



**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. 45/08

Date to Members: 07/11/08

Member's Deadline: 13/11/08

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: 07/11/08

SCHEDULE NO. 45/08

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

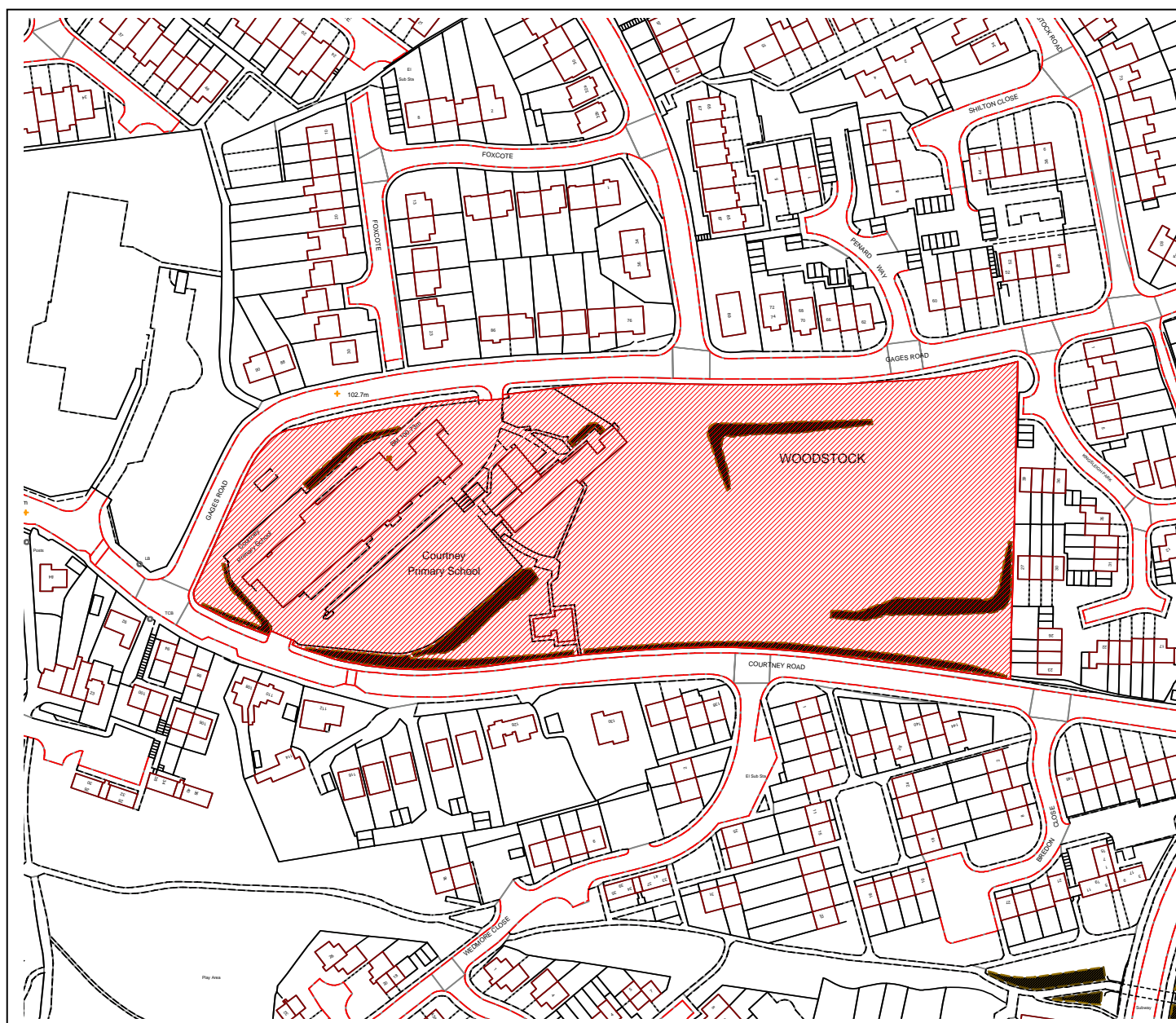
DATE

Circulated Schedule 07 November 2008

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
1	PK08/2561/R3F	Deemed consent	Courtney Primary School, Courtney Rd, Kingswood, South Gloucestershire, BS15 9RD	Woodstock	
2	PK08/2655/F	Approve with conditions	137 Overndale Road, Downend, South Gloucestershire, BS16 2RN	Downend	Downend and Bromley Heath
3	PK08/2732/RVC	Approve with conditions	The Siston Centre, Station Road, Siston, Bristol, South Gloucestershire, BS15 4QQ	Rodway	
4	PK08/2750/F	Approve with conditions	79 Emerson Way, Emersons Green, South Gloucestershire, BS16 7AP	Boyd Valley	Mangotsfield Rural Parish Council
5	PT08/2649/O	Approve with conditions	Land at 3 Knole Close, Almondsbury, South Gloucestershire, BS32 4EJ	Almondsbury	Almondsbury Parish Council
6	PT08/2724/F	Approve with conditions	14 Old School House, Church Road, Almondsbury, South Gloucestershire, BS32 4ED	Almondsbury	Almondsbury Parish Council

CIRCULATED SCHEDULE NO. 45/08 – 7 NOVEMBER 2008

App No.:	PK08/2561/R3F	Applicant:	Mr P Casey CYP Department SGC
Site:	Courtney Primary School, Courtney Road, Kingswood, South Gloucestershire, BS15 9RD	Date Reg:	15th September 2008
Proposal:	Erection of replacement primary school (7 classrooms) on existing site with new access and associated works. Erection of 2.4metre high perimeter fence.	Parish:	
Map Ref:	65607 73221	Ward:	Woodstock
Application Category:	Major	Target Date:	10th December 2008



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INTRODUCTION

This application appears on the Circulated Schedule to Members in accordance with procedure as it has been submitted by South Gloucestershire Council.

1. PROPOSAL

- 1.1 The applicant (South Gloucestershire Council) seeks consent for the replacement of an existing primary school (built in 1971), through the erection of a new 210 place school. The site lies within a predominantly residential area with Gages Road to the north and Courtney Road to the south. The new school building and associated works would be sited in the existing playing field area and cover approximately two thirds of this 2.41 hectare site. To facilitate the development an existing school annexe and hut (leased to the Air Training Corps) will be demolished. The ATC have agreed to relocate to a new building on the site however this would be subject to a separate application.
- 1.2 An area which forms part of the existing site at the western end and features the main school building will be retained and used as a school until the new development has been completed. The development of this part of the site will be subject to a future planning application (a unit for children with behavioural problems). The eastern third of the site will be retained as a playing field, with a playground, landscaping and hard-court. The main access to the school would be from Courtney Road, with a secondary access onto Gages Road, (to be locked when not in use), to be used for events such as parents evenings when a hardcourt would be used to accommodate additional parking. Fourteen car parking spaces are to be provided (with cycle parking), and a new lay-by for deliveries and for use as a drop-off is shown. Perimeter fencing to 2.4 metres in height is shown.
- 1.3 The building forms a crescent, with classrooms located on the outside of the curve (east facing for solar gain). The roof is a mono pitch with 4 degree slope. A hall will have a different roof with overhang at the southern end of the building. The building aside from the metal clad hall, will have a Green roof. Walls are to be of white render with grey powder coated windows. A detailed energy statement covering sustainability and renewables along with a pre-assessment BREEAM Report have been submitted.
- 1.4 A number of trees (covered by a Tree Preservation Order), lie principally but not exclusively along the perimeter.
- 1.5 **Applicant's supporting information**
 - The existing 1970's school is unsuitable due to major defects such as settlement resulting in wall cracking and water penetration in the facades.
 - The current building is not accessible for the physically impaired due to the need access all parts of the building by stairs.
 - The current building has thermal insulation that is significantly below the current requirements as a result of the age of the buildings.
 - There has been a steady decrease in the number of primary children going to Courtney Primary School, the size of the new building reflects this national trend.
 - The Design and Access Statement (and appendices) includes a Site Analysis, Design Response to this analysis, Energy Statement, Pre-Assessment BREEAM report, Landscape Report, Consultation

Report/Public Consultation Feedback, Access/Travel Plan, Acoustic Report, Ecological Report, Arboricultural Survey and Flood Risk Assessment and Site Waste Management Plan.

2. POLICY CONTEXT

2.1 National Guidance

PPS 1 Delivering Sustainable Development
PPG17 Planning for Open Space, Sport & Recreation

2.2 South Gloucestershire Local Plan (Adopted January 2006)

D1 Design
L1 Landscape Protection and Enhancement
LC4 Proposals for Education and Community Facilities
T8 Parking Standards
T12 Transportation
LC9 Protection of Open Space and Playing Fields

3. RELEVANT PLANNING HISTORY

3.1 P77/4608 Extension to ATC Headquarters Building (Approved)
PK04/2807/R3F Creation of nursery play area with access door and ramp
(Deemed Consent)

4. CONSULTATION RESPONSES

Statutory Consultees

4.1 Parish Council

The area is Unparished.

4.2 Avon and Somerset Police

Support the application having liaised very closely with the Architect, to address any safety and security issues prior to the submission of the application.

4.3 Sport England

Given the scale of the development Sport England raises no objection to the proposal.

