agreement and provide the affordable housing.

Background Papers **PK07/0247/F**

Contact Officer: **Marie Bath**
Tel. No. **01454 864769**

CONDITIONS

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

Reason:

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

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) no development as specified in Part 1 (Classes A, B, C, D, E, 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

In order to maintain and retain the character of the area, the adjacent AONB and the setting of the listed building and to accord with Policies D1, L1, L2, L13, and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) no windows, dormer windows or rooflights other than those shown on the plans hereby approved shall be constructed at any time in any of the new residential units.

Reason

In order to retain the agricultural sense of character and the setting of the listed building and to accord with Policies D1, L13, and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. All hard and soft landscape works as shown on the approved plan 4/4/2004-36 shall be carried out in accordance with the approved plan. No boundary treatments other than those shown on this plan may be constructed at any time without the prior written consent of the local planning authority. The works shall be carried out prior to the occupation of any of the converted buildings.

Reason

To protect the character and appearance of the area to accord with Policies H5, D1, L1, L2 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The existing stone walls within and surrounding of the site shall be retained.

Reason

To protect the character and appearance of the area to accord with Policies H5, D1, L1, and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The garages hereby approved must be provided and available prior to the first occupation of any of the four new units hereby permitted. The garages must remain available for their primary purpose of vehicle parking and ancillary domestic storage at all times thereafter.

Reason

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

7. The cycle store and bin stores for each unit as shown on the plans hereby approved shall be provided before the buildings are first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of cycle and waste facilities facilities to accord with Policies T7 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The buildings shown to be demolished on plan 4/4/2004-31a must be fully removed from site and the site restored in accordance with the landscaping plan prior to the occupation of any of the four units hereby approved.

Reason

To ensure adequate access and garden arrangements for each of the units in accordance with the requirements of Policies D1, H5, L13 and L2 of the Adopted Local Plan

ITEM 2

CIRCULATED SCHEDULE NO. 50/08 – 12 DECEMBER 2008

App No.: PK07/2564/LB

Applicant: Mr & Mrs A C Daniels

Site: Tungrove Farm Horton Road Horton BRISTOL South Gloucestershire BS37 6QH

Date Reg: 20th August 2007

Proposal: Demolition of units 6 and 7. Internal and external alterations including part demolition to existing farmhouse. Internal and external alterations including part demolition to units 1-5 to facilitate conversion to residential accommodation. (Resubmission of PK05/3111/LB).

Parish: Horton Parish Council

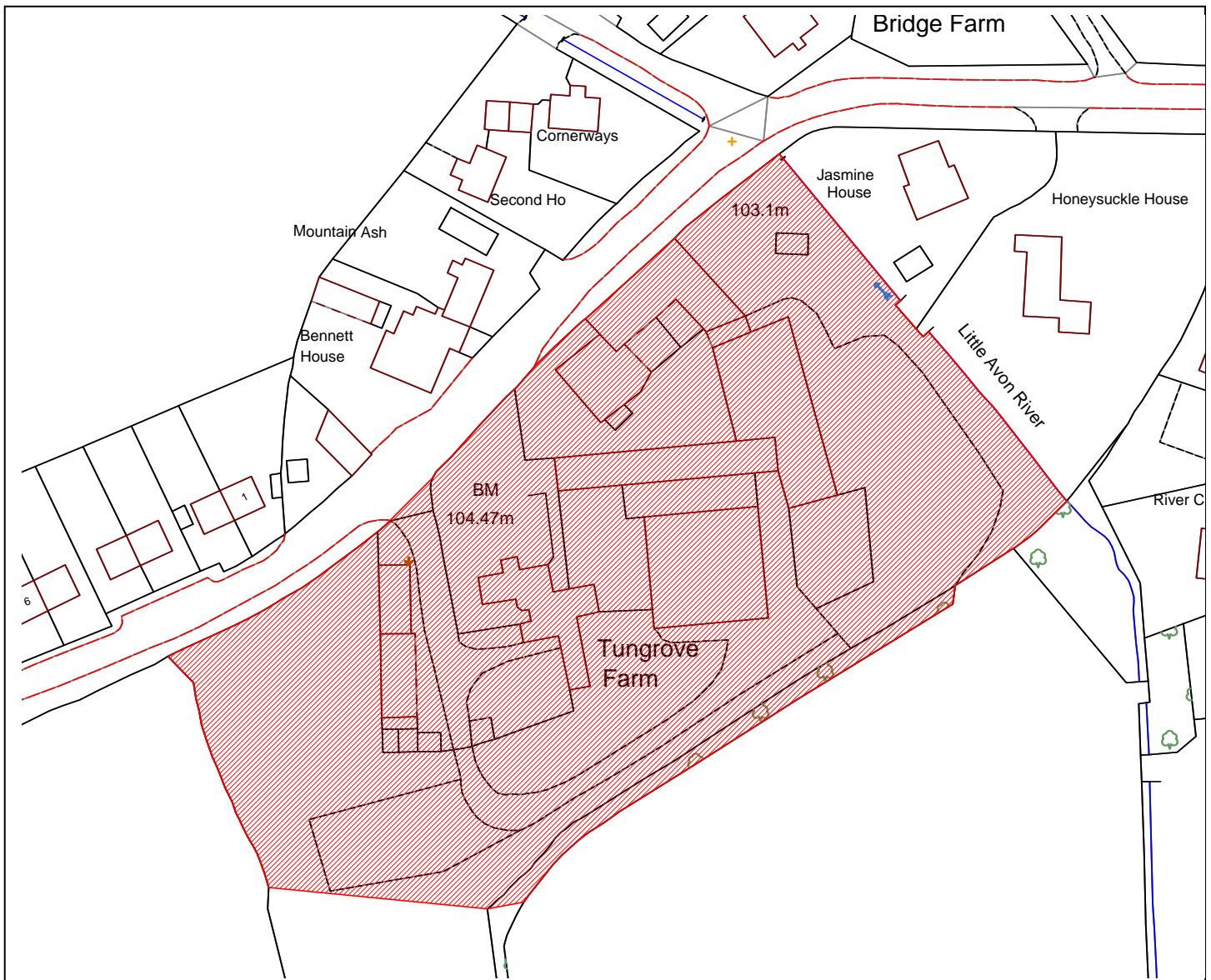
Map Ref: 75501 84464

Ward: Cotswold Edge

Application Category: Major

Target Date: 9th November 2007

Date:



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410c2008 MW

N.T.S

PK07/2564/LB

INTRODUCTION

This application appears on the Circulated Schedule in the interests of completeness as the associated full planning application (PK07/0247/F) also appears on the schedule. This action was taken to allow members to understand all aspects of the scheme.

1. THE PROPOSAL

- 1.1 This application seeks listed building consent for a variety of works to facilitate the conversion of a series of agricultural barns to 4 residential dwellings. The application states that due to changes in the farming industry, the barns are no longer needed or useable in connection with their original agricultural use. The barns all lie within the defined settlement boundary of Horton. The application includes the demolition of two large modern agricultural buildings and also the removal of a corrugated sheet structure attached to the side of one of the historic buildings.
- 1.2 The barns subject of this application all lie within the former farmyard area of Tungrove Farm. To the south of the site lies open countryside and the Cotswold Area of Outstanding Natural Beauty and to the north of the site the road is lined with residential properties. Tungrove Farm is at a prominent position on the main road through the village of Horton. The Farmhouse is garden II listed and the barns for conversion are all curtilage listed.
- 1.3 Of the four new units proposed, one of the units is to be affordable and this will be secured via the attachment of a S106 agreement. This listed building application is supported by the associated full planning application reference PK07/0247/F.
- 1.4 During the course of the application many sets of amended plans have been received. The scheme initially proposed the creation of five units but this has subsequently been reduced to four. The amendments made have all been in attempt to overcome the various concerns raised by the listed building officer and the planning officer.

2. POLICY CONTEXT

- 2.1 National Guidance
PPG15 Planning and the Historic Environment
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
L13 Listed Buildings

3. RELEVANT PLANNING HISTORY

- 3.1 PK05/3106/F Conversion of 5 no. agricultural buildings to residential accommodation with associated works. Erection of 2 no. semi-detached cottages and 4 no. detached garages. Construction of vehicular access.
Withdrawn January 2006

- 3.2 PK05/3111/LB Demolition of units 6 & 7. Internal and external alterations including part demolition to farmhouse. Internal and external alterations including part demolition to units 1-5 to facilitate conversion to residential accommodation.
Withdrawn January 2006

4. **CONSULTATION RESPONSES**

- 4.1 Horton Parish Council
Have no objection but request that local natural stone is used wherever possible and is in keeping with the surrounding area.

Other Representations

- 4.2 Local Residents
None received

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
Policy L13 of the South Gloucestershire Local Plan (Adopted) allows for alterations/additions to a listed building, provided the development is compatible with and would not detract from the special character or features of the building and its setting.

- 5.2 Impact on the Listed Building.
Planning Policy Guidance Note 15 emphasises the importance of preserving listed buildings as they are a valuable asset that cannot be replaced once lost. It also addresses that unsuitable alteration can be as detrimental as outright demolition. It is fundamental to the success of any application for works to a Listed Building that the historic detailing, where known or surviving, should be re-instated.

Tungrove Farm house dates from the early seventeenth century. It is rendered rubble stonework, with a pitched slate roof. The building retains some historic windows although many have been replaced. The building has two large attic gables to the front elevation, and at the rear is an octagonal stair turret. The range to the east is later and not included in the list description. Surrounding the farmhouse are a number of historic stone outbuildings. These are all still used for the storage of animals and farm equipment, as are the number of modern farm buildings on the site.

As initially submitted in August 2007, the scheme was considered to be unacceptable and insufficient detailing relating to the repair of the historic buildings was submitted. The proposed methods of conversion including alterations were not considered to respect or enhance the historic setting. As a result, during the course of the application, many sets of revised plans have been received following discussions with the listed building officer in attempt to overcome the concerns.

Subject to the attachment of a series of conditions, the listed building officer is now satisfied that the conversion works will preserve the listed buildings.

5.3 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That listed building consent be granted subject to the following conditions;

Background Papers **PK07/2564/LB**

Contact Officer: **Marie Bath**
Tel. No. **01454 864769**

CONDITIONS

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

Reason

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

2. The buildings shown to be demolished on plan 4/4/2004-31a must be fully removed from site and the site restored in accordance with the landscaping plan prior to the occupation of any of the four units hereby approved.

Reason

To ensure that the development serves to preserve the architectural and historic interest of the listed buildings, and their settings, in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L13 of the Adopted South Gloucestershire Local Plan.

3. Notwithstanding the submitted drawings, the design of the proposed new window on the north-east elevation of unit 3 shall be amended to match the existing windows on the north-east elevation, in proportion and design.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed buildings, and their settings, in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L13 of the Adopted South Gloucestershire Local Plan

4. Prior to the commencement of development, the detailed design including materials and finishes, of the following items shall be approved in writing by the local planning authority:
 - a. all new windows (other than those shown on the submitted drawings)
 - b. conservation rooflights
 - c. all new doors (other than those shown on the submitted drawings)
 - d. all new vents and flues (other than those shown on the submitted drawings)
 - e. full height 'cart door' glazed and boarded panels

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

Reason

To ensure that the design of the details listed are appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPG15. These are important details which need to be constructed in a manner which ensures that they serve to preserve the special interest of the building.

5. The development shall not be commence before the finish for the joinery has been approved in writing by the local planning authority. The joinery shall be finished and thereafter maintained in the consented finish.

Reason

To ensure that the joinery is finished in a manner appropriate to the character of the building which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPG15.

6. All new and disturbed surfaces shall be made good at the time of development using materials of matching composition, form and finish to those of the adjacent listed building.

Reason

To ensure that the special architectural and historic interest and integrity of the building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPG15.

7. Prior to the commencement of development, a sample panel of natural stone walling of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected and approved in writing by the local planning authority. This sample panel shall represent the finish of any new walling on the site, or repairing any existing

walling, and the development shall be carried out strictly in accordance with the approved panel, which shall be retained on site until the completion of the development.

Reason

To ensure that the special architectural and historic interest and integrity of the building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPG15.

8. Notwithstanding previously submitted details, and prior to commencement of development, a written specification of all structural repairs and alterations, above and beyond those already detailed in the application, for which consent is expressly reserved, shall be submitted and approved in writing by the local planning authority. The specification shall include full details of all elements of historic fabric which are to be replaced or repaired.

Reason

To ensure that the special architectural and historic interest and integrity of the building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPG15.

9. Notwithstanding previously submitted details, prior to the commencement of development, a schedule of any proposed damp-proofing methods, including the method and the location shall be submitted and approved in writing by the local planning authority.

Reason

To ensure that the special architectural and historic interest and integrity of the building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPG15.

10. Notwithstanding submitted details, any new material or finish to the external elevations of the farmhouse shall be submitted and agreed in writing by the local planning authority.

Reason

To ensure that the special architectural and historic interest and integrity of the building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPG15.

11. Prior to the commencement of development a representative sample of reclaimed clay roofing tile and natural slate shall be submitted and agreed in writing by the local planning authority.