4.4 Environment Agency

There is no objection raised subject to a drainage condition

4.5 Sustainable Transport

The proposal is to replace the old school buildings and to replace them with a new primary school with 210 places. The existing main school block will clearly remain in operation until the new school is complete. The existing site can be accessed by pedestrians and vehicles from Courtney Road and Gages Road and the options for a new vehicular entrance for visitors and staff car parking to the new school were discussed at pre-planning stage.

It is proposed to have the main access into the site from Courtney Road with only occasional vehicular access shared with pedestrian from Gages Road onto the play ground for overflow parking when necessary. Additional to the new vehicular access off Courtney Road, there will also be a separate 3m wide pedestrian access from Courtney Road to the rear playground. A new lay-by suitably marked will also be provided off Courtney Road and that would assist with delivery vehicles including catering supplies. Currently, there are traffic calming measures in the vicinity of the existing school along Courtney Road /Gages Road. Following consultation with traffic management department, it is made clear that some of existing traffic calming measures (including Traffic Regulation Order (i.e. TRO) and the signings associated with 20mph zone in vicinity of the school) would have to be altered. The cost of alterations to the traffic management measures in the area is estimated at £30,000.

In traffic terms, it is officer's assessment that traffic movements to and from the site would remain largely unchanged compared to the current situation because the development is replacement of an existing school. The proposal includes provision of a new car park with 14 spaces one of which would be disable space.

In view of all the above therefore, there are no highway objections to this proposal but the applicant is required to make financial contribution of £30,000 towards traffic management measures (including amendments to a) existing traffic calming measures, b) alteration to the existing traffic regulation and "no stopping" TRO and c) 20mph zone) in the area.

Other Representations

4.6 Local Residents

There has been 1 letter of objection/concern received. The issues raised are as follows:

- 1) Consideration should be given to the provision of laybys to allow for the "dropping off" of school children and further traffic calming measures should be considered given that Courtney Road is a busy route.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposed new school would be located on the existing school playing field.

PPG17 – Planning for Open Spaces, Sport & Recreation (July 2002) – includes advice on maintaining an adequate supply of playing fields. It states that where a robust assessment of need in accordance with this guidance has not been undertaken, planning permission for such development should not be allowed unless a number of criteria are met. The area of the existing playing field is approximately 0.4 sq.m (including the playing field and over-run but not including the informal grassed areas and sloping banks). The area of the proposed playing field is 3484 sq.m. The area of the existing hard play area is 1823 sq.m with the proposed area following the development being 1717 sq.m therefore the proposal will involve the net loss of playing field space.

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

Criteria A states that the development should not result in or add to a deficiency of public open space or the loss of space performing a significant recreational function...” While it is noted that there will be some loss of space in terms of overall area, a playing field and hard play area is retained. A wetland area is provided. Officers are guided by advice from Sport England, the body charged with monitoring playspace and it should be noted that no objection is raised to the proposal by this organisation who indicate that the scale of the development is below the threshold at which a concern would be raised that the proposal would add to a deficiency of public open space. It is considered that the proposal is in accord with Criteria A.

Criteria C states that development will only be permitted if there is an overriding community need other than for housing, employment or shopping facilities which cannot be met on any other site. The policy goes on to state that in such circumstances, excluding financial reasons the Council will support the partial use of open spaces for education, and such development will be allowed where they do not affect land laid out as sports pitches and are small in scale and serve a local catchment.

While it is acknowledged that part of the existing site at the western end is to be lost to the school, it should be noted that the alternative use would be education-related. The school requires modernisation and this scheme will bring the school up to the latest standards in building construction and comfort while retaining the great majority of the play space. There is clearly an overriding need for the school to remain in this location and it would not be possible to locate it elsewhere within the catchment area of local children. It is considered that the proposal is in accord with Criteria C.

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

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

The site is located in the centre of a densely populated residential area with many dwellings within easy walking/cycling distance of the school. This criterion is therefore complied with.

B. Development would not unacceptably prejudice residential amenities.

The proposed new school building would be located approximately 30 metres from the nearest dwellings in Gages Road where the end elevation is closest. It should be noted that a difference in levels ensures that the new building would be set at least 3 metres below the level of the nearest property in Gages Road (that being the side elevation of No.89 Belleview Road). The building is set approximately 35 metres from the nearest properties in Courtney Road where the building would be approximately

3.5 metres above house levels but where there are only high level windows to the hall. The building is closest to the nearest properties at the two ends, however the design of the building would result in a building that is largely only between 3 and 4 metres in height. It should be noted that the existing buildings on the site are predominantly two storey in height.

At the eastern end of the site, a landscape barrier comprising the existing vegetation, (between 8 and 12 metres in depth), is to be retained between the boundary of the site and the playing field and thus this forms a barrier with the nearest properties to the east of the site.

It is considered therefore that the proposal would not significantly adversely affect the residential amenity of adjacent occupants provided a condition regarding construction hours is included.

5.3 *Development would not have any unacceptable environmental effects.*

Advice from the Council's Lighting Engineers indicates that the development will have a minimal impact upon the local environment in terms of light spillage/pollution. For the avoidance of any doubt a condition is recommended requiring the submission of a detailed specification for the proposed lanterns on the site (to include a lux-plan) prior to the commencement of any works.

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

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

5.5 Design

The scheme has been assessed in detail by the Council's Urban Design Officer. Within context the area is not considered to have any particular architectural merit. In terms of the massing, materials and detailing, it is considered that although modest in height the proposal will make a positive contribution to the character of the area given its form, materials and detailing. The sedum roof will help ground the new building in views from the west and north. The painted metal windows and screens will create a restrained elevation when viewed from the east.

In terms of accessibility it is considered that the building, which is designed over one level, will provide good access for all. There is good surveillance throughout the site, (consultation has been undertaken with the Police Architectural Liaison Officer throughout the design process). Fencing to a height of 2.4 metres will secure the site. On the southern boundary towards the western end, fencing will be relocated from the current position on the back edge of the pavement, to the top of a bank. While the current location would be preferable in visual terms and to avoid creating an area of land outside of the site this position is recommended for security reasons by the Police Architectural Liaison Officer (ALO) and is therefore considered acceptable. A condition is recommended to secure full details of the fencing prior to the commencement of the development.

In terms of energy efficiency, a pre-assessment BREEAM report has been commissioned which has demonstrated that the building can be constructed to a “very good rating”. This is welcomed by officers and fully accords with the objectives of Policy D1 of the South Gloucestershire Local Plan (Adopted January 2006). Other on-site renewable energies have been considered and a report submitted with the application has identified wind power, photovoltaics, ground source heat pumps and biomass as being appropriate for the site.

Subject to the above conditions the design of the proposed building is considered acceptable and it is considered that it will make a positive contribution to the local area.

5.6 Ecology

Policy L9 ensures the protection of protected species and habitats. An ecological report has been submitted with the application and has been assessed by the Council’s Ecology Officer.

There are no bats or badger setts on the site. The ecological survey is considered to include a variety of measures that will contribute towards the South Gloucestershire Biodiversity Action Plan (BAP), including the retention of grassland and new planting along the southern boundary along with the creation of new areas of grassland and a wetland habitat at the south-eastern corner of the site. The Green Roof will also contribute.

Subject to a condition that a habitat and management strategy for song thrush and hedgehogs be drawn up and agreed in writing prior to the commencement of development, (as per the recommendations set out in the submitted ecological report), and informatives relating to nesting birds and bats it is considered that the proposal is in accord with the aims and objectives of Policy L9 of the South Gloucestershire Local Plan (Adopted January 2006)

5.7 Landscaping/Trees

Policy L1 seeks to ensure that the landscape is preserved and/or enhanced.

Officers consider that although some trees (identified as T1 to T6) will be removed to allow for a hard play area and some will be removed along the southern boundary along with a tall poplar in the centre of the site (where the proposed building is to be sited), these will be more than compensated for by the proposed tree and shrub planting.

The wide belt of planting along the eastern boundary is to be retained and enhanced and this is welcomed by Landscape Officers. Officers have no objection to the location of the proposed fencing however it should be noted that the Council Tree Officer has indicated that there may be a difficulty in locating a fence on the northern boundary adjoining Gages Road in close proximity to an Oak Tree identified as T40 on the submitted plans given that the tree grows out from the boundary at a height that is lower than the fence height of 2.4 metres. In the light of this, the Council Tree Officer would like to see a method statement for the erection of the fence in this location prior to the commencement of development.

The Tree officer has also requested a variation in the submitted details to allow for the pruning of a Willow at the south-eastern corner of the site known as T32 to previous pruning points given that a trench has previously been dug in the root protection area. This has been agreed with the applicant.

Subject to the above matters no objection to the scheme has been raised by either the Council Tree Protection Officer or Landscape Officer.

5.8 Drainage

There is no objection to the proposal from the Council Drainage Engineer, who have been consulted at an early stage upon the proposal. Given that the site is greater than 1 hectare in size within Flood Zone 1, the applicant is required to submit a Flood Risk Assessment with the application. The submitted Flood Risk Assessment (FRA) has been assessed by the Environment Agency who have confirmed that no objection to the proposal is raised. A condition is recommended to secure drainage details to incorporating sustainable drainage principles.

5.9 Transportation

Policy T12 indicates that development will be permitted provided that in terms of transportation the scheme will not have any detriment upon the highway safety of the surrounding highway network.

The existing site can be accessed by pedestrians and vehicles from Courtney Road and Gages Road. It should be noted that the options for a new vehicular entrance for visitors and staff car parking to the new school have been the subject of detailed discussions with Transportation Officers. It is proposed to have the main access into the site from Courtney Road with only occasional vehicular access shared with pedestrians from Gages Road onto the play ground for overflow parking when necessary (for events such as parents evenings). In addition to the new vehicular access off Courtney Road, there will also be a separate 3m wide pedestrian access from Courtney Road to the rear playground. A new lay-by suitably marked will also be provided off Courtney Road and that would assist with delivery vehicles including catering supplies.

Transportation Officers have indicated that there are currently, traffic calming measures in the vicinity of the existing school along Courtney Road /Gages Road. Following consultation with traffic management department, it is made clear that some of existing traffic calming measures (including Traffic Regulation Order (i.e. TRO) and the signings associated with 20mph zone in vicinity of the school) would have to be altered. The cost of alterations to the traffic management measures in the area is estimated at £30,000.

Officers consider that traffic movements to and from the site would remain largely unchanged compared to the current situation because the development is replacement of an existing school. The proposal includes provision of a new car park with 14 spaces one of which would be a disabled parking space.

In summary therefore there are no highway objections to this proposal but the applicant is required to make financial contribution of £30,000 towards traffic management measures (including amendments to a) existing traffic calming measures, b) alteration to the existing traffic regulation and “no stopping” TRO and c) 20mph zone) in the area. This money will be secured through a Section 278 agreement prior to the commencement of development.

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 this instance, having regard to the above advice, the transportation improvements are appropriately the subject of a Section 278 Agreement of the Highways Act 1980.

6. CONCLUSION

- 6.1 In accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), 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

- (1) That authority be delegated to the Director of Planning, Transportation & Strategic Environment to grant planning permission, subject to conditions set out below and the applicant voluntarily entering into an Agreement under Section 278 of the Highways Act 1980 prior to the commencement of development to secure the following:
- (i) A contribution of £30,000 towards the future traffic management/traffic calming measures in the area to include alterations to an existing traffic regulation order (TRO).

The reasons for this Agreement are:

- (i) To meet the need for the provision of highway improvements in the vicinity of the site for the benefit of the development and in the interests of highway safety.

Background Papers **PK08/2561/R3F**

Contact Officer: **David Stockdale**
Tel. No. **01454 864533**

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. Prior to the commencement of works details of the proposed perimeter fencing, to include location and specification shall be submitted to and approved in writing by the Local Planning Authority. The works shall proceed in accordance with the approved details.

Reason:

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

3. A method statement for the erection of the fencing along the northern boundary (adjoining Gages Road), shall be submitted to and approved in writing prior to the commencement of any works. The scheme shall proceed in accordance with the final approved method statement.

Reason:

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

4. Prior to the commencement of development, specification details for the proposed lanterns and a lux-plan shall be submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accordance with the approved scheme.

Reason:

To protect the amenity of neighbouring occupiers and to accord with Policy LC4 and LC9 of the South Gloucestershire Local Plan (Adopted).

5. Prior to the commencement of development, a habitat creation and management strategy for song thrushes/hedgehogs shall be drawn up and agreed with the Local Planning Authority, (as per the recommendations in the submitted Wessex Ecological Consultancy report dated May 2008). The strategy shall include a management prescription for all existing and new on-site habitats.

Reason:

To accord with Policy L9 and the adopted South Gloucestershire Biodiversity Action Plan (SPD).

6. Prior to the commencement of works, drainage details, (incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development), shall be submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accordance with the approved details.

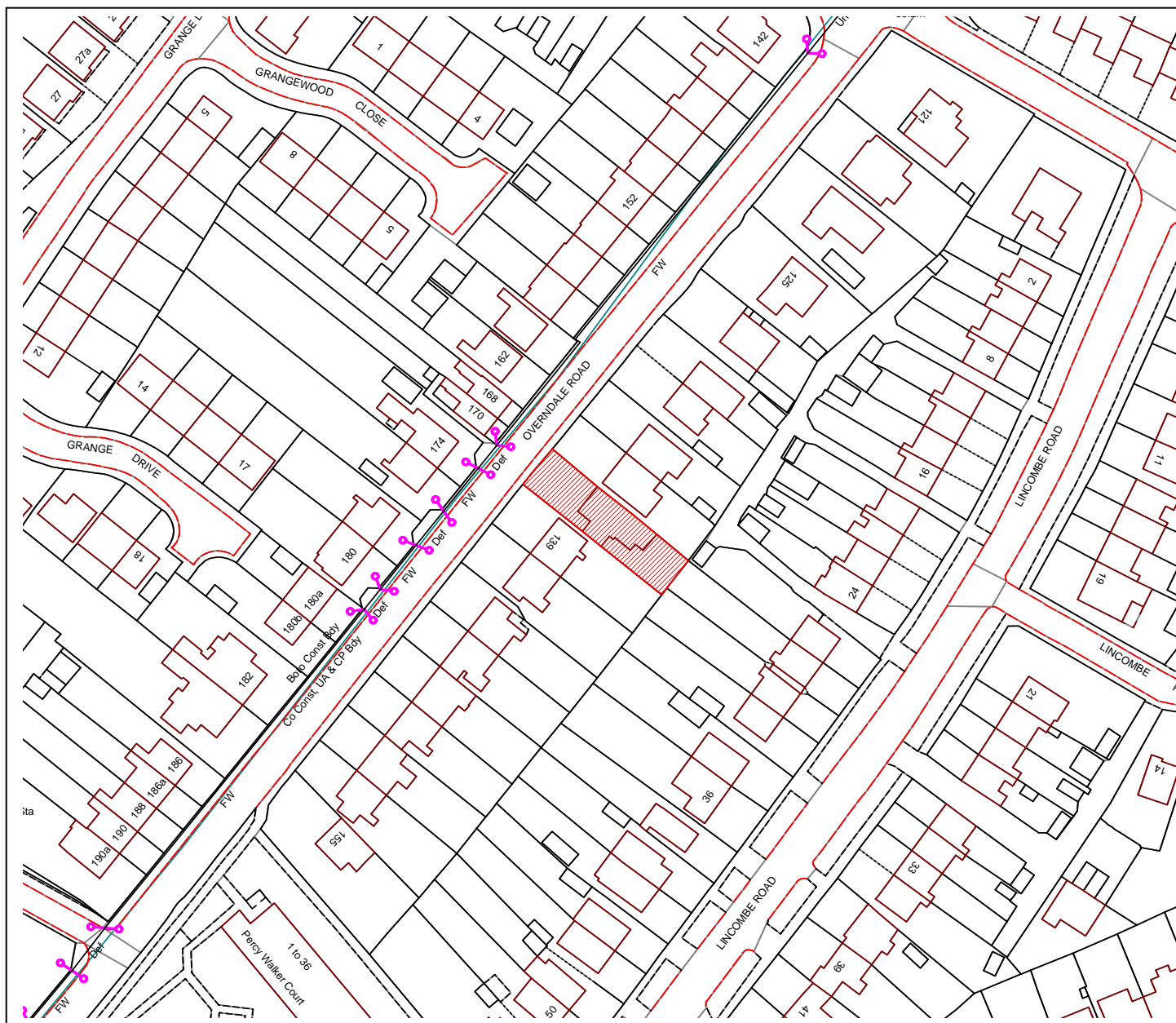
Reason:

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

CIRCULATED SCHEDULE NO. 45/08 – 7 NOVEMBER 2008

App No.: PK08/2655/F
Site: 137 Overndale Road, Downend, South Gloucestershire, BS16 2RN
Proposal: Erection of single storey rear extension to form additional living accommodation.
Map Ref: 64445 76611
Application Category: Minor

Applicant: Mr A Smith
Date Reg: 29th September 2008
Parish: Downend and Bromley Heath
Ward: Downend
Target Date: 17th November 2008



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N.T.S

PK08/2655/F

INTRODUCTION

This application has been placed upon the Circulated Schedule due to the receipt of one letter of objection.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a single storey extension to the rear of 137 Overndale Road, Downend. The proposed extension would measure 6.3 metres wide by a maximum of 4.5 metres in depth and would have an overall height to ridge of 4.4 metres.
- 1.2 The property is a two storey detached dwelling and is located within a residential area of Downend. The surrounding residential properties are of various designs, ages and sizes resulting in a street scene of irregular appearance.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance
South Gloucestershire Council Advice Note No 2: House Extensions

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/2816/CLP Certificate of lawfulness for the erection of a replacement garage
Approved October 2003.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Town Council
No objection

Other Representations

- 4.3 Local Residents
One letter of objection was received raising the following concerns.
- The proposed extension would be overbearing
 - The roof at its lowest level would be at least 1 metre higher than the existing boundary treatment resulting in a loss of daylight/sunlight to the bathroom and sitting/bedroom.
 - Loss of access to rear of property during construction

- Concern that the digging/excavation work for the foundations would cause subsidence

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Design / Visual Amenity

The proposed single storey extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Whilst the extension is quite large being 6.3 metres wide by 4.5 metres in depth, it is of modest size in comparison to the bulk of the main dwelling and is suitably subservient to it. The materials used in the construction of the extension would match those used for the main dwelling, assisting the successful integration of the structure with the host dwelling. To the centre of the proposed extension there would be a small glass pitched roof and feature window.