Reason

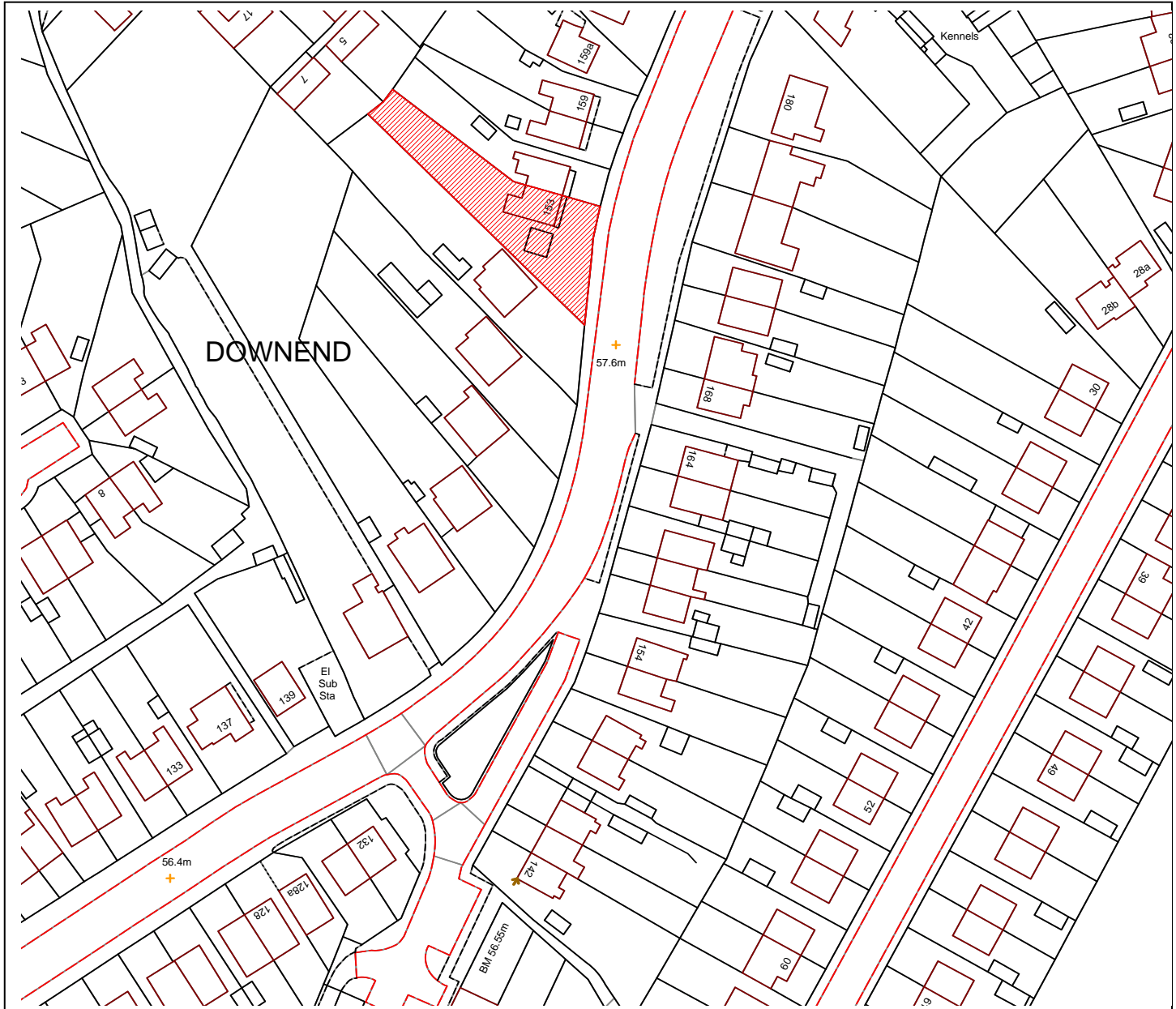
To ensure that the special architectural and historic interest and integrity of the building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPG15.

ITEM 3

CIRCULATED SCHEDULE NO. 50/08 – 12 DECEMBER 2008

App No.: PK08/2980/F
Site: 153 Badminton Road, Downend, South Gloucestershire, BS16 6NF
Proposal: Erection of 1no. detached dwelling with associated works. (Resubmission of PK08/2216/F).
Map Ref: 65316 77463
Application Category: Minor

Applicant: Mr M Mills
Date Reg: 13th November 2008
Parish: Downend and Bromley Heath
Ward: Downend
Target Date: 31st December 2008



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S

PK08/2980/F

This application has been referred to the Circulated Schedule due to an objection raised by the Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of one dwelling in the side garden of No. 153 Badminton Road. There is an existing detached garage on the site that would be demolished to make way for the dwelling as proposed. The new dwelling would have one bedroom and would take the form of a bungalow.
- 1.2 The site faces onto a busy classified highway and is within a primarily residential area. The dwellings surrounding the site are of a variety of designs.
- 1.3 The existing building on the site takes the form of a semi-detached, rendered dwelling. The original dwelling has recently been converted to two one-bedroomed flats. This was approved under application PK06/2871/F.
- 1.4 Planning permission has recently been refused on this site for the erection of one detached dwelling PK08/2216/F. Therefore it is considered that in the determination of this application the reasons for refusal would have to be overcome for a recommendation for approval. This is covered under section 5 of this report.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H2 Residential Development
H4 Development within Residential Curtilages
L17 & L18 The Water Environment
EP1 Environmental Pollution
T7 Cycle Parking Standards
T8 Car Parking Standards
T12 Transportation Development Control

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/2871/F Conversion of existing dwelling to form 2 no. self contained flats and associated works.
Approved December 2006
- 3.2 PK08/2216/F The erection of 1 no. detached dwelling with associated Works

Refused September 2008 for the following reasons:

- The new dwelling with its gable ends in an area dominated by hipped ends will be visually jarring and will fail to integrate with the street scene and surrounding built form.
- The bungalow, being a self contained and separate unit would appear disproportionately small in comparison to the surrounding bungalows and would fail to integrate with the street scene. The effect of this is exacerbated by the fact that the new bungalow would project forward of the main front wall of the existing building on the site No. 153 Badminton Road.
- The new dwelling if permitted would preclude the provision of any secure and undercover cycle storage to serve the two existing flats on the site.
- The new dwelling if permitted would preclude the provision of any bin storage to serve the two existing flats on the site.

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council

Objects to the application on the following grounds:

- Overdevelopment of site
- Out of keeping with adjacent properties.

Other Representations

4.3 Local Residents

No response received

5. ANALYSIS OF PROPOSAL

5.1 As noted in paragraph 1.4 this application is a resubmission of a previously refused scheme. The difference between the two applications consists of the following.

- The dwelling has been redesigned as a bungalow with a hipped roof.
- The bungalow is wider and sited level with the main front wall of the existing building on the site No. 153 Badminton Road.
- Cycle storage is provided for the existing two flats.
- Bin storage is provided for both the existing two flats and the new dwelling.
- The amenity space for the existing flats has been enlarged.

5.2 Principle of Development

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

The South Gloucestershire Plan (Adopted) 2006 identifies the site as lying within the urban area. With the exception of design, Policy H2 of the adopted Local plan encompasses all the relevant issues of the above policies. Policy H2

allows for new residential development providing that the following criteria are complied with:-

5.3 (a) Development would be on previously developed land.

The proposed site is considered previously developed land by virtue of its status as land being within the curtilage of the existing residential property. This complies with the definition outlined in PPG3 (Annex C)

The site is therefore considered an appropriate site for residential development subject to compliance with the following criteria.

5.4 (b) 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 proposed bungalow would be assessed from Badminton Road. Three vehicular parking bays are proposed to serve the new dwelling and the two existing flats. The access to the parking area from Badminton Road would be as existing. As each of the three residential units on the site has one bedroom each, one space per unit is sufficient to meet the requirements of Policy T8. The width of the turning head in the front garden has been increased and it is considered acceptable.

As approved in 2006, the cycle storage to serve the two flats was located to the very front of the site – in a location now shown to be occupied by car parking spaces. The cycle storage associated with the two existing flats would be repositioned to the rear of the property and would be accessed via the pathway to the side of 153 Badminton Road that leads to the rear garden associated with this property.

Residential Amenity

The new dwelling is to be erected in the side garden of the existing dwelling, No. 153 Badminton Road. Given that the proposed new dwelling is largely to replace an existing structure and that all habitable room windows face out to the front or rear, it is not considered that the new dwelling would result in any significant issues of overlooking or loss of privacy for neighbouring dwellings.

Due to the siting of the proposed dwelling in combination with the modest height of the proposed bungalow, with the height to eaves measuring approximately 2.4 metres and the overall height to ridge being approximately 5 metres, it is not considered that the proposed bungalow would result in any significant overbearing to neighbouring properties. There are several windows on the side elevation of No. 151 Badminton Road which face the application site. Only the front window serves a habitable room and given that the existing outlook from this window is the existing detached garage it is not considered that a refusal reason on overshadowing grounds could be substantiated.

The proposed bungalow would project approximately 800mm beyond the kitchen window of No. 153 Badminton Road. Whilst it is accepted that the proposed development would inevitably result in some overshadowing of this room, given the low eaves height and the fact the roof is hipped away from this

property it is not considered that this is of sufficient concern to warrant the refusal of the application.

As approved in 2006, the bin storage to serve the two flats was located to the side of the existing garage, a location that would now be in the ownership of the independently occupied bungalow. The provision for bin storage to serve the two existing flats would now be relocated to the rear of the property. In addition it is proposed that there would be bin storage for the new dwelling, located to the southern side of the proposed bungalow. It is therefore considered that both the existing flats and the proposed new dwelling have adequate bin storage. Furthermore, the plans show adequate private and useable amenity space would be provided to serve both the existing and proposed dwelling. The impact on residential amenity is therefore considered to be entirely acceptable.

5.5 (c) 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.

Officers are satisfied that having regard to the sites constraints, the pattern and scale of existing development, access and impact on residential amenity, no more than one additional dwelling could be accommodated on the site.

5.6 (d) 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.

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

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

5.8 Design / Visual Amenity

It is accepted by your officer that the surrounding built form is all quite varied. The Western side of Badminton Road contains a variety of house forms from semi-detached two-storey properties to single storey bungalows and chalet bungalows. The site subject of this application currently accommodates a detached garage. The proposal is to demolish the existing garage and erect a single dwelling in its place. The existing garage has a gable end and is set slightly forward of the host dwelling. The existing garage is not considered to be particularly aesthetically pleasing or desirable.

A key concern with the previous application was the design of the proposed dormer bungalow with gable ends when the dominant built form in the immediate vicinity is hipped roofs. In addition, the detrimental impact of the proposed dwelling was exacerbated due to the proposed dwelling being positioned forward of the main dwelling house, No.153 Badminton Road.

The proposed dwelling subject to this current application has a hipped roof and the front building line is sited level with that of No.153 Badminton Road. Given

that the dwelling would be sited level with the existing dwelling house and the existing line of development, it is considered that the proposed bungalow would not be a dominant feature in the street scene. As such, whilst the proposed dwelling is still narrower than the neighbouring bungalows the width has been increased to 7 metres and given that the surrounding built form is varied, it is not considered that the proposed dwelling would appear out of place in comparison to the neighbouring bungalows. Furthermore the roof would be hipped to match the neighbouring bungalow, No.151 Badminton road. Whilst the plans show the bungalow to be brick it has been confirmed with the applicant that the proposed dwelling would be rendered to match the surrounding properties, a condition will be imposed to ensure this. It is therefore considered that the proposed dwelling would integrate successfully with the surrounding properties and would enhance the appearance of the existing street scene.

5.9 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 the Councils Drainage Engineer has raised no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme for approval before development could commence.

5.10 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.

5.11 Section 106 Requirements

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

6. CONCLUSION

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

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.

Background Papers **PK08/2980/F**

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 and Country Planning Act 1990 (as amended).

2. Notwithstanding the hereby approved plans, the type and texture of the rendered finish to the external walls shall match that of the existing building .

Reason:

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

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

Reason:

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

4. The hours of working on site during the period of construction shall be restricted to Monday - Friday 7.30 -18.00 and Saturday 8.00 - 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 Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

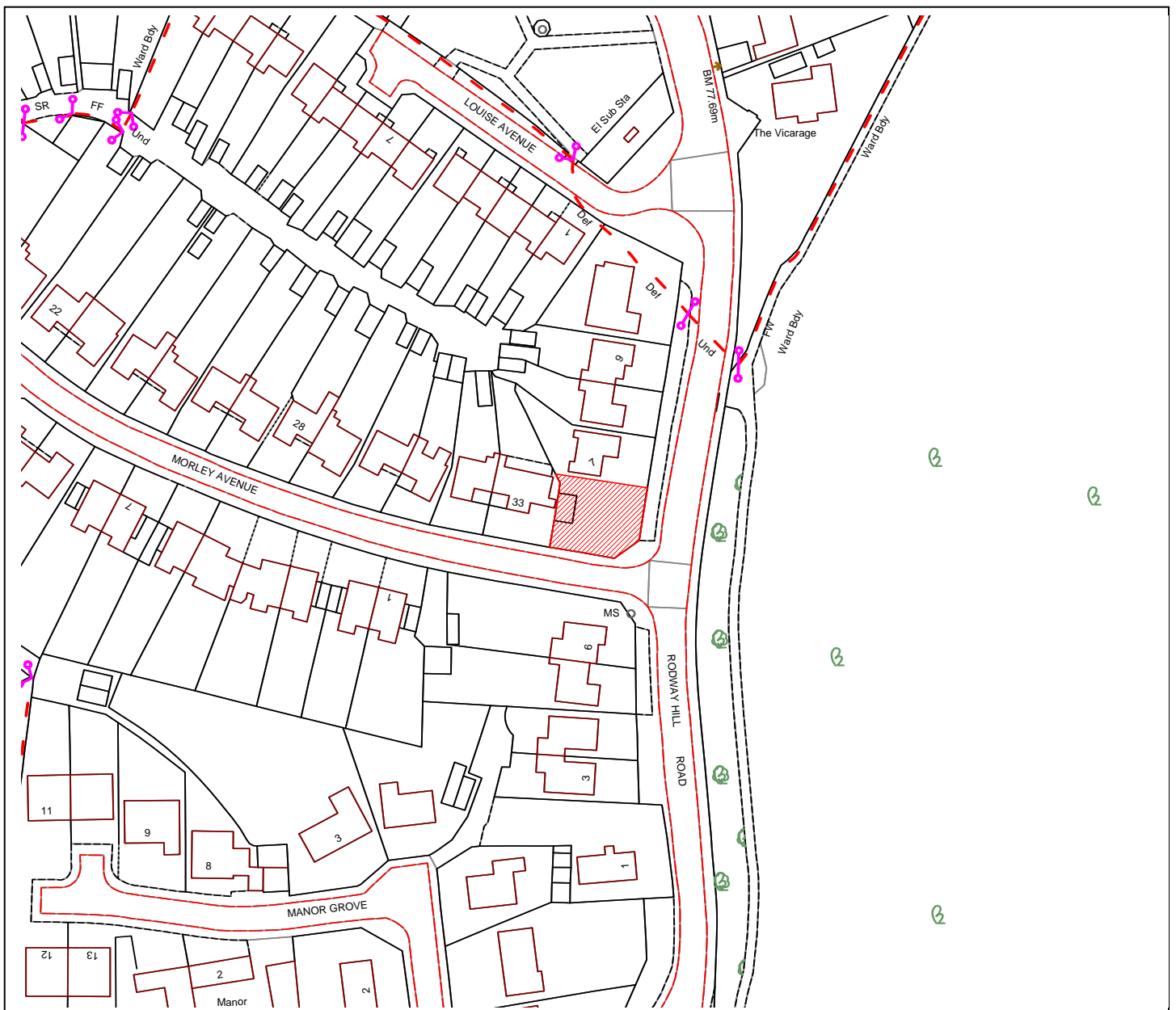
5. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning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

Reason:

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

CIRCULATED SCHEDULE NO. 50/08 – 12 DECEMBER 2008

App No.:	PK08/2982/RM	Applicant:	Mr P Bracey
Site:	7 Rodway Hill Road, Mangotsfield, South Gloucestershire, BS16 9JD	Date Reg:	13th November 2008
Proposal:	Erection of 1 no. dwelling with parking and associated works. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK08/0704/O)	Parish:	Mangotsfield Rural Parish Council
Map Ref:	66420 75949	Ward:	Emersons Green
Application Category:	Minor	Target Date:	1st January 2009



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S

PK08/2982/RM

INTRODUCTION

This application is reported on the Circulated Schedule due to the receipt of objections contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the Reserved Matters, having already gained outline planning permission for the erection of a dwelling with layout and access.
- 1.2 The remaining matters to be determined in this application are therefore scale, appearance and landscaping, matters which were covered in general in the Design and Access Statement submitted with the outline planning application.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
L1 Landscaping
H4 Development within residential curtilages
T7 Cycle parking
T8 Parking standards

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/0704/O Outline permission for one dwelling, including layout and access
Approved 2008

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No objection

- 4.2 Other Consultees
Transportation

The principle of a new dwelling on this site has already been accepted by the Council as part of the Outline planning application No. PK08/0704/O. Access and siting details have already been approved as part of the previous planning application. The only outstanding Transportation issue now to be considered is details relating to parking facilities for the new development. The proposal includes off-street parking for the existing dwelling as well as off-street parking for the new property. The level of proposed parking is in line with the Council's parking standards.

In view of all the above therefore, there are no highway objections to this planning application.

Other Representations

4.3 Local Residents

Five letters of objection to the scheme were received, citing the following concerns:

- Concerns over security of the adjoining dwelling if the existing garage is demolished and not replaced
- The plans show a rooflight on the northern boundary, which leads to concerns for privacy
- The plan shows that the majority of trees and shrubs in the garden will be removed, but the outline application made clear they would be maintained
- The trees and shrubs will affect visibility for cars exiting the site
- Discrepancies in the Design and Access Statement regarding a replacement garage and cycle storage

- Another house would lead to more highway safety and congestion issues
- Another house would add to problems with the drains and sewers
- There are other properties nearby with similar gardens – this would be a precedent for further development
- Would prefer the spacious garden to be left alone
- The proposed building would break up the building line along the length of Rodway Hill Road, spoiling the semi-rural character with infilling
- In 1955 planning permission was refused for a driveway on the side of No. 6 Rodway Hill Road as it was too near the junction. It will be a hazard at the site too

NB The last 6 points relate to the outline planning application, which has already been determined and not issues to be resolved in this Reserved Matters application.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above in the determination of the three remaining reserved matters, scale, appearance and landscaping. The principle of the proposal, as well as siting and access have all been resolved in approving planning permission for the outline application earlier this year.

5.2 Reserved Matters: Scale

The matter of scale was made clear in the Design and Access Statement submitted with the outline application. The design rationale has been applied to the elevations now submitted and to achieve a design of dwelling which fits in to both street scenes which it contributes to. The scale therefore needs to be two storeys to be effective in achieving this and a dwelling of that scale is now proposed, using the layout already approved under the outline permission. It is considered that the scale of the development is appropriate to its setting and that it accords with policy D1 of the Local Plan.

5.3 Reserved Matters: Appearance

The appearance of the proposed dwelling has been dealt with in a similar way to that outlined in the previous paragraph. Once the layout and scale have been established, the remaining issue is the detailing. In this respect it is

considered that the strongest distinguishing features of the adjoining dwellings is the two storey projecting gable. This has been reproduced at a similar scale in both the Morley Avenue and the Rodway Hill Road elevations and is considered to aid the proposed dwelling to fit in with both street scenes successfully. The two other elevations are blank, but these would be in close proximity to the adjoining dwellings and therefore not readily visible. This approach concentrates the windows onto the outward-facing elevations and in the crook of the 'L' shape formed by the gables. This in itself is considered to channel views in and out of the site in a way which would not harm existing levels of residential amenity for neighbouring properties. The window design and proportions, exhibiting vertical emphasis, is similar to those of the adjoining properties and considered to be appropriate to the two street scenes. Similarly, the use of red brick quoins also replicates the adjoining dwellings, subject to achieving a match through the condition below. Materials are shown as matching as well and the samples required will ensure this. Subject to this condition, it is considered that the proposal accords with policies D1 and H4 in this respect.

5.4 Reserved Matters: Landscaping

The site, due to its approved layout as a result of the outline planning permission, is considered to offer very little scope for landscaping. Hard landscaping would be limited to a patio area extending from the crook of the dwelling between the projecting gables and the car parking area. Soft landscaping appropriately utilises the existing garden which would serve the new dwelling, with the hedgerow protected by the condition on the outline consent. Beyond this, no soft landscaping is proposed and it is considered that none would be required.

5.5 Other Matters

Three other matters have been raised through the consultation process. The rooflights shown would provide some natural light to the roofspace of the house. As an attic, the rooflights would not serve a habitable room and therefore would not have any effect on residential amenity. A condition below prevents the insertion of any further windows.

Regarding the garage, the proposed integral garage referred to in the Design and Access Statement which accompanied the outline application has been removed, due to the reduced width of the projecting gable. Parking will now be provided on the hardstanding between the dwelling and the road. This has the benefit of ensuring that off street parking will be provided. The risk with a garage is that it will be filled with household storage, which can now be provided in the attic (see preceding paragraph) which would prevent parking. Having the parking externalised will ensure that the space is used for parking. Regarding the issue of security for the adjoining dwelling, no fence has been indicated on the plans for the boundary between the access for the residual dwelling and No. 33 Morley Avenue. These details will still have to be submitted under the terms of condition 7 of the outline planning permission.

The cycle storage however, can be catered for within the building, due to the rearrangement of the interior space through the loss of the garage.

5.6 Conditions on the Outline Permission

Conditions 6 requires the submission of drainage details and this will still be required.

Condition 7 requires details of boundary treatments, which have been supplied with this application and amount to 2 metre tall close boarded fences along the site's northern boundary and between the parking area and the garden. These are considered to be acceptable, subject to the condition below modifying this to ensure a reduction in the height of the fence next to the entrance in order to achieve better visibility for vehicles leaving the site. This condition is not considered to have been cleared, however, as details referred to at 5.5 have yet to be submitted.

Condition 8 requires the retention of the hedgerow along the front of the site and that still applies to the development, as it would form part of the full planning permission.

5.7 Design and Access Statement

The Design and Access Statement submitted with the outline application.

5.8 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That reserved matters approval be given, subject to the conditions shown below.

Background Papers **PK08/2982/RM**

Contact Officer: **Chris Gosling**

Tel. No. **01454 863787**

CONDITIONS

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

Reason

the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

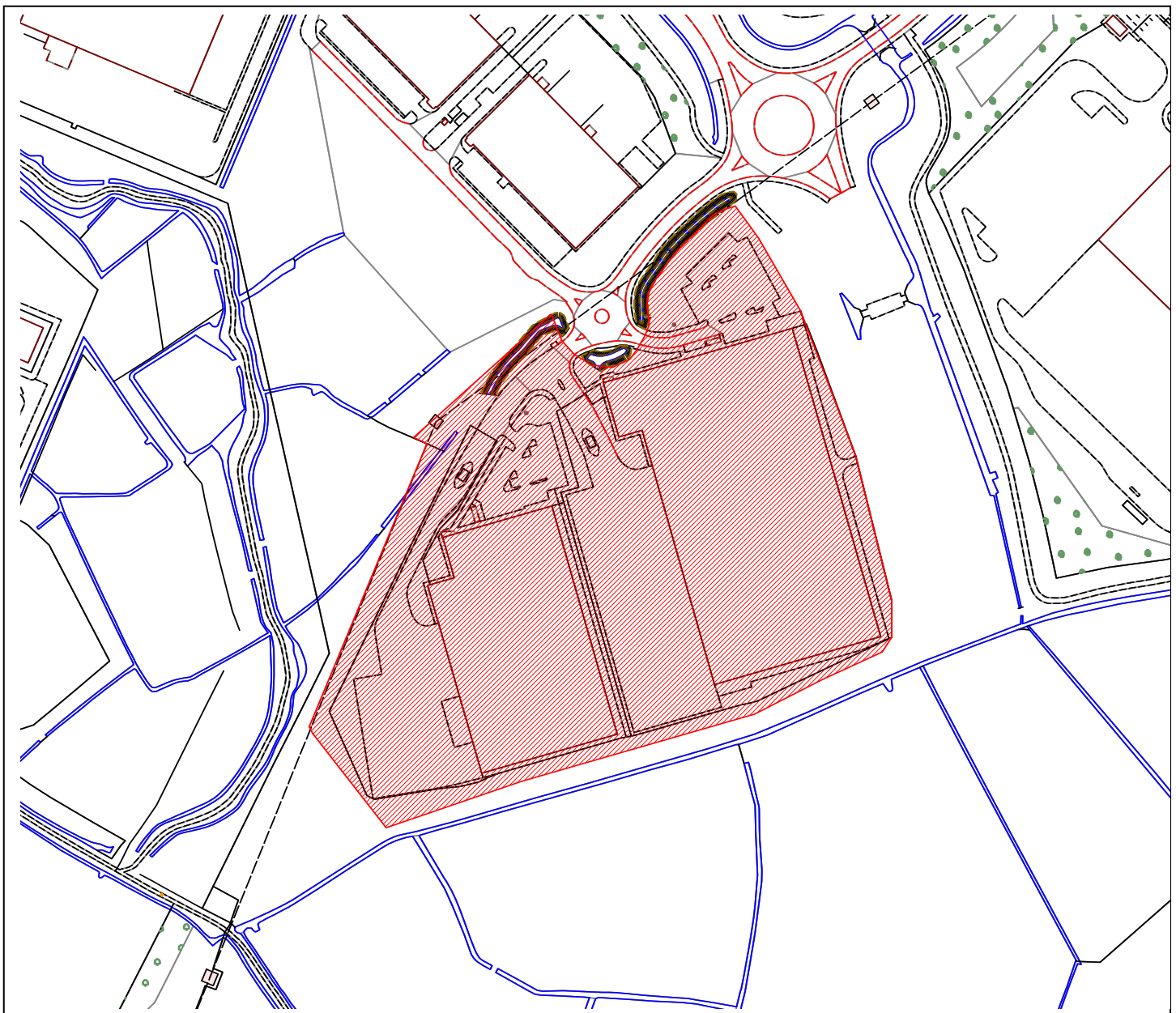
3. The fence shown on the approved plan alongside the parking area shall not exceed 1 metre in height above ground level for its first 1.5 metres in length, measured from the edge of the footway.