It is considered that the addition would not harm the visual amenity of the area. This is particularly the case given its location at the rear of the building and its simple design. Consequently, it is considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

5.3 Residential Amenity

The rear of the property is bound on all sides by neighbouring residential properties and is enclosed and screened by a combination of closed board fencing and walls reaching 1.8 metres in height.

The proposed single storey extension would have a lean too roof with a height to eaves of 3 metres reaching a maximum height of 4.4 metres. The extension is quite deep measuring a maximum of 4.5 metres, however it would only extend 1.4 metres beyond the rear building line of the nearest neighbouring property, No. 135 Overndale Road. The proposed extension would be approximately 3 metres away from the boundary with the neighbouring property, No. 139 Overndale Road. Therefore given the existing boundary treatments in place, combined with the siting and depth of the proposal, it is not considered that the extension would have any significant overbearing effect on these neighbouring dwellings.

Concern has been raised that the extension would restrict the level of light entering No. 135 Overndale Road. This property has two windows facing towards the application site. One of these windows serves a sitting room / bedroom which is classed as a habitable room however the outlook from this window is already adjacent to the side elevation of No. 137 Overndale Road. Whilst it is accepted that the proposed development would inevitably result in some overshadowing of this room, it is considered that the fact that the outlook

is already enclosed by the existing circumstances means that a refusal reason on overshadowing grounds could not be substantiated. The bathroom window of No. 135 Overndale Road would be directly adjacent to the proposed extension, however this room does benefit from a small south-east facing window that is located on the rear of the property. Consequently, considering the bathroom is classed as a non habitable room and given that the room has another window albeit a small one, it is not considered that the location of the proposed extension adjacent to this window is of sufficient concern to warrant the refusal of the application.

There are no windows proposed on the side elevation facing the nearest neighbouring property, No. 135 Overndale Road. There is one kitchen window proposed on the south west elevation facing the boundary with No. 139 Overndale Road, all other doors and windows overlook the properties rear garden. Given that the window on the south west elevation would be approximately 3 metres from the boundary with the neighbouring property and would be replacing the windows on the existing extension that face this property, it is considered that there are no issues of inter-visibility or loss of privacy. Further, sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.4 Other Issues

The concern raised in respect of encroachment and loss of access are civil matters which will be addressed under non planning legislation in the form of the Building Regulations, The Party Wall Act and other related legislation. However, for the avoidance of doubt, three informatives would be attached to the decision notice to ensure that the applicant / agent is aware that planning permission does not grant rights to carry out works on land outside of the control of the applicant; consent must be sought from the owner of the land; and, that the Building Regulations must be complied with.

5.5 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 **PK08/2655/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:

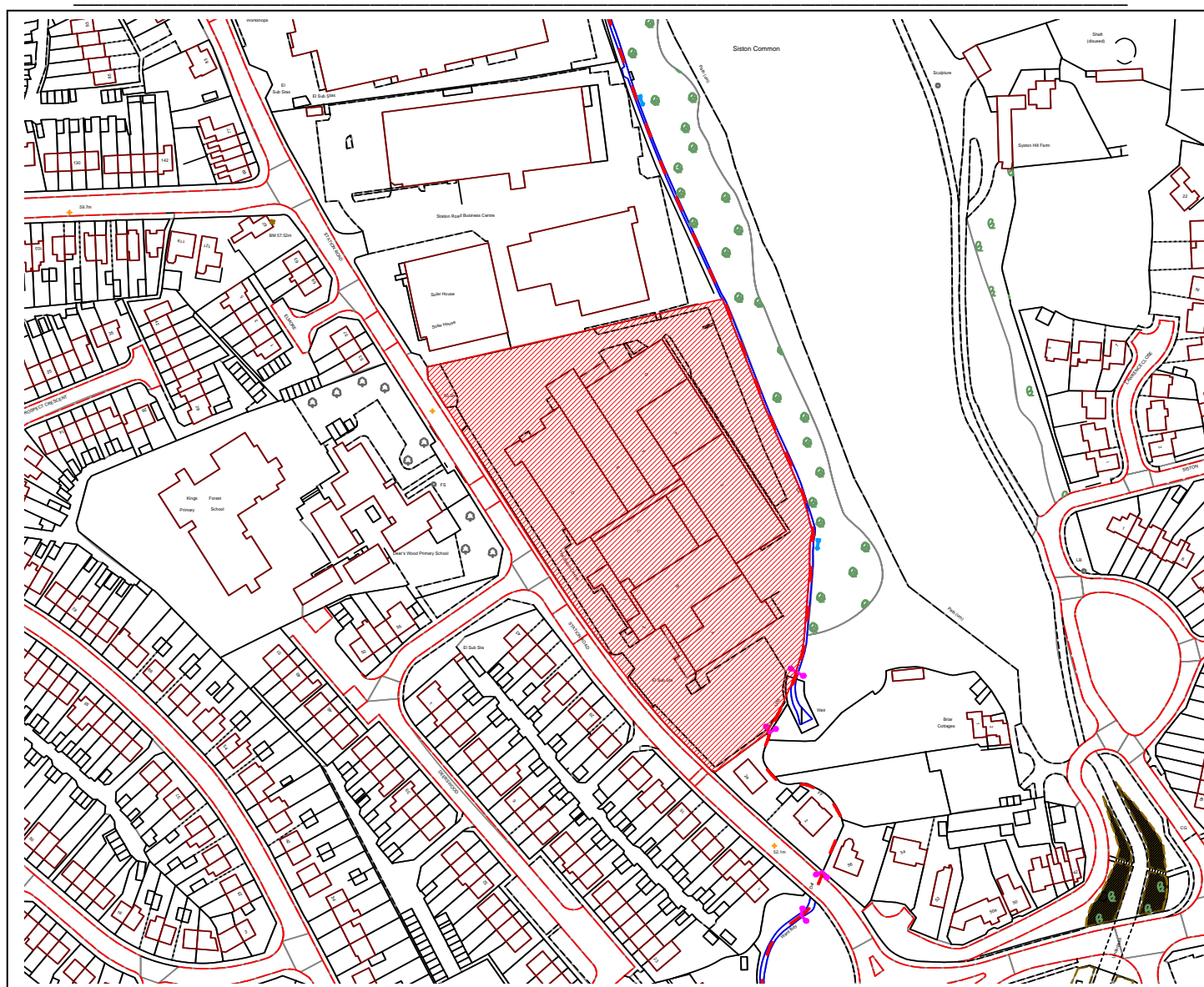
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Reason:

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

CIRCULATED SCHEDULE NO. 45/08 – 7 NOVEMBER 2008

App No.: PK08/2732/RVC**Applicant:** Driving Standards Agency**Site:** The Siston Centre, Station Road, Siston, Bristol, South Gloucestershire, BS15 4QQ**Date Reg:** 7th October 2008**Proposal:** Variation of conditions 3 & 5 attached to planning application PK07/2476/C84 to allow activities to be carried out from 7.30am to 7.30pm Monday to Saturday and to allow the level of noise emitted from the site to increase to 45dB.**Parish:****Map Ref:** 66126 74909**Ward:** Rodway**Application Category:** Minor**Target Date:** 26th November 2008**Date:**

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100023410, 2008.

INTRODUCTION

This application has been referred to the Circulated Schedule because Siston Parish Council and local residents have lodged objections, which are contrary to the Officer recommendation.

1. THE PROPOSAL

1.1 The application relates to the Siston Centre, a 1.66 hectare area of land that is designated in the South Gloucestershire Local Plan (Adopted) 6th January 2006 as a Safeguarded Employment Area (see site no. 34 Policy E4). The site, which is located to the east of Station Road, Siston, was until recently occupied by a number of industrial units and associated hard-standings. Planning permission PK07/2476/C84 was granted in May 2008 for the '*Demolition of existing buildings to facilitate the erection of a Driving Test Centre building with vehicle manoeuvring areas*'. The construction of the Test Centre is now complete and the development comprises the following elements:-

- A single storey test centre building of approximately 200 sq.m.
- 14 examiner car parking spaces, 17 customer car parking spaces (1 designated as a disabled parking space), 3 spaces for HGV/LGV's and 6 motorcycle parking spaces.
- A motorcycle manoeuvring area.
- Buffer planting and augmentation of existing landscaping.
- Car manoeuvring area adjacent to the western boundary.
- HGV & LGV manoeuvring area towards the front of the site.
- Introduction of a new access from Station Road.

1.2 To the west of Station Road are predominantly residential dwellings, whilst Kings Forest Primary School (formerly Deerswood Primary School) lies opposite the northern end of the application site. To the east the site is bounded by Warmley Brook and Siston Common beyond. Further residential properties lie to the south and on higher ground to the south-east, whilst more office/industrial units bound the site to the north.

1.3 The application has been submitted on behalf of the Driving Standards Agency (an executive agency of the Department of Transport). Owing to European Legislation concerning the testing of motorcycle and moped riders, there is currently an essential need for the DSA to find approximately 70 such sites around the country.