Reason

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

CIRCULATED SCHEDULE NO. 50/08 – 12 DECEMBER 2008

App No.:	PT08/2629/F	Applicant:	Mr G Stubbings Gazeley (UK) Ltd
Site:	Units 5010 & 5020 Govier Way Western Approach Distribution Park Sevenside South Gloucestershire	Date Reg:	24th September 2008
Proposal:	Change of use from storage (Class B8) to General Industry (Class B2) as defined by the Town and Country Planning (Use Classes) Order 1987.	Parish:	Pilning and Severn Beach
Map Ref:	55180 83273	Ward:	Pilning and Severn Beach
Application Category:	Minor	Target Date:	13th November 2008



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410 2008
DC090 MW

This application appears on the Circulated Schedule in view of the legal agreement required and in view of the concerns expressed by the Parish Council and a local resident.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the change of use of two distribution centres (Class B8) to provide general industrial accommodation (Class B2).
- 1.2 The application relates to units 5010 and 5020 Govier Way, at the Western Approach Distribution Park, Severnside. The site falls within a Safeguarded Employment Area.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPG4: Industrial and Commercial Development and Small Firms
PPG13: Transport
PPG25: Development and Flood Risk
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
L1: Landscape Protection and Enhancement
L17: The Water Environment
L18: The Water Environment
EP2: Flood Risk and Development
E2: Severnside
E4: Safeguarded Employment Areas
T7: Cycle Parking
T8: Parking Standards
T10: Travel Plans
T12: Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 The surrounding area and the site have a long history of employment designation associated with the ICI Agreement of the early 1950's.
- 3.2 P98/1845: Application to vary condition 01 of P94/400/8 dated 8 June 1994 to extend the period for the submission of reserved matters from 3 years to 6 years from the date of the outline permission. Approved 5th August 1998
- 3.3 P94/400/8: Development of 87.7 hectares of land for the layout & construction of a distribution park (Class B8). Approved June 1995

- 3.4 PT01/0293/RVC: Variation of conditions 1(b) and 1(c) attached to P94/0400/8 as amended by condition 1 attached to P98/1845, to extend time limit for submission of reserved matters for a further 4 yrs. Approved 16th August 2001
- 3.5 PT05/1073/RVC: Variation of condition 2 attached to PT01/0293/RVC to extend the time period for submission of reserved matters. Approved 8th August 2005
- 3.6 PT05/3568/RVC: Variation of condition 4(a) attached to PT01/0293/RVC to permit the gross floor space to exceed 2,350,000 square feet. Approved 24th February 2006
- 3.7 PT05/2503/RM: Erection of distribution centre with ancillary offices and associated works (Approval of reserved matters). Approved 8th May 2006
- 3.8 PT06/1862/RB: Erection of 2 distribution centres with ancillary offices and associated works (to be read in conjunction with PT05/3568/RVC). Permitted: 7th August 2006

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish Council

'The parish council has some concerns over units being altered from warehouse storage to general industry. The concerns relate to increased traffic movements, 24 hour usage, and an increase in noise. These concerns will not be alleviated until a spur onto the motorway is constructed and the main traffic movements are directly off and on to the motorway. Apart from this the parish council has no further comments to make on this application.'

4.2 Other Consultees

Environment Agency: no objection in principle

Highways DC: no objection subject to legal agreement and condition

Other Representations

4.3 Summary of Local Residents Comments:

One letter received expressing the following concerns:

- The main concern is the major increase in traffic in a rural area;
- Heavy vehicles may use the dual carriageway to access the site but lighter vehicles will come through the surrounding villages where there are children crossing the roads to get to school (with only one zebra crossing);
- There is already a build up of traffic if there are problems on the motorway;
- It states in the travel plan that car sharing will be encouraged: it is not compulsory and might not realistically happen;
- Public transport is limited and unlikely to benefit future employees;
- How many employees would be employed from the local villages;
- The local walking environment is of poor quality and unfit.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

- Planning policy E2 cites that the Council is committed to realising the long-term economic potential of Severnside by achieving a comprehensive, integrated & sustainable form of development to include a broad range of employment uses encompassing B2 & B8 employment uses. In this regard, development should:
- Not have an unacceptable impact on flooding, the landscape or ecology;
 - Not prejudice the long-term development of the area;
 - Make a positive contribution to the overall sustainable form of development;
 - Not harm the amenity of local residents;
 - Not cause harm to the free flow and safety of traffic on a public highway.
- 5.2 Policy E4 details that within the safeguarded employment areas, development proposals for employment development will be granted subject to the criteria set out in policy E3. Accordingly, this is as follows:
- Development should not have an unacceptable environmental impact, and
 - Adequate provision should be made for service and delivery requirements whilst it should 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 area and highway safety; and
 - Development should not prejudice residential amenity; and
 - The character of the area/ settlement should not be adversely affected; and
 - The maximum density compatible with the sites location is achieved; and
 - In the case of travel intensive B1 (office development), the site is well served by public transport.
- 5.3 Policy T12 cites that new development will be permitted provided that in terms of transportation (considered relevant to this case), it provides safe access capable of accommodating traffic generated by the proposal whilst it should not unacceptably exacerbate traffic congestion or have an unacceptable impact on road, pedestrian and cyclist safety.
- 5.4 Policy EP2 cites that development, including the extension or intensification of existing uses will not be permitted unless adequate environmentally acceptable measures are incorporated which provide suitable protection, attenuation and mitigation.
- 5.5 Design/ Visual Amenity
The application relates to two warehouse buildings at Severnside which have been recently completed and which currently stand empty. The permitted use of the buildings allows for their use as distribution centres with the ancillary office accommodation. The proposal seeks their change of use to provide for Class B2 (General Industrial) purposes without any physical changes to the buildings. Accordingly, on this basis, there is no objection to this current proposal.
- 5.6 Residential Amenity
There are no neighbouring dwellings within close proximity of the application site. As such, and with no external alterations proposed, there is no objection to the current proposal on this basis.
- 5.7 Highway Safety
Whilst the principle of two warehouse units has been approved in this location, the Transport Assessment predicts a significant increase in traffic movements with as many as double the number of movements during the peak periods

over and above the permitted development. Further analysis has however demonstrated that the affected junctions have sufficient capacity to accommodate the additional vehicular movements although there will be some incremental highway impact associated with the proposal.

5.8 The Travel Plan received is considered to provide a reasonable framework to manage future car use although its success will be restricted by the poor public transport links to the application site. For this reason, the sustainability of the site will be largely dependent on employees walking and cycling to the site.

5.9 In the light of the above, it is noted that the local cycling environment could be significantly improved if a cycleway immediately to the south of the site is upgraded. In this regard, the National Cycle network 'route 4' between Collins Drive and Farm Lane is poorly consolidated and needs to be resurfaced in accordance with current guidelines. These works have been costed at £20,000 which should be provided by the developer to offset the incremental impact of development traffic and to help promote sustainable travel.

5.10 There is no objection to the internal layout of the site with the parking and turning areas to standard and with appropriate cycle storage facilities included. As such, there is no transportation objection to this current proposal subject to the receipt of these monies prior to the first occupation of the building and the submission of a full travel plan within six months of the occupation.

5.11 Flood Risk

The application site is located in Flood Zones 2 and 3 whilst the proposal would intensify the permitted use increasing the number of persons employed on this site. Nevertheless, given that this building has been only recently completed, it incorporates a number of flood mitigation measures whilst the Environment Agency has raised no objection to the proposal subject to conditions. For this reason, there is no objection to the proposal on this basis.

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 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, having regard to the above advice, the transportation improvements are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That authority is delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant voluntarily entering into an appropriate legal agreement prior to the occupation of the building to secure the following:
- (i) A financial contribution of £20,000 towards the upgrading of the local cycle network.

Reason: To provide a contribution commensurate to the scale of the development towards the upgrading of the local cycle network in order to encourage sustainable means of transport and to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.

Background Papers **PT08/2629/F**

Contact Officer: **Peter Burridge**
Tel. No. **01454 865262**

CONDITIONS

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

Reason(s):

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

2. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (dated 12th August 2008) by Capita Symonds Structures for Gazeley (UK) Ltd and with finished floor levels set no lower than 7.4m above Ordnance Datum.

Reason(s):

To reduce the impact of flooding on the proposed development and future occupants and to accord with Planning Policies D1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason(s):

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system, all to accord with Planning Policies L17, L18 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

To prevent pollution of the water environment and to accord with Planning Policy L17 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason(s):

To prevent pollution of the water environment and to accord with Planning Policy L17 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

To prevent pollution of the water environment and to accord with Planning Policy L17 of the South Gloucestershire Local Plan (Adopted) January 2006.

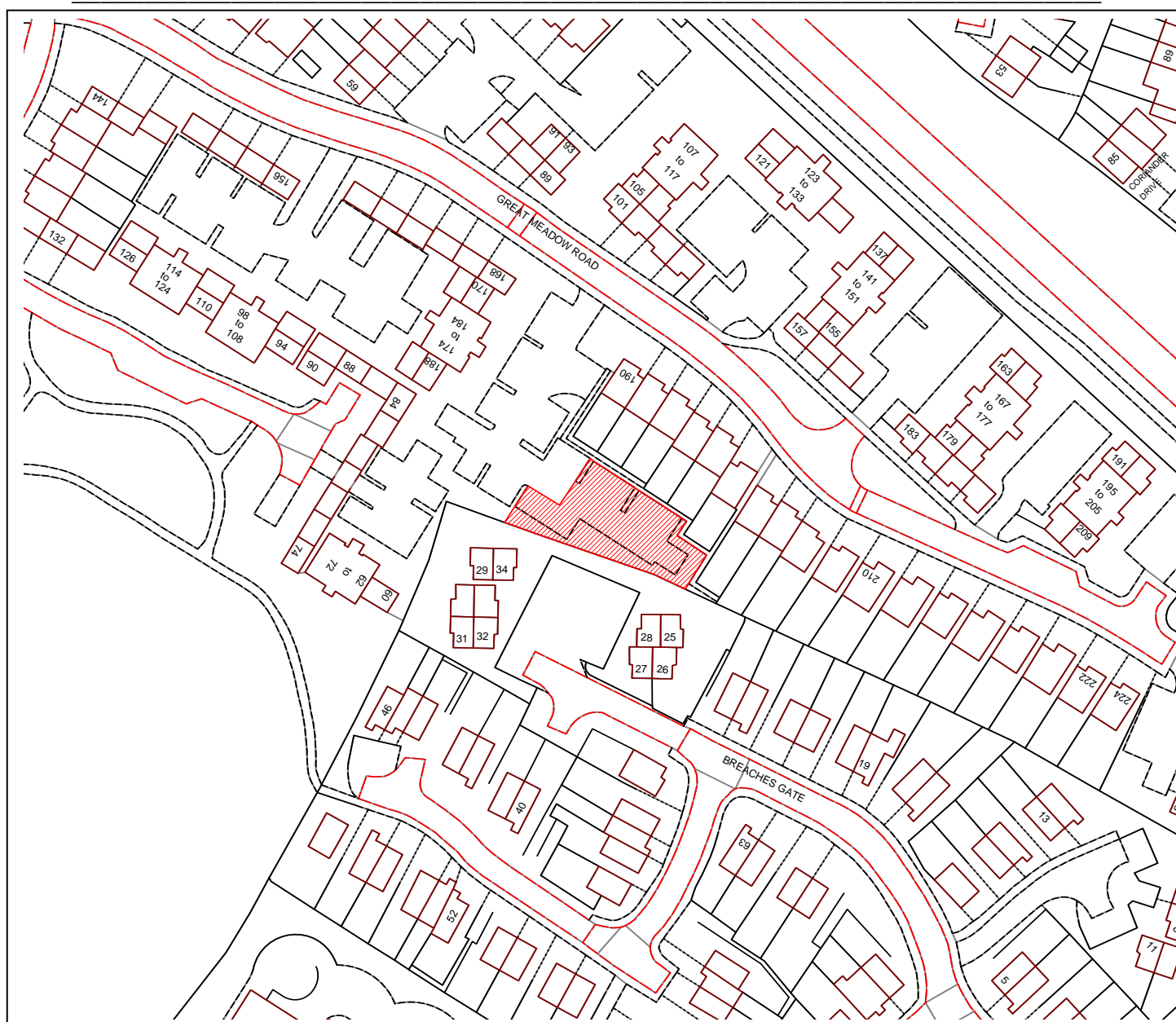
7. A full travel plan shall be submitted to and agreed in writing with the Local Planning Authority within 6 months of the full occupation of the buildings. The agreed scheme shall be implemented in accordance with the approved travel plan with the occupier providing details of the appointed person responsible for the implementation of the travel plan within this time frame.

Reason(s):

To encourage means of transportation other than the private car, to accord with Planning Policies T10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 50/08 – 12 DECEMBER 2008

App No.:	PT08/2858/F	Applicant:	Mr G Algar Freehold Estates Limited
Site:	Land at Great Meadow Road, Bradley Stoke, South Gloucestershire, BS32 8DB	Date Reg:	24th October 2008
Proposal:	Erection of 2 no. semi detached dwellings and associated works.	Parish:	Bradley Stoke Town Council
Map Ref:	62880 80883	Ward:	Bradley Stoke South
Application Category:	Minor	Target Date:	24th December 2008



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S

PT08/2858/F

The application appears on the Circulated Schedule in view of the letters of objection which have been received and in view of the legal agreement required.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for two semi-detached dwellings.
- 1.2 The application relates to an area of land to the rear of those properties fronting Great Meadow Road, Bradley Stoke. The site forms part of an existing parking area with this part having been designated for over flow/ visitor parking.
- 1.3 Amended plans form part of this application allowing a change in roof shape and roof pitch and alterations to the materials proposed.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPS3: Housing
PPG13: Transport
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
H2: Development within Residential Curtilages
T7: Cycle Parking
T8: Parking Standards
T12: Transportation Development Control Policy for New Development
L1: Landscape Protection and Enhancement
L18: The Water Environment
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 Non specific

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
'This constitutes overdevelopment of the site resulting in additional traffic and parking problems and is not in keeping with neighbouring dwellings.'
- 4.2 Other Consultees
Highways DC: no objection subject to condition and financial contribution
Environmental Services: no objections in principle
Technical Services (Drainage): no objections in principle

Other Representations

4.3 Summary of Local Residents Comments

Five letters received expressing the following concerns:

Existing Use

- The parking area was closed off in September 2007- until that point it was used for parking keeping cars off the streets and was well maintained;
- The developer claims it would enhance a neglected and overgrown area- it has become like this since the area was fenced off;
- A mature tree was recently removed;
- Lighting within the area has been turned off.

Design

- Bradley Stoke has been badly overdeveloped (no shortage of housing);
- The proposals spoil the coherent design of this part of Bradley Stoke;
- It will increase the density of housing to an unacceptable level;
- The footprint of the building should be reduced;
- The buildings should be finished in render and painted white;
- The proposals will appear cramped;
- One dwelling would be more appropriate.

Residential Amenity

- The neighbouring dwellings are 'fairly unique' in Bradley Stoke given that they are not overlooked at the rear;
- Properties fronting Great Meadow Road are north facing, the rear elevation allows the most light into these dwellings;
- Computer generated daylight and sunlight tests are requested;
- A hipped roof would reduce the impact on the neighbouring dwellings;
- A bungalow would minimise the impact on the neighbouring dwellings;
- The proposals would cause heartache to a large number of locals;
- One neighbour has been told that it would not be possible to build here;
- The rear access path will be turned into an alleyway- this is not wanted in view of concerns related to anti-social behaviour;
- The applicant has suggested that the rear access path be gated- this should be gated for its full length;
- One dwelling would be less overbearing;
- The outlook from the neighbouring dwellings (blank wall) is unacceptable;
- It is understood that an 18-20m is required between dwellings.

Highway Safety

- It will remove a significant number of parking spaces which were integral to the original planning consent;
- The loss of parking spaces and the increase in vehicles will place a strain on available parking land, cause congestion and impact upon safety;
- The spaces had been used by residents for over 11 years, this might give them some legal rights about claiming use of the land;
- The existing spaces are badly needed to prevent the double parking which occurs at present;

One letter received in respect of the amended plans (additional concerns):

- The reduction in roof height is welcomed but is minimal and will make very little difference to the outlook from the neighbouring dwellings;
- The writer is yet to find another dwelling within the locality which backs on so closely to another property;
- The neighbouring garden will be overshadowed and light into the rear of this property restricted (the entire width of the garden would be spanned by the new house);
- Great Meadow Road is narrow; it will exacerbate parking problems;
- Further investigations should be made regarding the legal rights of existing home owners to use this parking area;
- The comments of Bradley Stoke Town Council are welcomed.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Planning policy D1 details that development will only be permitted where good standards of site planning and design are achieved. In particular, proposals will be required to demonstrate that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and locality.

5.2 Planning policy H2 allows for the principle of residential development subject to considerations of design, residential amenity and highway safety. Furthermore, the maximum density compatible with the site, its location, accessibility and its surroundings should also be achieved. In this regard, proposals should seek to achieve a density of 30 dwellings per hectare and upwards of 50 dwellings per hectare where local circumstances permit.

5.3 Planning policy T12 cites that development will only be permitted (in terms of transportation) where (considered here most relevant) proposals would not generate traffic that would be detrimental to residential amenity and where it provides safe access capable of accommodating the traffic that is generated.

5.4 Design/ Visual Amenity

The application relates to an existing car parking area accessed via the south side of Great Meadow Road. This existing parking area is 'L' shaped wrapping around the rear of those properties fronting Great Meadow Road with the site of the proposals forming that land to the rear of these dwellings. This area of the car park has been blocked off (bollards) and is unkempt in appearance.

5.5 The Design and Access Statement received states that the land is owned by Freehold Estates Limited whom have noticed that the area has become less well used. It is stated that the area has become overgrown following the erection of bollards; these were erected to prevent the apparent unauthorised use of the area from vans and trailers and to stop the dumping of unwanted/ stolen cars. As such, it is considered that this area serves no specific purpose.

5.6 The application would allow the erection of two-semi detached dwellings in this position. These would form two-storey dwellings which would face westwards overlooking the retained parking area. The proposals would provide a kitchen, WC and lounge/ dining room at ground level with first floor accommodation comprising of three bedrooms and a bathroom.

- 5.7 The proposals would build to the rear of nos. 192 and 194 Great Meadow Way with their associated rear gardens extending to the rear of the application site. In this regard, they would not benefit from any meaningful frontage with instead the small wrap around pathway and separate area of landscaping proving a limited buffer to the retained car park. Nevertheless, the closest four car park spaces adjacent to the southern flank boundary would be retained for these units whilst their siting does allow a good sized rear garden (17.5m in length).
- 5.8 With regards to the design of the proposed dwellings, it is noted that properties within the vicinity of the site are of differing design utilising a differing palette of materials. Furthermore, the size of dwellings varies with terraced and flatted accommodation (three stories) opposite and terraced and detached dwellings along Great Meadow Road. Roof structures are generally of gabled design although there are also fully hipped examples.
- 5.9 In this instance, the proposals would be handed in appearance predominantly formed of brick but with a render finish to the front at first floor and with a timber entrance porch. As submitted, the roof design would have replicated that of many surrounding dwellings with gables to the north and south flank elevations. However, amended plans have been received allowing a hipped roof structure; this follows consultations undertaken by the developer during which time neighbouring residents expressed a preference for a less bulky roof form. The additional amended plans also allow a reduction in height of the new dwellings to a level more in keeping with those properties fronting Great Meadow Road.
- 5.10 In this instance, the design of the dwellings is considered to be acceptable with the revised roof form also helping to mitigate the impact of these new dwellings. Further changes allow a rendered finish to the front at first floor (as opposed to timber boarding) which is considered to more accurately reflect the design of the existing surrounding properties. However, the architect was unwilling to extend this finish through to the side elevations of the proposals. Nonetheless, the proposals are considered to remain acceptable, with no objections raised on this basis.
- 5.11 Density
Policy H2 seeks to ensure that proposals for new residential development provide a minimum density of 30 dwellings per hectare with upwards of 50 units per hectare where local circumstances permit. In this instance, the proposal would provide a density of development equating to 40 dwellings per hectare and thus there is no objection to the current application on this basis.
- 5.12 Having regard to the comments received in respect of a preference for only one dwelling, this would provide a density equating to 20 units per hectare. Given that this would fall below the threshold level required, it is likely that planning permission would be refused on this basis.
- 5.13 Residential Amenity
The orientation of the proposed dwellings would ensure that their main outlook would be over the retained parking area to the front and the newly formed rear gardens with any overlooking of the existing properties to the north and south at an oblique angle only. This type of relationship is not uncommon within a

- residential area and thus it is not considered that planning permission could be reasonably withheld on this basis.
- 5.14 In the view of the above, it would be the flank elevations of the proposed units that would face towards these existing properties. Windows contained within these elevations would be restricted to ground floor WC windows and first floor secondary bedroom windows. Both of these openings could be obscure glazed with this (and the size of any opening) controlled by condition. Accordingly, it is not considered that any significant adverse impact in residential amenity would be caused on this basis.
- 5.15 With regards to the proximity of these dwellings to these existing properties, a distance of 15m would be retained between the rear of no. 192 and 194 Great Meadow Road. To this extent, there is no minimum standard (distance) that should be applied but instead an assessment should be made on the basis of the proposed relationship between these dwellings.
- 5.16 In the light of the above, it is noted that the impact of the proposals on these dwellings would be exacerbated given its siting to the south of these dwellings. However, it is considered that any associated refusal reason is unlikely to be sustainable, particularly in view of the amended plans received which would allow a reduction in the bulk and massing of the proposals. For these reasons, on balance, there is also no objection to the current application on this basis with any requirement for a single-storey building in this location considered to be unreasonable; such would also appear out of keeping in this context.
- 5.17 Dwellings to the south of the application site face away from the application site with what appear secondary facing windows. Further, these would be well spaced from the proposals and are positioned to the south of the application site. For these reasons, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.18 Highway Safety
The proposals replace a private parking area which according to the applicant had become redundant. Notwithstanding the comments of local residents, it is considered that an adequate level of private parking would remain for local residents and thus congestion problems are not anticipated.
- 5.19 The proposals would each benefit from two parking spaces; this is considered to be acceptable although cycle storage facilities in accordance with planning policy should be introduced. This provision could be secured via a condition.
- 5.20 Finally, the application site lies within the catchment area that is applicable to a contribution towards the North Fringe Scheme (Transport Measures) which is currently assessed at £1800 per dwelling. Accordingly, a total of £3600 should be secured via an appropriate legal agreement.
- 5.21 Outstanding Issues
Concerns have been raised regarding the creation of an alleyway to the rear of these existing properties. The gating of this access might provide one solution although with this area outside of the application site, this can not be controlled. Nevertheless, this access would be relatively short and overlooked by the

existing and proposed dwellings. On balance, it is therefore not considered that planning permission could be reasonably withheld on this basis.

- 5.22 Some residents are of the opinion that they might have a legal right to this land given that they have used it for parking for the previous 11 years. However, in the context of this application, the area is supported by certificate A (confirming the applicant's ownership) with any legal clause not considered to comprise a material planning consideration. Accordingly, it is not considered that planning permission could be reasonably withheld on this basis. The developer would need to satisfy himself that he had all the relevant land ownership rights before proceeding with any development.

5.23 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.

5.24 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, having regard to the above advice, the transportation improvements, are appropriately the subject of a legal Agreement and would satisfy the tests set out in Circular 05/2005. In this case a section 278 agreement under the Highways Act 1980 would be most suitable.

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That Authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant permission subject to conditions set out below and the applicant first voluntarily enter into an agreement under Section 278 of the Highway Act 1980 to secure the following:

- 7.2 A contribution of £3600 towards the North Fringe Development Proposal (Transport Matters) initiative. The reasons for this agreement are to mitigate against the impact on the Bristol North Fringe local road network to comply with Policy T12.
- 7.3 Should the section 278 agreement fail to be determined within 6 Months of this resolution, then the application is refused on the failure to secure the head of term set out in section 1 of the recommendation.

Background Papers **PT08/2858/F**

Contact Officer: **Peter Burridge**
Tel. No. **01454 865262**

CONDITIONS

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

Reason(s):

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

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

Reason(s):

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

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the north and south elevations of the dwellings.

Reason(s):

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

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

Reason(s):

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

5. No development shall take place until 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(s):

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

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

Reason(s):

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

7. No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to the local planning authority for approval. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason(s):

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

8. No development shall take place until 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(s):

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

9. No development shall take place until detailed plans showing the provision of four cycle parking spaces in accordance with the standards set out in Planning Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason(s):

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 Planning Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 7

CIRCULATED SCHEDULE NO. 50/08 – 12 DECEMBER 2008

App No.:	PT08/2906/O	Applicant:	Mr D Lippiatt
Site:	Lippiatt Stores, Main Road, Easter Compton, South Gloucestershire, BS35 5SJ	Date Reg:	3rd November 2008
Proposal:	Erection of 3 no. dwellings and replacement retail unit Class A1 (Outline) with access and layout to be determined. All other matters reserved.	Parish:	Almondsbury Parish Council
Map Ref:	57316 82320	Ward:	Almondsbury
Application Category:	Minor	Target Date:	25th December 2008



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S

PT08/2906/O

INTRODUCTION

This application has been referred to the Circulated Schedule due to letters of objection received from local residents and Almondsbury Parish Council.