1.4 Planning permission PK07/2476/C84 was approved subject to a number of conditions, several of which strictly control the operation of the site in the interests of protecting local residential amenity. It is now proposed to vary the wording of conditions 3 & 5 only. A previous application PK08/2156/RVC proposed to vary conditions 3 & 5 and delete condition 4 (see para. 3.6 below); however following the receipt of comments made by the Council's Environmental Health Officer (EHO), the application was subsequently withdrawn.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 - Delivering Sustainable Development
- PPG4 - Industrial and Commercial Development and Small Firms
- PPG9 - Nature Conservation
- PPG13 - Transport
- PPG24 - Planning and Noise

2.2 Development Plans

Joint Replacement Structure Plan (Adopted) Sept 2002

- Policy 1 Sustainable Development
- Policy 2 Locational Strategy
- Policy 30 Safeguarding Employment Sites
- Policy 54 Car parking provision (non-residential)
- Policy 59 New development - transport issues.

South Gloucestershire Local Plan (Adopted) January 2006

- D1 - Design
- L1 - Landscape Protection and Enhancement
- L9 - Species Protection
- L17 & L18 - The Water Environment
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- EP6 - Contaminated Land
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- E3 (34) - Criteria for Assessing Proposals for Employment Development within the Urban Area and Defined Settlement Boundaries and /or Permitted by Policies E4/E6/E7.
- E4 - Safeguarded Employment Areas.

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (Adopted 23rd August 2007)

3. RELEVANT PLANNING HISTORY

There have been a number of planning applications, over the years, that relate to this site, the most relevant of which are listed as follows:

- 3.1 P92/4211 - Sub-Division of Existing Factory Premises into Industrial Units
Observations 29th June 1992
- 3.2 PK02/0351/F - Change of Use from general industrial use (B2) to storage and distribution (B8).
Approved 18th March 2002
- 3.3 PK04/2191/O - Demolition of industrial units and erection of 123 dwelling houses (Outline). Access to be determined, all other matters to be reserved.
Refused 6th June 2005 – the principal refusal reason being the loss of employment land.
Appeal dismissed 4th Sept. 2006

- 3.4 PK07/1108/C84 - Demolition of existing buildings to facilitate the erection of a Driving Test Centre building with vehicle manoeuvring areas.
Withdrawn 30th May 2007
- 3.5 PK07/2476/C84 - Demolition of existing buildings to facilitate the erection of a Driving Test Centre building with vehicle manoeuvring areas. (Re-submission of application PK07/1108/C84).
Approved 6th May 2008
- 3.6 PK08/2156/RVC - Variation of conditions 3 & 5 attached to planning application PK07/2476/C84 to allow activities to be carried out from 7.30am to 7.30pm seven days a week and to allow the level of noise emitted from the site to increase to 45dB. Removal of condition 4 attached to planning application PK07/2476/C84 to allow the use of audible reversing hazard warnings on vehicles during testing.
Withdrawn 18th Sept. 2008

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
Object as the increase in working hours and noise levels will cause disruption to local residents. The increase in traffic in an already busy area could affect the safety of local children especially in view of the close proximity of the school. The noise levels are already causing upset to local residents and it has been suggested that an acoustic fence be erected around the site.
- 4.2 Other Consultees
- 4.3 Wessex Water
No objection.
- 4.4 Police Community Safety Department
No objection
- 4.5 Sustainable Transport
No objection

Other Representations

- 4.6 Local Residents
26no. letters/e.mails of objection have been received from local residents. The concerns raised are summarised as follows:
- The original industrial site only operated between 8.00am – 5.00pm with no working on Saturday or Sunday.
 - Increased traffic on Station Road.
 - Increased levels of noise disturbance.
 - Adverse impact on the safety of young children using Deerswood School.
 - Increased levels of pollution.
 - Mature Deciduous and Conifer Trees/Bushes should have been planted around the perimeter of the site.
 - Increased noise levels would allow use of reversing beepers.

- There is no pedestrian crossing adjacent to the school.
- Adverse impact on house values.
- No mention of the removal of condition 4.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within the urban area and is previously developed land. Within the South Gloucestershire Local Plan (Adopted) 6th January 2006 the site is designated as a Safeguarded Employment Area and appears as site no. 34 within the schedule attached to Policy E4. Within the Employment Areas defined on the Proposals Map and listed in the schedule attached to Policy E4, planning permission will be granted for employment generating uses, subject to the satisfaction of criteria set out in Policy E3.

5.2 Policy E3 permits employment uses within the existing Urban Areas, including extensions, conversions and reuse of existing buildings provided that:

- A. Development would not have unacceptable environmental effects; and
- B. Adequate provision is made for servicing and delivery requirements and development would not give rise to unacceptable levels of vehicular traffic, especially heavy goods vehicles, or on-street parking, to the detriment of the amenities of the surrounding areas and highway safety; and
- C. Development would not prejudice existing residential amenities; and
- D. The character of the area or settlement is not adversely affected; and
- E. The maximum density compatible with the site's location, its accessibility and its surroundings is achieved; and
- F. (In the case of travel intensive B1 (Office) development) the location is well served by public transport.

5.3 The acceptance in principle of a Driving Test Centre on this site was previously established with the grant of planning permission PK07/2476/C84.

5.4 The current application relates to the variation of conditions 3 & 5 only; in the event of planning permission being granted, all of the other conditions attached to the original planning permission, would remain unchanged (including condition 4 restricting the use of audible reversing hazard warnings on vehicles during testing). In the event of planning permission being refused, the fall back situation would be that the Test Centre would have to operate under the original conditions attached to planning permission PK07/2476/C84. For the avoidance of doubt, planning permission is now extant and the current application PK08/2732/RVC relates only to the re-wording of conditions 3 & 5 attached to PK07/22476/C84.

5.5 Condition 3 currently reads as follows:

'No activities associated with the use hereby permitted, shall be carried out on the premises before 07.30 a.m. and after 6.00 p.m. Mondays to Saturdays inclusive; there shall be no activity on Sundays or Bank Holiday'.

Reason: *To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.*

5.6 Condition 5 currently reads as follows:

'The rating level of noise emitted from the site shall not exceed the existing background noise that is determined to be 44dB. The noise levels shall be determined at the nearest noise-sensitive premises, the measurements and assessment shall be made in accordance with the provisions of BS4142: 1997.'

Reason: *To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.*

5.7 It is proposed to vary Condition 3 to allow activities to be carried out from 7.30am to 7.30pm Monday to Saturday inclusive with no activities on Sundays or Bank Holidays. It is also proposed to vary Condition 5 to allow the level of noise emitted from the site to increase to 45dB.

Justification

5.8 The applicant has submitted a supporting letter and Design and Access Statement in support of the application. The justification given for the revised conditions is as follows:-

Condition 3 – Hours of Use

The DSA are seeking to vary this condition so that the Centre can be used from 07.30am to 07.30pm from Monday to Saturday with no use on Sundays or Bank Holidays. These are the hours that the Centre would be open with tests offered during these hours, although not necessarily fully utilised. These times coincide with the hours of daylight, as testing does not take place during dusk or darkness and therefore operation hours for instance during the winter, would be significantly less. The extended hours are required in order to be able to offer candidates as wide a range of possible test times as possible, in order to promote inclusiveness and to comply with the DSA's requirements to offer a wide range of possible times.

Condition 5 - Noise Levels

The applicant notes that the Local Authority have rounded down the measured background noise levels contained within the previously submitted Acoustic Report from 44.5dB to 44dB and therefore the calculated rating level for LGV noise of 44.6dB cannot be demonstrated to be compliant. It is therefore requested that this condition is set to 45dB within a re-phrased condition :-

'The Rating Level of noise emitted from the site shall not exceed the existing background noise that is determined to be LA90,5mins 45dB. The noise levels

shall be determined at the nearest noise-sensitive premises, the measurements and assessment shall be made in accordance with the provisions of BS4142: 1997.'

The above wording is suggested in order that the condition defines exactly what the assessment is to be based upon.

The variations to the conditions requested, are submitted in order to allow the more efficient use of the premises by the DSA. Reference is made to the Acoustics Report prepared by R.W.Gregory in support of the original application PK07/2476/C84, which shows that all of the above issues would not cause a significant noise impact for nearby residents. The layout of the site is such that the majority of activities are on the opposite side of Station Road to the nearest dwellings, which together with the landscaping would further help to minimise any impact upon local residents. Furthermore the previous industrial uses of the site, as far as can be ascertained, were not restricted by any conditions relating to hours of use or noise generation and were therefore only subject to normal environmental health legislation.

5.9 Environmental Issues

The Council's Environmental Health Officer previously considered the Acoustic Report submitted in support of the original application PK07/2476/C84 as well as visiting a similar Test Centre to that proposed. The EHO previously gave comment in response to application PK08/2156/RVC in which she raised no objection to the proposed revision of Condition 5 and confirmed that the rewording of the condition as proposed was acceptable. Since the re-wording of Condition 5 is identical in this current application, the EHO has confirmed that she has no objection to this proposal.

- 5.10 Within the glossary of terms attached to PPG24 – 'Planning and Noise' it is stated that:

"A change of 1dB is only perceptible under controlled conditions."

"dB(A): decibels measured on a sound level meter incorporating a frequency weighting (A weighting) which differentiates between sounds of different frequency (pitch) in a similar way to the human ear. Measurements in dB(A) broadly agree with people's assessment of loudness. A change of 3 dB(A) is the minimum perceptible under normal conditions, and a change of 10 dB(A) corresponds roughly to halving or doubling the loudness of a sound. The background noise level in a living room may be about 30 dB(A); normal conversation about 60 dB(A) at 1 metre; heavy road traffic about 80 dB(A) at 10 metres; the level near a pneumatic drill about 100 dB(A)."