1. THE PROPOSAL

- 1.1 This outline application relates to the erection of 3 no. three bed dwellings and a replacement retail unit on land at Lippiatt Stores, Main Road, Easter Compton. Means of access and layout are to be considered under this application with appearance, landscaping and scale all reserved for future consideration. Access to the site is proposed off Main Road with four off-street parking spaces and turning area provided to the southern part of the site. The layout of the proposal indicates a terrace of 3 properties directly facing onto Main Road, with the retail unit attached to the south-eastern property.
- 1.2 The site currently consists of an existing grocery store and cottage. The grocery store is unsightly in appearance being box-like in design due to its two storey nature and flat roof. The site itself is linear in nature and rectangular in shape, measuring approximately 40-42m in length and 12-12.5m in depth. The site directly abuts the footway adjacent to Main Road to the front and an area of undeveloped land to the rear which has recently been granted planning permission for 2 detached dwellings. The bungalows of Cooke's Drive lie to the south of the site with the residential curtilage of The Yews to the north.
- 1.3 The site lies within the settlement boundary of Easter Compton. It is also within the Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
- | | |
|-------|------------------------------------|
| PPS1 | Delivering Sustainable Development |
| PPG2 | Green Belts |
| PPS3 | Housing |
| PPS6 | Planning for Town Centres |
| PPG13 | Transport |
- 2.2 Development Plans
- Joint Replacement Structure Plan
- | | |
|-----------|------------------------------------|
| Policy 1 | Sustainable Development Objectives |
| Policy 2 | Location of Development |
| Policy 16 | Green Belts |
| Policy 33 | Housing Provision and Distribution |
| Policy 41 | Safeguarding of Local Shopping |
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006
- | | |
|--------|-----------------------|
| D1 | Design |
| L4 | Forest of Avon |
| L17/18 | The Water Environment |

EP2	Flood Risk and Development
GB1	Development Within the Green Belt
H2	Proposals for Residential Development Within the Existing Urban Area and Defined Settlement Boundaries
RT8	Small Scale Retail Uses within the Urban Areas and the Boundaries of Settlements
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

- 2.3 Supplementary Planning Guidance
 South Gloucestershire Design Checklist (Adopted) 2007
 South Gloucestershire Development in the Green Belt (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/3523/F Erection of single storey extension to shop.
 Approved 8 December 2003.
- 3.2 PT08/2172/O Erection of 4 dwellings and replacement retail unit (Class A1) with access and layout to be determined).
 Withdrawn 18 September 2008.

Also of relevance is an application immediately to the rear of the site at Cookes Drive:-

- 3.3 PT08/2349/F Erection of 2 detached dwellings.
 Approved 18 November 2008.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
 Object to the proposal on the following grounds:-
 a) house type out of keeping (opening out on to the pavement);
 b) insufficient parking for 3 dwelling and the shop;
 c) access to parking spaces would be over the pavement in front of shop entrance;
 d) footpath runs from highway into Cookes Drive and is not shown.

Of the above, **d** is not correct. This has been checked with the Council's Public Rights of Way Officer. There are no public rights of way leading between Cookes Drive and Main Road, neither is this 'path' adopted. It appears that the Parish Council are referring to an opening the applicant's father formed into the site to enable occupiers of the bungalows along Cooke's Drive easier access to the shop.

- 4.2 Sustainable Transport
 No objection.
- 4.3 Environment Agency
 No objection.

4.4 Local Residents

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

- a) proximity to road;
- b) no refuse storage indicated;
- c) roof height;
- d) lack of parking;
- e) on-street parking;
- f) inadequate turning area;
- g) no emergency exit from rear to road or street;
- h) flooding;
- i) construction traffic;
- j) public right of way should be re-established from Cooke's Drive to Main Road;
- k) proximity of trees to site boundary;
- l) application for 2 dwellings to rear of site – both applications should be viewed together;
- m) overdevelopment;
- n) overlooking;
- o) inadequate garden area;
- p) change in land levels;
- q) culverted watercourse pipe located along the rear of the existing property;
- r) proximity of accommodation above shop with site boundary.

Of the above b and c will be addressed under any reserved matters application, should planning permission be granted. Points g and i are not relevant planning considerations and j is incorrect as no public right of way exists. Finally, with regard to l, this application has already been determined.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site lies within the defined settlement boundary of Easter Compton which is 'washed over' by the Bristol Green Belt. Advice contained within PPG2 and PPS3 allows for new residential development within the Green Belt provided it constitutes infilling and is within defined village development boundaries. This advice is reflected in the Adopted Joint Replacement Structure.

5.2 Green Belt

Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for limited infilling within the boundaries of settlements provided such development also satisfies policy H2. This policy sets out the criteria in which residential development within defined settlement boundaries is assessed. In the supporting text to policy GB1, infilling is defined as follows:- ***"acceptable 'infilling' is unlikely to be more than the filling of small gaps within built development, where it does not significantly impinge upon the openness of the Green Belt"***.

5.3 The application site is currently occupied by a dwelling and store. It is located directly adjacent to Main Road, within the heart of Easter Compton village and surrounded by residential development. Under adopted policies GB1 and H2

the proposal is considered to constitute infilling as it is within built development and any impact upon the openness of the Green Belt would be minimised by reason of the site being enveloped by existing development. Although the proposal will be visible within the street scene it would be regarded within the context of the village. It would not impinge upon the openness of the Green Belt nor would it prejudice the purposes of including land within it. The proposal therefore complies with current planning policy advice and the adopted South Gloucestershire Local Plan in Green Belt terms.

5.4 Housing Policy

Policy H2 of the emerging Local Plan allows for residential development within the boundaries of settlements provided the proposal does not have any unacceptable environmental or transportation effects or significantly prejudice residential amenity, achieves the maximum density compatible with the site and adequate service provision is available within the locality. Other issues to also be considered are design, layout, trees, flooding and retail. These will be addressed in turn below.

5.5 Transportation

With regard to transportation issues, no objections have been raised. The proposal provides a level of parking at a ratio of 1.33 spaces per dwelling which accords with the Council's parking standards that aim for a maximum of 1.5 per dwelling. This would also allow 1 visitor parking space. A turning area has been provided that would enable access and egress in a forward gear. Vehicles associated with the retain unit are able to park on-street given the road has sufficient width with no parking restrictions. The proposal is therefore acceptable in transportation terms.

5.6 Residential Amenity

The layout of the development allows a minimum distance of approximately 27m between the front elevations of the proposal and the properties directly opposite the site. The dwellings to the south comprise the bungalows of Cooke's Drive and these are located a minimum 14m distance from the proposed shop. The nearest dwelling to the north is that of 'The Yews' but this is over 30m from the site.

5.7 The properties most affected by the proposal are the 2 detached dwellings to the rear which have recently been granted planning permission under planning reference PT08/2349/F but have yet to be constructed. The proposal will result in a distance ranging between a minimum of 10m to a maximum of 13m between the rear elevations of both developments. The approved dwellings have however been designed to overcome potential problems of inter-visibility. Only obscured bathroom windows are located at first floor level to the rear elevation which will ensure that loss of privacy over the proposed dwellings will not materially be affected. However, as the current application is in outline, with only layout and access to be determined, it must be ensured that under any future reserved matters application, the design of the proposed dwellings considers overlooking/loss of privacy issues to the approved dwellings.

5.8 In terms of any overbearing impact, it is considered that, on balance, the proposal is acceptable. The layout has been amended to set back the shop by an additional 2m from the rear boundary. This will allow for a minimum distance

of 10m between both developments, the majority of the development averaging a distance of between 12 and 13m. This is considered to be adequate to serve both developments. In addition, the level of the site is some 0.85m lower than the site to the rear. This will further reduce any overbearing impact.

5.9 As mentioned above, precise details of the design/appearance and scale will also be assessed under any reserved matters application which will further ensure that residential amenity with respect to overlooking/loss of privacy is maintained.

5.10 In terms of private amenity space the proposal provides rear gardens having a depth of some 5.2m and areas ranging between 32m² and 42m². Although these areas are small, they are, on balance considered acceptable, provided permitted development rights are removed.

5.11 Housing Density

The site has a total site area of some 0.058 hectares resulting in a housing density of approximately 52 dwellings per hectare. This density is comparable with the number advocated in the local plan which suggests a figure of 50 dwellings per hectare and above in locations that are highly sustainable in nature and well served by public transport. It is considered that this density of development is appropriate within the context of the site and its surroundings and is therefore acceptable in this respect.

5.12 Service Provision

The proposal relates to 3 dwellings. It is not considered that this level of housing will materially impact upon the levels of service provision within the locality, especially as the proposal also provides a much improved retail unit on the site.

5.13 Design

Although design is not to be considered under this outline application, it is considered that the illustrative plan demonstrates that a sympathetic development can be achieved on the site. The proposal reflects the local vernacular and grain of surrounding development in terms of its design detailing, proportions and massing. It is not considered that a development directly fronting on to the pavement is inappropriate at this location.

5.14 Layout

The development has been arranged as a small terrace directly fronting Main Road. This layout respects the building line of the existing property and other residential development in close proximity to the site. Although no front garden area is provided it is considered that this will not be out of place within the overall context of the site and will not detract from the street scene.

5.15 Trees

Although the site has no trees on it a number of mature trees are located within the curtilage of The Yews, in close proximity to the northern site boundary. These trees add to the visual appearance of the area and a Yew tree on the boundary has recently been covered by a TPO. The Council's Tree Officer has raised concerns that any new foundations could affect the root systems of these trees and as such an Arboricultural Impact Appraisal and Method

Statement has been requested indicating the steps taken to ensure the neighbouring trees safe and effective retention. This can be a condition of any planning permission.

5.16 Flooding

The application has been referred to the Council's Drainage Engineer. No objection has been raised to the proposal subject to the use of SUDS. In addition, Council drainage records indicate a 450mm diameter pipe crosses close the rear site boundary. This replaced a former ditch so is classed as a 'culverted watercourse', being the responsibility of the land owner. There are two manholes at the northern end of the site. Depths are unknown but probably relatively shallow. The Environment Agency recommends maintenance access for culverts on 'ordinary' watercourses. For culverts less than 1.0m wide a minimum 3m distance from the culvert edges is recommended. The siting of the proposed dwellings exceeds this distance and as such is acceptable in this respect. However, the rear elevation of the shop is within 1.5m of the culvert and as a consequence a drainage condition will be imposed requiring further clarification on this issue should permission be granted.

5.17 Retail Issues

The proposal replaces an existing but substandard and unsightly shop. The existing unit is a well established and well used facility and its replacement would accord with policy RT8 of the adopted local plan.

5.18 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.

5.19 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 decision to grant outline permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted)

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

7. RECOMMENDATION

7.1 Outline planning permission be granted.

Background Papers **PT08/2906/O**

Contact Officer: **Vivian Butt**
Tel. No. **01454 863427**

CONDITIONS

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

Reason(s):

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

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

Reason(s):

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

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

Reason(s):

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

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

Reason(s):

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

5. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (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), 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(s):

The plots are small in size and any extensions will require further consideration by the Local Planning Authority to accord with Policies D1, H2 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. No development shall continue until details of the positions, design, materials and type of boundary treatment to be erected shall be submitted to the local planning authority for approval. The boundary treatment shall be completed before the dwellings are occupied and the development shall be carried out in accordance with the approved details.

Reason(s):

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

7. No development shall commence until 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(s):

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

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

Reason(s):

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

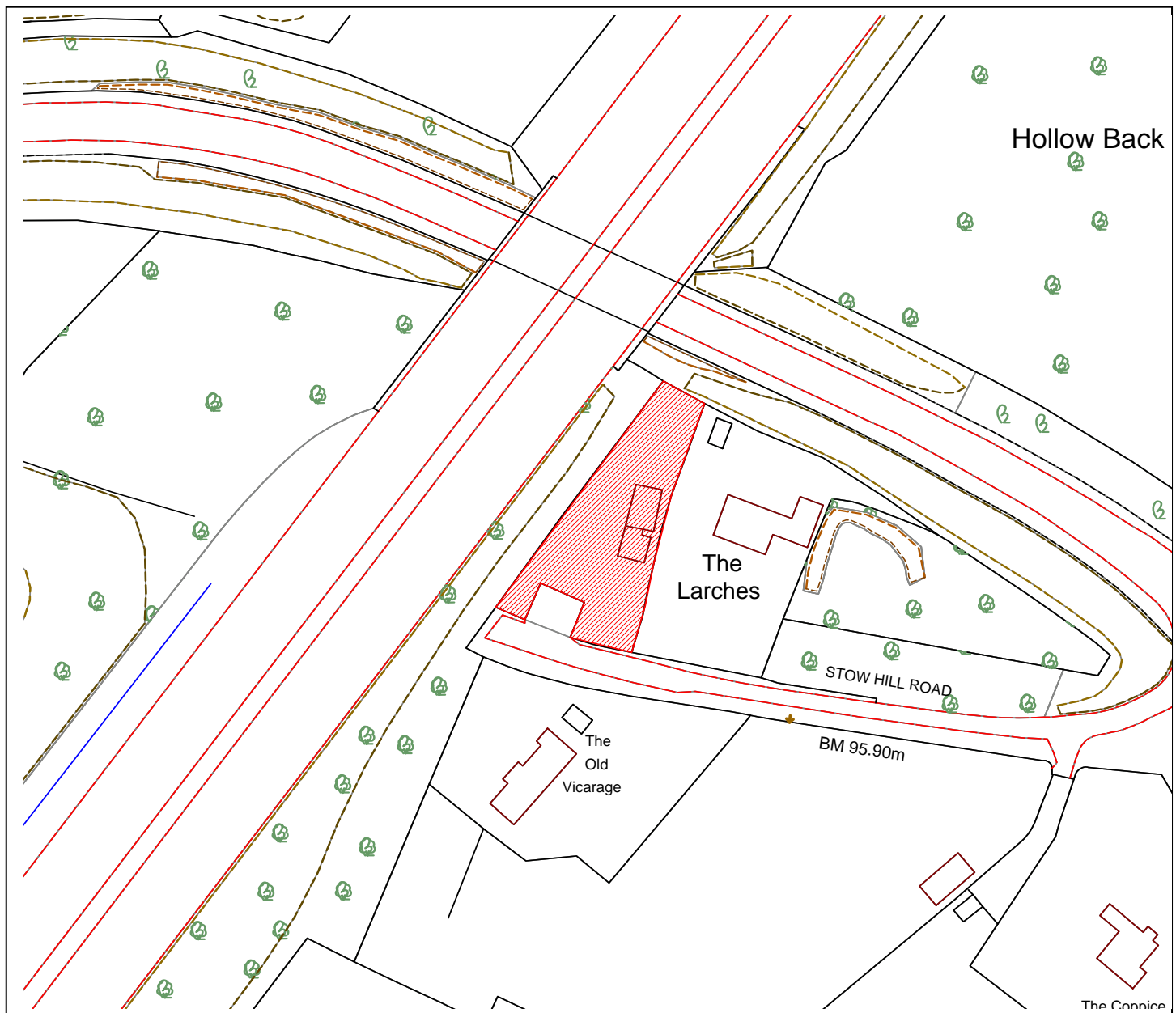
9. No development shall commence until an Arboricultural Impact Appraisal and method statement to show how the trees on the boundary with 'The Yews' are to be protected during construction works shall be submitted to and approved in writing by the Local Planning Authority and the development when carried out shall conform to the details so approved.