- 5.11 The background noise levels at the site were measured by the Council's EHO and were found to be 44.5dB and this figure was subsequently rounded down to 44dB. The applicant correctly points out that as the LGV noise level is 44.6dB it would be difficult for the testing of these vehicles to comply with Condition 5 as it stands. Given the very small change in levels proposed, officers raise no objection to a rounding up of the background noise figure to 45dB.

- 5.12 It is evident from the consultation responses received that there was a general misconception that Condition 5 related to not only the operation of the DSA Test Centre but also to the development phase i.e. demolition of the former industrial buildings and construction of the Test Centre. Condition 6 did apply to the hours of working on the site during the development phase but noise levels were not controlled during this period, other than by normal Environmental Health Legislation.
- 5.13 It is acknowledged that noise levels during the demolition and construction phases must have been high and that the audible reversing warning hazards of heavy plant operating on the site would have caused disturbance for local residents. This was however on a temporary basis only and work on the construction of the DSA Test Centre is now complete. Furthermore the level of disturbance would have been exacerbated by works being carried on simultaneously at the nearby Deerswood School site, as well as the Wessex Water Flood Alleviation works in Station Road.
- 5.14 Officers are satisfied that the revised condition 5, along with the other conditions attached to the original planning permission, can adequately control the noise levels emitted from the site during its operation as a Driving Test Centre.
- 5.15 Moving to the proposed variation of Condition 3, the EHO has previously commented that an extension of hours to 07.30am to 7.30pm Mondays to Saturdays only, i.e. an increase of 1.5 hours later per day, is acceptable because background noise levels remain high at these times and only drop off later in the day.
- 5.16 Transportation Issues
The Test Centre caters for the testing requirements of motorcyclists, cars, Light Goods Vehicles (LGV) and Heavy Goods Vehicles (HGV). The previous B1, B2 and B8 uses all potentially generated traffic including Heavy Goods Vehicles (HGV).
- 5.17 A transportation assessment was submitted with the original application PK07/2476/C84, which officers considered adequately demonstrated that the Test Centre would result in an overall reduction in traffic movements to and from the site.
- 5.18 In respect of on-site parking provision, there are 31 car parking spaces which allows 14 spaces for examiners and 17 spaces for customers. Additionally there are 3 spaces for HGV's or LGV's and 6 parking spaces for motorcycles on the site. Officers are satisfied that this level of off-street parking provision is adequate.
- 5.19 There were previously two vehicular accesses into the site from Station Road, the northernmost of which lay opposite Deerswood School. This access has been closed and re-located nearer the southern access. This new access is to be used by HGV and LGV drivers. The existing southern access is retained but slightly altered in width and used by car drivers and motorcycle riders. The alterations to the access points impacted on the positioning of some of the traffic cushions i.e. traffic calming measures in Station Road and resulted in the removal of one pedestrian island. The cost of these measures was met by the

applicant who contributed the sum of £50,000. A revised scheme of traffic management is to be the subject of wider consultations and the final scheme would be dependent on matters arising from these consultations.

5.20 There are no highway objections to the proposed variations of Conditions 3 & 5.

5.21 Density of Development

In considering whether or not the proposal makes the most efficient use of the employment site, officers took into consideration the nature of the proposed use. Whilst the Council's Economic Development Officer noted that the Test Centre would be a low employment density/land extensive use, he acknowledged that the Test Centre needed to be in a high density population area like Kingswood/Siston and suitable sites within the Urban Area were very limited in number. The DSA service delivery standards require that the majority of candidates will be able to reach a test centre within 30-45 minutes with a maximum travel distance of 20 miles, with a catchment population of around 1.5 million people. The DSA research identified the Kingswood/Siston area as being ideally suited to meet these criteria. Furthermore the siting of the Test Centre in the location proposed accorded with the Council's policy support for sustainable development within the South Gloucestershire Area. On balance therefore criterion E of Policy E3 was satisfied.

5.22 Impact Upon Residential Amenity

The nearest residential properties to the site lie on the opposite side of Station Road or adjacent to the southern end of the site, which is set furthest away from the vehicle manoeuvring areas. The motor-cycle manoeuvring area is entirely enclosed by a 1.8m high fence and a planting scheme has enhanced the existing screening of the site and this in time will mature further. A 2.4m high fence encloses the car and motorcycle parking areas. Issues of noise have been addressed in the Environmental Section. Having regard to the previous potential uses of the site and the conditions to control the noise levels and hours of operation of the Test Centre, officers consider that there would be no significant adverse impact on residential amenity over and above that which previously existed, from this long established Employment Site.

5.23 Landscape Issues

Officers previously considered that the site had a degraded and run down appearance and the extensive landscape proposals for the site offered a significant landscape enhancement. The proposal was therefore in accordance with policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

5.24 Ecology

At the request of the Environment Agency a 6 metre wide maintenance strip has been maintained along the banks of Warmley Brook and this strip has been planted with native/semi-native shrubs, which is acceptable to the EA. This planted strip is considered to provide an adequate boundary treatment adjacent to the Brook and its associated wildlife habitat.

5.25 Drainage

A Flood Risk Assessment was submitted in support of the original application. Neither The Environment Agency, Wessex Water nor the Council's Drainage Engineer raised any objection to the principle of the development.

5.26 Other Concerns Raised

The impact of development on house values is not in fact a material consideration in the determination of planning applications.

5.27 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.

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

7. RECOMMENDATION

- 7.1 That Planning Permission be re-issued with Condition 3 varied to allow for extended hours of operation from 7.30am to 7.30pm Monday to Saturday with no activities on Sunday or Bank Holidays; and Condition 5 varied to allow the level of noise emitted from the site to increase to 45dB.

Background Papers **PK08/2732/RVC**

Contact Officer: **Roger Hemming**
Tel. No. **01454 863537**

CONDITIONS

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

Reason:

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

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

Reason:

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

3. No activities associated with the use hereby permitted, shall be carried out on the premises before 07.30 a.m. and after 7.30 p.m. Mondays to Saturdays inclusive; there shall be no activity on Sundays or Bank Holidays.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. There shall be no use of audible reversing hazard warnings on vehicles during testing.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The Rating Level of noise emitted from the site shall not exceed the existing background noise that is determined to be LA90,5mins 45dB. The noise levels shall be determined at the nearest noise-sensitive premises, the measurements and assessment shall be made in accordance with the provisions of BS4142: 1997.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The hours of working on site during the periods of demolition and construction shall be restricted to 07.30 a.m. to 06.00 p.m. Mondays to Fridays, 07.30 a.m. to 01.00 p.m. Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

To safeguard the amenity of the locality, and to accord with Policy E3 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on the Landscape Plan 357/01 C hereby approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

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

9. Details of all boundary treatments (walls, railings or fences) to be erected/retained on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the development shall only be carried out in accordance with the details so approved.

Reasons:

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

To protect the privacy, security and amenity of neighbouring occupiers, and to accord with Policy E3 and D1 (F) of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

To ensure that a satisfactory means of drainage is provided, and to accord with Policies E3, EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

To ensure that a satisfactory means of drainage is provided, and to accord with Policies E3, EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. Prior to the first use of the site for the purpose hereby approved, the off-street parking and manoeuvring facilities, as shown on the approved plan "Proposed Site Layout 1941 PB-002 Rev A" shall be provided, and thereafter retained as such and used only in conjunction with the occupation of the site and buildings' purpose.

Reason:

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy E3, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. The development hereby permitted shall not be occupied nor the use commenced until the means of vehicular access has been constructed and is available for use in accordance with the approved plans. There shall be no obstructions to visibility exceeding 0.9 metres in height within the splayed areas.

Reason:

To ensure the satisfactory provision of vehicular access into the site and in the interest of highway safety and the amenity of the area, and to accord with Policy E3 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. Prior to the first use of the site for the purpose hereby approved, the existing northern access shall be permanently closed and the footway levels adjusted accordingly, to the full and final written satisfaction of the Council's Street Care Manager.

Reason:

Having regard to the proximity of Deers Wood School opposite and in the interest of highway safety and the amenity of the area, and to accord with Policy E3 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. Prior to the commencement of the development hereby approved a desktop study of the previous uses of the site shall be submitted to the Local Planning Authority for written approval. Should the study identify the potential for contamination, a full ground investigation should be carried out and a detailed contamination report along with the proposed remediation measures where required shall also be submitted for written approval. Thereafter the works shall proceed in full accordance with the details so approved.

Reason:

To ensure that development can be constructed having regard to possible contamination of the ground from past uses, and to accord with Policies E3 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. There shall be no new buildings, structures (including gates, walls and fences) or raised ground levels within a) 6 metres of the top of any bank of watercourses, and/or b) 6 metres of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

Reason:

To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows in accordance with Policy E3, L17, L18, and EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

17. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the separator.

Reason:

To prevent pollution of the watercourse and ensure that a satisfactory means of drainage is provided, and to accord with Policies E3, L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

18. No development shall take place until a Waste Management Audit has been submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:

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

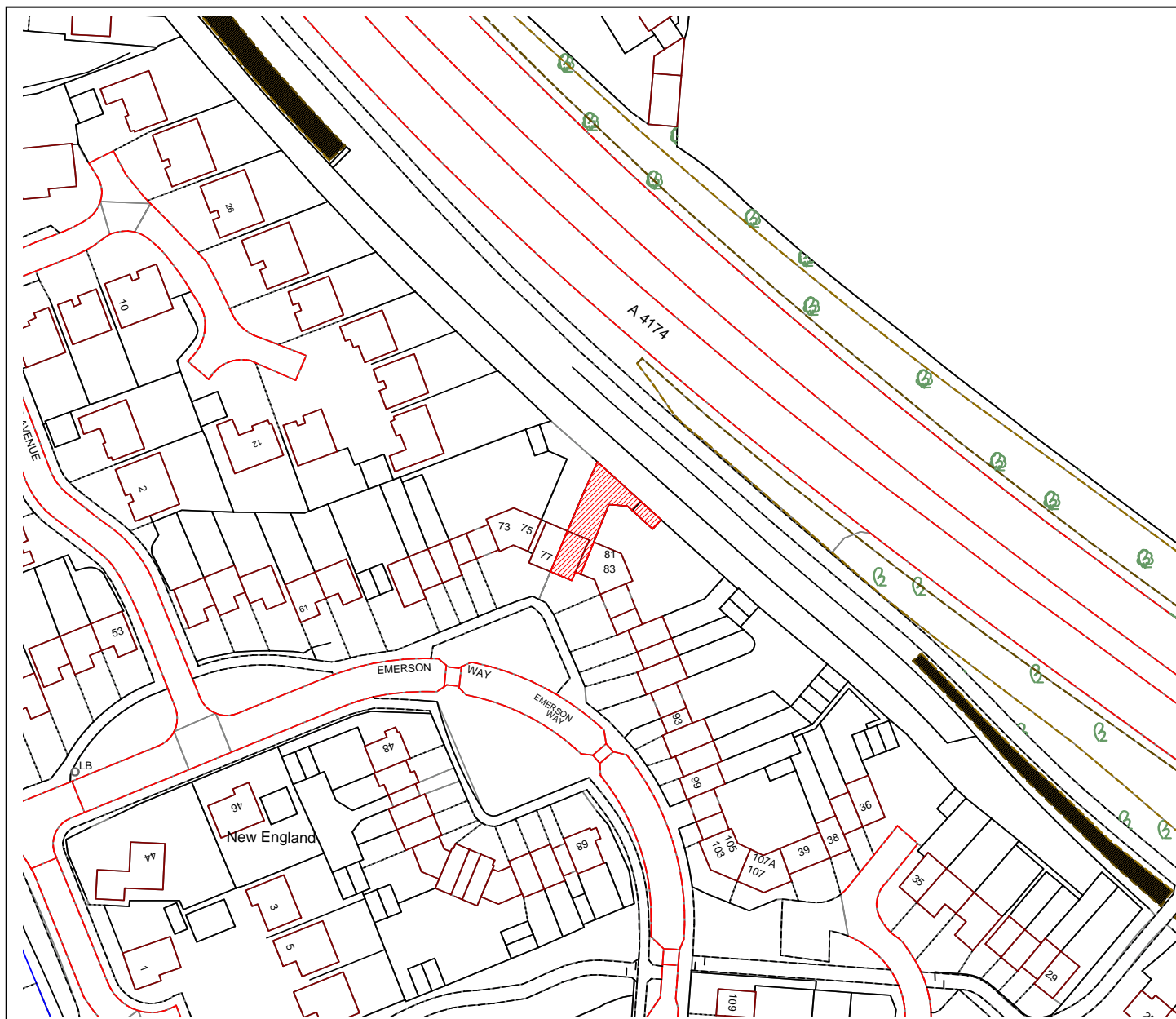
19. Development shall be carried out in accordance with the agreed details.

Reason:

To accord with the Local Planning Authority's adopted Waste Management Strategy, and to accord with Policies 37 and 43 of the adopted South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002; and Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 45/08 – 7 November 2008

App No.:	PK08/2750/F	Applicant:	Mrs L Day
Site:	79 Emerson Way, Emersons Green, South Gloucestershire, BS16 7AP	Date Reg:	10th October 2008
Proposal:	Erection of single storey rear extension to provide additional living accommodation.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	67004 77535	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	15th December 2008



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N.T.S

PK08/2750/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection an extension on the rear of No. 79 Emerson Way, Emersons Green. The extension as proposed would have a depth of 3 metres and a maximum height to the ridge of 3.7 metres.

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
T8 Parking Standards

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No objection.

Other Representations

- 4.2 Local Residents
One letter of objection has been received regarding this application, and the resident of No. 81 Emerson Way is concerned about the loss of daylight and the marketing/sale of the neighbouring property.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan allows for development providing it is in keeping with the character of the area and satisfies several criteria relating to design, scale, highway and impact upon visual and residential amenity being met.

- 5.2 Design / Visual Amenity
The proposed rear extension meets an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties.

The pitched roof of the proposed extension has been designed to integrate into the existing dwelling and is in keeping with the scale of the building. Matching walls and roof materials further attributes to its integration.

The structure is not visible from the road, having no impact on the nearest highway, therefore is visually acceptable.

5.3 Residential Amenity

The local resident is concerned about the loss of daylight and the sale of the property.

With regard to the loss of daylight, the proposed rear extension is approximately 3 metres in depth and would be approximately one metre from the south eastern side boundary. In addition, there is an existing timber fence along this boundary, and the applicant confirmed that the existing timber fence will be retained. Officers therefore considered that the proposal would comply with the guidance set in the Supplementary Planning Guidance. It is considered that the proposal would not cause significant overbearing impact upon the neighbouring property, No. 81 Emersons Way, to warrant a refusal of this application.

With regard to the sale of the neighbouring property, it is not a material consideration for dealing with the planning application.

It appears that the gable wall of the north western elevation of the extension would form part of the boundary with No. 77 Emersons Way. As the extension would not be more than 3 metres deep, officers consider that the proposal would not cause significant overbearing impact upon the neighbouring property. In addition, there will be no window on this elevation, it is therefore considered that there are no issues of inter-visibility or loss of privacy. A planning condition is also imposed to ensure that this is the case. Furthermore, sufficient garden space would remain to serve the property. The impact on residential amenity is subsequently deemed acceptable.

5.4 Transportation

The existing parking arrangement will not be changed, therefore there is no highway objection.

5.5 Design and Access Statement

This is a householder application, therefore the Design and Access Statement is not required.

5.6 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended).

Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK08/2750/F**

Contact Officer: **Olivia Tresise**
Tel. No. **01454 863761**

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

Reason:

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

3. No windows shall be inserted at any time in the northwest side 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.

CIRCULATED SCHEDULE NO. 45/08 – 07 NOVEMBER 2008

App No.:	PT08/2649/O	Applicant:	Mr K Evans
Site:	Land at 3 Knole Close, Almondsbury, South Gloucestershire, BS32 4EJ	Date Reg:	26th September 2008
Proposal:	Erection of 1 no. dwelling (Outline) with siting/layout and means of access to be determined. All other matters reserved. (Re-Submission of PT08/0665/O)	Parish:	Almondsbury Parish Council
Map Ref:	59885 83875	Ward:	Almondsbury
Application Category:	Minor	Target Date:	19th November 2008



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N.T.S

PT08/2649/O

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of representations from Almondsbury Parish Council and local residents which are contrary to the officers recommendation.

- 1.1 The applicant seeks outline planning permission for the erection of one dwelling with siting and means of access to be determined in this application. All other matter reserved for subsequent consideration.
- 1.2 The application site relates to a bungalow situated at the end of a cul-de-sac. The site is set down from the road and is well screened from the street-scene by a mature hedge. The site is situated within the Almondsbury Settlement Boundary which is “washed-over” by the Bristol and Bath Green Belt.
- 1.3 This application is a resubmission of application PT08/0665/O which was refused for the following reason: -

The proposed development, by reason of its siting and layout would result in a cramped form of development, which would not reflect the open characteristics of the general area and settlement pattern adjacent. As such the proposal is contrary to Policies D1, L1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) August 2007.

2. POLICY CONTEXT

2.1 National Guidance

PPS1:	Delivering Sustainable Development
PPS3:	Housing
PPG13:	Transport
PPG2:	Green Belt

2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1:	Achieving Good Quality Design in New Development
H2:	Residential Development within Defined Settlement Boundaries
H4:	Development within Existing Residential Curtilages
L1:	Landscape Protection and Enhancement
GB1:	Development within the Green Belt
T7:	Cycle Parking
T8:	Parking Standards
T12:	Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2008
South Gloucestershire Development within the Green Belt SPD (Adopted) 2008

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/0665/O Erection of 1 no. dwelling (Outline) with siting/layout and means of access to be determined. All other matters reserved. Creation of new vehicular access to existing dwelling.
Refused on 7th April 2008

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
The Parish Council objects to this application as it is felt that the site is too small for the proposed dwelling and it will be cramped.
- 4.2 Sustainable Transport
No objection subject to conditions (see comments).
- 4.3 Local Residents
Seven letters of objection have been received from five households. These comments have been summarised below: -
- A. No fundamental change to previous application;
 - B. Development is not justified by 30dph rule – this is only guidance;
 - C. Hazardous access;
 - D. On street parking issues;
 - E. Green belt should be maintained;
 - F. The density and height of the properties in this area are restricted specifically to conserve its unique character and beautiful open aspect;
 - G. Cramped and awkward development;
 - H. Will not respect character of the area;
 - I. Proposal is contrary to policies D1, L1, H2, and H4 of the South Glos Local Plan (Adopted January 2006 and the South Glos Design Check List (Adopted) August 2007; and
 - J. Drainage and sewerage objections.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application site is situated within defined settlement boundary of Easter Compton, as shown on the South Gloucestershire Local Plan Proposal Maps (Adopted) January 2006. PPS3 (Housing), the Joint Replacement Structure Plan and Policy H2 of the Local Plan allow for new residential development within the boundaries of settlements, subject to the proposal:
- not having unacceptable environmental or transportation effects;
 - not significantly prejudice residential amenity;
 - achieving the maximum density compatible with the site;
 - not resulting in unacceptable levels of noise disturbance, air pollution, smell or contamination;
 - providing provision for education, leisure, recreation and other community facilities; and
 - not being out of scale with the village.