Reason(s):

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

CIRCULATED SCHEDULE NO. 50/08 – 12 DECEMBER 2008

App No.:	PT08/2945/CLE	Applicant:	Mr A Williams
Site:	Land adjacent, The Larches, Stow Hill Road, Tytherington, South Gloucestershire, GL12 8UH	Date Reg:	5th November 2008
Proposal:	Application for Certificate of Lawfulness for an existing use of land and buildings as landscapers and builders yard (Sui Generis)	Parish:	Tytherington Parish Council
Map Ref:	66473 88727	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	26th December 2008



© South Gloucestershire Council 2007. All rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008.

This application comprises a Certificate of Lawfulness for an existing use and thus appears on the Circulated Schedule.

1. THE PROPOSAL

- 1.1 The application comprises a Certificate of Lawfulness for an existing use in respect of the use of land and buildings as a landscapers and builders yard.
- 1.2 The application relates to land at Stow Hill Road, Tytherington immediately adjacent to the M5 motorway. The site lies beyond the Green Belt and outside of the Tytherington settlement boundary.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 P87/2827: Construction of vehicular parking area and use of land for the stationing of one lorry. Permitted: 17 February 1988
- 3.2 P88/1652: Erection of detached bungalow; alteration of vehicular access (outline). Refused: 2 June 1988; Appeal Dismissed: 17 November 1988
- 3.3 P88/2659: Erection of bungalow for agricultural worker; alterations to vehicular access. Refused: 2 November 1988
- 3.4 P90/1176: Use of land for the stationing of one lorry (renewal of temporary consent). Permitted: 21 March 1990
- 3.5 P93/1265: Use of land for the stationing of one 3 ton lorry. Permitted: 31 March 1993
- 3.6 PT06/3202/O: Erection of acoustic fence and redevelopment with one dwelling; all matters reserved. Refused: 11 December 2006
- 3.7 PT07/3587/O: Erection of acoustic fence and erection of one dwelling with siting and layout to be determined; all other matters reserved. Refused: 28 February 2008
- 3.8 PT08/1703/F: Erection of 5m high acoustic fence. Permitted: 4 August 2008

4. CONSULTATION RESPONSES

- 4.1 Tytherington Parish Council
No comments received

- 4.2 Other Consultees
No comments received

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Introduction

The application relates to land at the far end of Stow Hill Road, Tytherington. The site is not readily visible from public view given its discreet position at the far end of this cul-de-sac adjacent to the M5 motorway. Further, it is well screened along its limited Stowell Hill Road frontage with the site also at a higher level to this adjoining highway which runs down into Tytherington.

- 5.2 The issue for consideration is whether the evidence submitted proves that on the balance of probabilities, the site and associated buildings have been utilised for the purposes of a landscapers and builders yard for a continuous period of 10 years up to the date of the application. It is purely an evidential test irrespective of planning merit.

5.3 Site Planning History

Planning permission has been granted for the construction of a vehicle parking area and for the stationing of one lorry. However, a number of applications that have sought to provide a residential dwelling on this site have been refused.

- 5.4 The most recent application for a residential use (PT073587/O) was refused with it noted that the only lawful for this site comprised the stationing of this aforementioned lorry, the assessment of the proposal did not have regard to the apparent site use, i.e. builders/ landscaper's storage yard. Nevertheless, the report made clear that if a commercial use were somehow authorised but raised residential amenity/ highway concerns, the feasibility of retaining an alternative commercial use would need to be considered in preference to, and before, a residential use.

5.5 Evidence in Support of Application

The application is supported by a variety of documents which comprise:

- Applicant's supporting statement;
- Electricity bills;
- Supporting statement from the immediately adjoining neighbour;
- Supporting statement from the adjoining neighbour opposite;
- Supporting statement from Bryan Green Landscaping;
- Two supporting statements from Burton Sweet Chartered Accountants;
- Supporting statement from friend of applicant.

5.6 Applicant's Statement

The applicant's statement confirms that 'The Larches' was a farmhouse which had been in his family for many years. In 1968, whilst the motorway was under construction, the family took in lodgers (men working on the motorway); by

- 1969 there was six caravans on the land including lodgers within the house; the family farming business was coming to an end.
- 5.7 Three of the aforementioned caravans were sited within the farmyard with electricity installed to serve these caravans. By 1974, these had been removed but electricity bills continued to make reference to them until 2004.
- 5.8 Part of the farmyard comprised the application site with this land occupied by a barn which still stands. Whilst part of the farm, it was utilised for agricultural and general storage. In 1984, it began to be utilised for the storage of builder's materials/ equipment including heavy plant such as earth moving equipment. In 1986, the barn was utilised as a workshop for the maintenance and repair of plant and machinery, for storage purposes and as an office. Upon sale of 'The Larches' in 1987, this former farmyard area was retained (with a water supply installed) and utilised in association with the applicant's landscaping and building business.
- 5.9 Further information from the applicant comprises a number of electricity and water bills. The electricity bills date from 1999 to 2007 (not comprehensive) and relate to the three caravans as detailed. The water bills date from 1991 through to 2006 (again not comprehensive) and relate to 'land at the Larches, Stowell Hill Road'.
- 5.10 Additional Supporting Details
The first of the aforementioned statements is from the current occupier of the 'The Larches'. This details that the owner has lived at this address since 1995 at which time, the site was operational as a landscapers/ builders yard. This use has continued since this date with the visual appearance of the site largely unaltered.
- 5.11 The second letter is from that property opposite (The Old Vicarage) and states that the applicant has been known to the writer since October 1995 following a meeting at the application site to discuss works to the writer's property. The writer moved to this property opposite in 2002; at all times the site has been utilised as a base for a landscaping business.
- 5.12 Bryan Green Landscaping was established in 1991 and worked on a sub contract basis undertaking work on behalf of the applicant. This continued until 1994 but plant equipment is still hired from the applicant with all equipment collected and returned from the application site.
- 5.13 Two letters received from Burton Sweet Chartered Accountants (whom act on behalf of the applicant) confirm that his trading as an agricultural contractor has been carried out for a period in excess of 10 years; firstly from The Larches and now from his new address in Thornbury. However at all times, this has been operated from the same yard.
- 5.14 The statement received from a friend of the applicant (having known him for approximately 25 years) confirms that the applicant has undertaken a building and landscaping business from this site. This type of work requires machinery and a certain amount of materials to be readily available thus dictating the need for a storage yard. There are no known complaints about the business.

5.15 Conflicting Evidence

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

7. **RECOMMENDATION**

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

Background Papers **PT08/2945/CLE**

Contact Officer: **Peter Burridge**
Tel. No. **01454 865262**

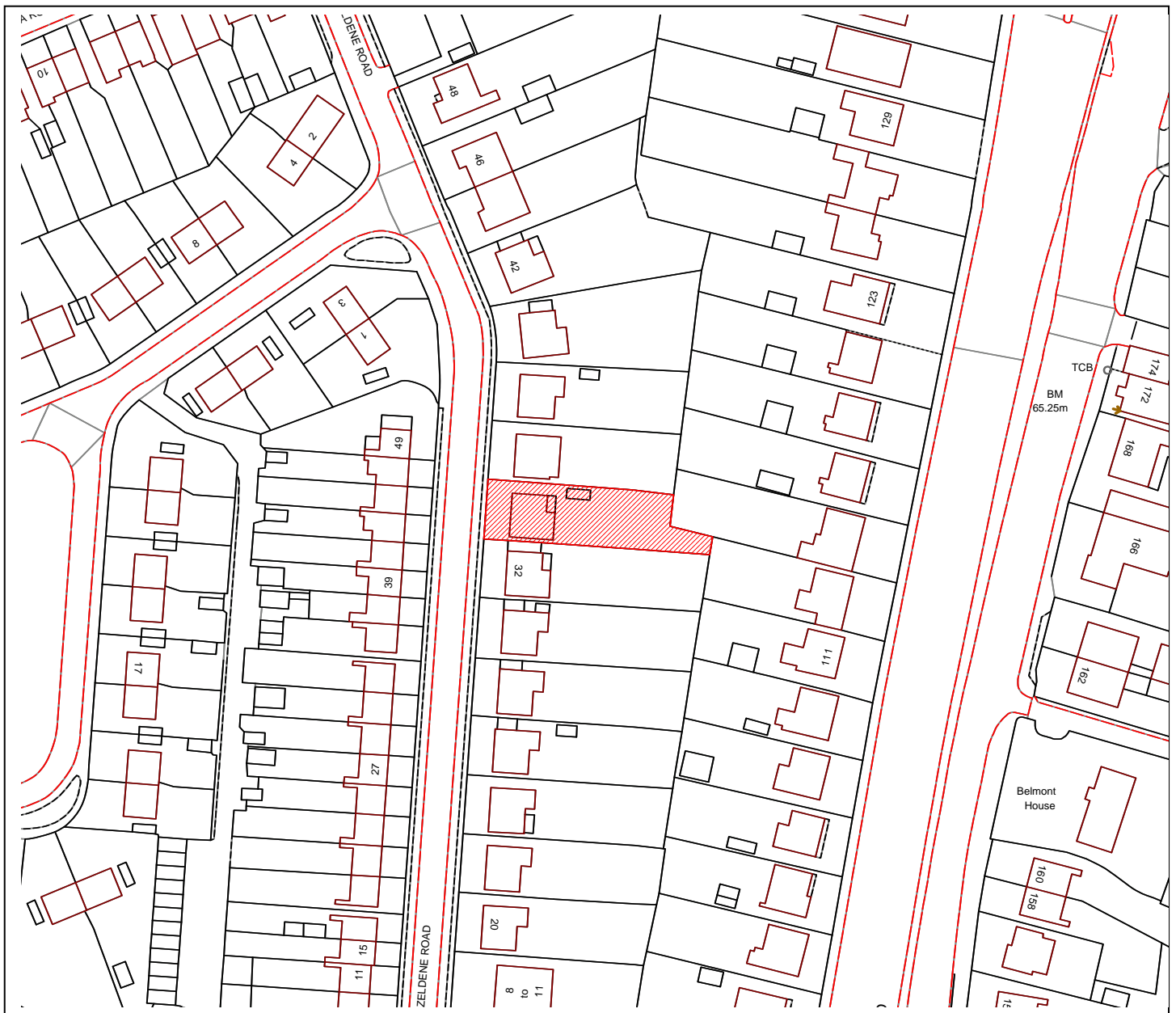
REASON

The applicant has demonstrated that on the balance of probability, the site has been utilised for the purposes of a landscapers and builders yard (Sui Generis) for a continuous period of 10 years up to the date of this application. This has only been demonstrated in relation to external storage up to a height of 2.4m and in respect of the barn (marked in blue on the site plan dated 8 December 2006).

ITEM 9

CIRCULATED SCHEDULE NO. 50/08 – 12 DECEMBER 2008

App No.:	PT08/2972/F	Applicant:	Mr J Saunders
Site:	34 Hazeldene Road, Patchway, South Gloucestershire, BS34 5DS	Date Reg:	11th November 2008
Proposal:	Erection of 2 storey rear extension and front porch. Installation of 1 no. dormer to the front elevation and 1 no. dormer to side elevation to facilitate loft conversion. (Re-submission of PT07/3080/F)	Parish:	Patchway Town Council
Map Ref:	60493 81437	Ward:	Patchway
Application Category:	Minor	Target Date:	6th January 2009



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

DC0901MW

N.T.S

PT08/2972/F

This application appears on the circulated schedule list because an objection has been received from the Town Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two-storey rear extension and front porch. In addition to this, the application seeks planning permission for the installation of front and side dormer windows to facilitate a loft conversion. The rear extension would measure 4.4 metres in depth, 9.25 metres in width and have an apex of approximately 6.25 metres at ridge height. The porch extension would measure 1.10 metres in depth, 1.74 metres in width and have an apex of 3.3 metres. The front dormer would be 3.4 metres in depth, 2.4 metres in width and 2 metres in height, while the side dormer would be 2.8 metres in depth, 2.1 metres in width and have a height of 1.6 metres.
- 1.2 The application site comprises a detached bungalow located within the established residential area of Patchway. The area is characterised by hipped roof detached bungalows on the eastern side of Hazeldene Road and hipped roof terrace properties on the western side.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Residential Extensions within Existing Residential Curtilages

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/3080/F, Erection of a two storey rear extension and front porch. Installation of 1 no. front and side dormer windows and the erection of a garage and store, 12/12/07, Withdrawn.

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
Objection on the grounds that the side dormer window and the extension are of poor design and out of keeping with the character of the area.
- 4.2 Transportation
No objection

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the extension to residential dwelling subject to there being no adverse impact on the residential amenity.

5.2 Policy D1 of the Local Plan considers general design principles and ensures good quality design.

5.3 Design/Visual Amenity

This application seeks planning permission for the erection of a two-storey rear extension and front porch to facilitate additional living accommodation. In addition to this, the application seeks planning permission for the installation of 2 no. front and side dormer windows to facilitate a loft conversion. The rear extension would measure 4 metres in depth, 9.282 metres in width and have an apex of approximately 6.25 metres at ridge height. The porch extension would measure 1.10 metres in depth, 1.74 metres in width and have an apex of 3.3 metres. The front dormer would be 3.4 metres in depth, 2.4 metres in width and be 2 metres in height, while the side dormer would be 2.8 metres in depth, 2.1 metres in width and have a height of 1.6 metres. The application site comprises a detached bungalow located within the established residential area of Patchway. The area is characterised by hipped roof detached bungalows on the eastern side of Hazeldene Road and hipped roof terraces on the western side.

5.4 In terms of design and visual amenity, the proposal is considered acceptable. The two storey rear extension, in terms of scale, massing and proportions is considered to be in keeping with the existing dwelling. While the rear elevation would encompass a gable as opposed to a hipped roof design, and the ridge height would be raised approximately 0.45 metres, it is considered that the character of the bungalow would be retained when viewed from the street, and the proposal would not have a negative impact on the character of the area.

5.5 Several of the bungalows along Hazeldene Road have benefited from front dormer extensions and it is considered that the proposed front and side dormers by reason of their siting, set down from the apex of the ridge, as well as their size, massing and form, would not dominate the appearance of the roof slope or have a negative impact on the character of the area. Given the existing dormer windows in the area, any refusal reason on this basis would be unlikely to prove sustainable at appeal.

Given the above, the proposal adheres to Policy D1 and H4 of the South Gloucestershire Local Plan (adopted) 2006.

5.6 Residential Amenity

The host dwelling is flanked by two dwellings which benefit from rear extensions. The dwelling to the north has a rear single storey extension that projects approximately 6.5 metres into the rear garden. It is considered that the proposed extension would not result in a material loss of amenity to this neighbouring occupier on the basis that no windows are present in the southern

elevation of the neighbouring extension, ensuring that there would be no overlooking or inter-visibility issues. Furthermore, since the proposed extension, at 4 metres in depth, would not project further than the existing neighbouring extension to the north, it would not have an adverse impact in terms of being overbearing. The neighbouring dwelling to the south of the application site has an existing single storey extension, which projects approximately 3.75 metres into the rear garden. At 2 metres in depth on the south flank boundary, it is considered that the proposed extension would not have an overbearing impact or result in a material loss of light to the neighbouring occupier, given its position south of the application site. Furthermore, since no windows are proposed in the southern elevation, there would be no overlooking or inter-visibility issues either.

- 5.7 The front and side dormer windows would not have a detrimental impact on the residential amenity of the neighbouring occupiers. The front dormer window would be approximately 22 metres from the neighbouring dwellings across the street, while the side dormer would consist of obscure glazing. Given the above, it is considered that the privacy of the neighbouring occupiers would be maintained.

Given the above, the proposal adheres to Policy H4 of the South Gloucestershire Local Plan (adopted) 2006.

5.8 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT08/2972/F**

Contact Officer: **Jonathan Ryan**
Tel. No. **01454 863538**

CONDITIONS

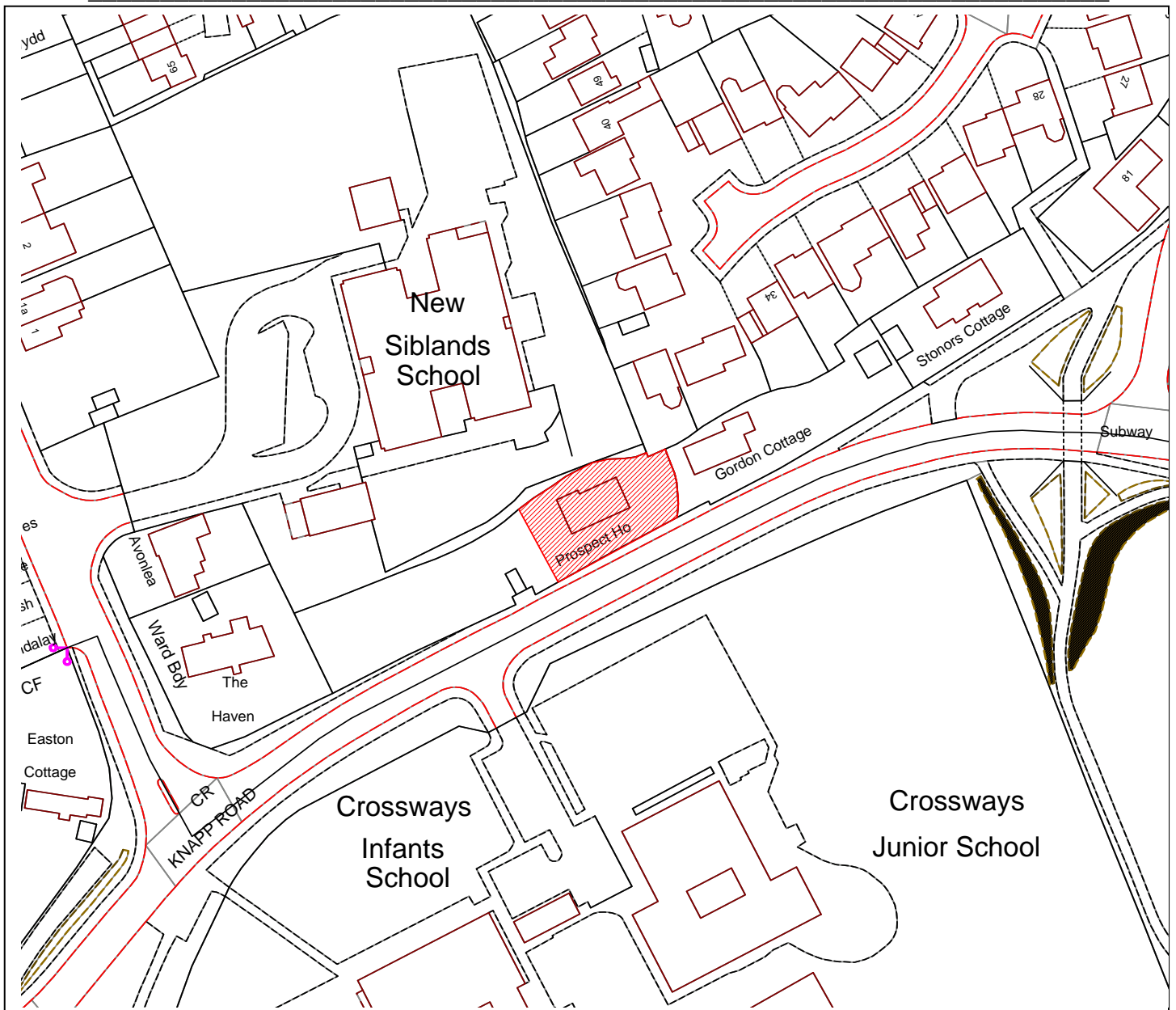
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

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

CIRCULATED SCHEDULE NO. 50/08 – 12 DECEMBER 2008

App No.:	PT08/3006/F	Applicant:	Mr & Mrs G Lanfear
Site:	Prospect House, Knapp Road, Thornbury, South Gloucestershire, BS35 2HQ	Date Reg:	14th November 2008
Proposal:	Demolition of existing dwelling to facilitate erection of 1 no. dwelling and garage with associated works.(Resubmission of PT08/2826/F) (in accordance with amended plans received on 19 and 26 November 2008).	Parish:	Thornbury Town Council
Map Ref:	64801 90278	Ward:	Thornbury North
Application Category:	Minor	Target Date:	8th January 2009



© South Gloucestershire Council 2007. All rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410 2008
 DC90 MW

INTRODUCTION

This application has been referred to the Circulated Schedule due to letters of objection received from local residents.

1. THE PROPOSAL

- 1.1 This full application relates to the demolition of existing dwelling and its replacement with 1 no. dwelling and detached double garage on land at Prospect House, Knapp Road, Thornbury.
- 1.2 It is proposed to demolish the existing property due to it being sub-standard in several aspects, including excessively low ceiling heights to the ground floor and dampness throughout.
- 1.3 The new dwelling occupies the same site and is of a similar footprint to the existing dwelling. Access to the site is via the existing entrance, off Knapp Road. The site is linear in nature, having a maximum depth of 18m and a width of 25m. The entire site fronts onto Knapp Road with most of the rear boundary backing onto the environs of New Siblands School. The site also lies within the settlement boundary of Thornbury.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/2826/F Demolition of existing dwelling and erection of 1 dwelling with associated works.
Withdrawn November 2008.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No response received.
- 4.2 Sustainable Transport
No objection.

4.3 Local Residents

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

- a) loss of light;
- b) loss of view;
- c) devaluation of property;
- d) overbearing impact;
- e) maintenance of garage;
- f) higher ground level of garage;
- g) cramped appearance.

Of the above **b**, **c** and **e** are not relevant planning objections.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site lies within the settlement boundary of Thornbury and relates to the erection of a new dwelling to replace the existing dwelling that is substandard in construction. The principle of residential development on this site is therefore acceptable in policy terms. In addition the building is not listed or locally listed, is of no architectural merit and has been unsympathetically extended in the past by virtue of a flat roofed two storey rear extension.

5.2 In assessing application for residential development within existing settlement boundaries policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 is particularly relevant. Such development is normally permitted subject to the following criteria.

5.3 Transportation

No transportation objection is raised to the proposal. The site already benefits from existing vehicular and pedestrian access and these are unchanged by the proposal. Furthermore, the development does not increase the amount of vehicular traffic using the site as the number of residential units remains the same.

5.4 Density

In assessing applications for new residential development, the maximum density compatible with the site, its location and its surroundings should be achieved. In urban areas this relates to a minimum density of 30 dwellings per hectare. The application site has an area of approximately 0.035 hectares and the resulting development equates to just under 29 dwellings per hectare. Although it is recognised that this falls just below the figure advocated in the local plan it is considered that this is acceptable having regard to the limited depth and linear nature of the plot. In addition, the proposal is for a replacement dwelling on an existing residential plot. The purpose of the application is to replace existing residential accommodation that is substandard. It is more cost-effective to demolish and rebuild rather than attempt to bring the current dwelling up to standard. The existing dwelling is of no architectural merit to warrant its retention. The application therefore complies with this criterion.

5.5 Residential Amenity

The new dwelling occupies a similar footprint to the existing dwelling. In addition, the majority of the rear boundary to the site directly backs onto the environs of New Siblands School but a 20m distance exists between both buildings. A small part of the rear boundary directly abuts 36 Lavender Close but the proposed detached double garage occupies this part of the site. The garage will be within 10m of the conservatory of this property but as it is single storey in nature and only affects a small part of this boundary, no overbearing impact/loss of light to the occupiers of this property will result to a material degree to warrant a refusal.

5.6 The only other property to be affected by the proposal is that of Gordon Cottage which lies immediately to the east of the site. At present the boundary between both sites is open. It is recognised that a number of windows are located within the side elevation of Gordon Cottage and that a 4m distance lies between this elevation and the side elevation of the proposed garage. However, a 2m boundary fence could be erected along this boundary under permitted development rights and within 2m of this side elevation. In addition, the design of the garage has been amended to lower the ridge height from 5m to 4m and lessen the pitch of the roof. This will significantly reduce its impact to adjacent occupiers in terms of any loss of light/overbearing impact. The proposal is therefore acceptable in residential amenity terms and it is not considered that a refusal reason could be substantiated at appeal.

5.7 Design

The design of the dwelling is considered acceptable. Although it is larger in scale and massing to the existing cottage which is relatively modest in size, the proposal is considered to be in keeping with the character and appearance of the street scene, especially as a wide variety of house types and sizes are evident within the immediate and wider locality. The dwelling maintains the existing building line prevalent along this part of Knapp Road and maintains a linear appearance which is also a feature of this part of Knapp Road. The use of natural stone to the front elevation is also an appropriate finishing material. Furthermore, the proposal is considered to be an improvement in design terms to the existing cottage and would enhance the visual amenities of the area. The proposal is therefore in accordance with the adopted local plan and is acceptable.

5.8 Design and Access Statement

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

5.9 Section 106 Requirements

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

preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning permission be granted.

Background Papers **PT08/3006/F**

Contact Officer: **Vivian Butt**
Tel. No. **01454 863427**

CONDITIONS

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

Reason(s):

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

2. Prior to the commencement of development, details of the type of boundary treatment to be erected along the eastern boundary with Gordon Cottage shall be submitted to the local planning authority for approval. The boundary treatment shall be completed before the dwelling is occupied and shall be carried out in accordance with the approved details.

Reason(s):

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

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

Reason(s):

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