5.2 Density

Policy H2 cites that proposals will be expected to provide the maximum density compatible with the site, location, accessibility and surroundings. Therefore, the expectation is that all development will achieve a minimum density 30 dwellings per hectare with higher densities achieved where local circumstances permit. Not least, in and around town centres, and where well served by public transport, densities of upwards of 50 dwellings should be achieved.

5.3 In this instance, the site has an area of 284 square metres (excluding the existing dwelling) which equates to a density of 35 dwellings per hectare. This accords with the adopted local plan as detailed above and thus there is no objection to the proposal on this basis.

5.4 Design

National Planning Guidance within PPS1 makes it clear that good design ensures attractive, useable, durable and adaptable places and is a key element in achieving sustainable development. This is reiterated at the local level within Policy D1 of the Local Plan and the South Gloucestershire Design Checklist SPD. To ensure the proposed development achieves a good level of design, the applicants design process and their indicative plans have been assessed:

5.5 The application site relates to an existing bungalow situated at the end of cul-de-sac. The site itself is screened from the street scene, due to a low brick wall and mature hedge along the south-west boundary. The existing bungalow is set within extensive gardens, which is adjoined by two bungalows to the side and open fields to the rear.

5.6 The existing settlement pattern relates to large bungalows set within extensive plots. This is evident through the average density of development which equates to approximately 12.5 dph and in the street-scene, through the spacing between the bungalows. It is considered that this low density contributes significantly to the character and distinctiveness of this location. This open characteristic is reinforced further by the adjacent open countryside which is designated as Green Belt.

5.7 The proposed development would subdivide the existing plot to facilitate a new bungalow. This is similar to the previous application which was refused because it was considered to be '*...cramped form of development, which would not reflect the open characteristics of the general area and settlement pattern adjacent*'. In this application the proposed dwelling has been re-sited so that it is now 7.8m from the existing dwelling. It is considered that this significant increase to the spacing between these dwellings would allow the open characteristics of the general area to be maintained. Furthermore, the dwelling would now be situated at the head of the cul-de-sac, which would be the most logical position for a new dwelling. In view of these features, it is considered that the proposed development would respect the character and appearance of the surrounding residential area and adjacent open countryside and would accord with policies D1, L1 and H4 of the Local Plan and questions 25, 27 and 53 of South Gloucestershire Design Checklist.

- 5.8 Access to the site would be provided at front by removing the wall and hedge. The applicant has indicated in the Design and Access Statement that the existing brick wall and hedge are detrimental to the street scene. A local resident has disagreed with this statement, claiming that the introduction of car parking and bungalow would not be less detrimental. Notwithstanding these comments it is considered that the amended siting would not give rise to cramped street scene. Nevertheless, at the reserved matters stage, consideration would be given to the detailed design of the new bungalow to ensure it would respect the existing street scene.
- 5.9 The applicant has stated in the Design and Access Statement that the proposed dwelling would not exceed the height of the existing dwelling. This matches the predominant scale of the surrounding buildings in the street-scene, as such this scale is considered acceptable.
- 5.10 Landscape
The Council Landscape Architect has been consulted on this application. They consider the landscape of the locality to be characterised by a small development of dwellings set around a cul de sac, and set within a landscape defined by garden planting and low boundary walls. Whilst the proposal will entail the loss of a low wall and a Laurel hedge along with some garden planting, it is not considered this would represent an unacceptable loss of existing landscape features. Nevertheless, full landscaping proposals would be required at the reserved matters stage.
- 5.11 In the broader landscape the proposal would visually be within part of an existing residential development pattern and consequently it is considered it would not have a significant visual impact or adversely affect the visual amenity of the Green Belt. Furthermore, it is not considered that the garden forms a significant open area within the context of Policy L5 of the adopted local plan.
- 5.12 Green Belt
The application site is also designated as Green Belt. Within PPG2 there is a general presumption against new development which would be harmful to the openness of the Green Belt. However, provision is given in Policy GB1 and H2 of the Local Plan and the Development within the Green Belt SPD for limited infilling within the boundaries of settlements
- 5.13 Infill development is defined in the South Gloucestershire Development in the Green Belt SPD as a:
- ‘...development that is small in scale and which fits into an existing built up area in a defined settlement boundary, normally in-between buildings, in a linear formation.’¹*
- 5.14 The settlement of Almondsbury relates to a small rural village which is surrounded by open countryside. The application site relates to a modern residential curtilage which back onto open fields. The proposed development would be well confined within this space.

¹ South Gloucestershire Development within the Green Belt SPD, (2008)

It is therefore considered that the infilling of this space would fit into the existing built up area and would fall within the definition of infill development given within the Development in the Green Belt SPD.

5.15 Residential Amenity

The application site is adjoined by two residential dwellings (Nos. 3 & 5a Knole Close). It is considered that a bungalow of this scale would not result in an overbearing impact. Furthermore, any windows would be situated at the ground floor level. As such the proposed boundary treatment would prevent any view which would prejudice privacy.

5.16 Amenity Space

The existing dwelling benefits from a large garden. It proposed that this would be subdivided by a 1.8 metre timber fence to provide amenity space for both the new dwelling and No. 3 Knole Close. It is considered that this layout would provide sufficient private amenity space for dwellings of this size. As such, it is considered that the proposal would accord to policies H2, H4 and H5 of the local plan.

5.17 Transportation Issues

The Councils Sustainable Transport department have been consulted and have raised no objection to the proposed access and parking arrangements. They commented that the parking conforms to the Council standards and adequate bin and cycle storage has been provided. The Transport Engineer did recommend the following condition, if approved:

1. The dropped vehicle crossing shall be formed to the satisfaction of the Streetcare Manger.
2. Two parking spaces (per dwelling) measuring 2.4m x 4.8m each shall be formed off a bound material within the curtilage.

5.18 The first condition would not pass the six test of Circular 11/95 because it is not necessary and can be achieved under separate legislation. As such, the condition would not be attached; the second condition is suggested to be submitted as part of the reserved matters.

5.19 Drainage

A local resident has raised concerns regarding the drainage of the site and the possible flooding consequences. In response to this comment, it is recommended that a condition is attached requesting further drainage details as part of the reserved matters.

5.20 This local resident is also concerned with the new development joining onto the existing sewerage system which also serves their property. Notwithstanding these comments, it should be noted that all properties have a right to connect to existing sewerage systems. The capability of the system is the responsibility of the local sewerage undertaker no objection has been raised in terms of capacity.

5.21 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.

5.22 Section 106 Requirements

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

6. CONCLUSION

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

The 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 Outline permission to be **GRANTED** subject to the following conditions: -

Background Papers **PT08/2649/O**

Contact Officer: **Peter Rowe**
Tel. No. **01454 863131**

CONDITIONS

1. Approval of the details of the scale and appearance of the building, thereto 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 and appearance of any buildings to be erected, 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. The reserved matters referred to in conditions 1 and 2 shall indicate, a new dwelling which has a ridge height equal to or below that of the adjacent bungalow (No. 3 Knole Close).

Reason(s):

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

6. The reserved matters referred to in conditions 1 and 2 shall include 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 L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The reserved matters referred to in conditions 1 and 2 shall include, detailed plans showing the provision of two parking spaces measuring 2.4m x 4.8m and formed in a bound material, 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 Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 45/08 – 7 NOVEMBER 2008

App No.:	PT08/2724/F	Applicant:	ACSA
Site:	14 Old School House, Church Road, Almondsbury, South Gloucestershire, BS32 4ED	Date Reg:	7th October 2008
Proposal:	Change of use from dwelling (Class C3) to shop (Class A1) (as defined in the Town and Country Planning (Use Classes) Order 1987) for a period of 2 years.	Parish:	Almondsbury Parish Council
Map Ref:	60250 84162	Ward:	Almondsbury
Application Category:	Minor	Target Date:	26th November 2008



INTRODUCTION

This application appears on the Circulated Schedule as representations were received contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the change of use from a dwelling (Class C3) to shop (Class A1) (as defined in the Town and Country Planning (Use Classes) Order 1987) for a period of 2 years.
- 1.2 This is a detached, locally listed dwelling house within the existing urban area of Almondsbury. The dwelling also lies within the Almondsbury Conservation Area and the Green Belt. The proposal consists of a change of use from a dwelling to a shop (A1 Use Class) for a period of two years and no external changes to the building are proposed.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS6	Planning for Town Centres
PPG13	Transport
PPG15	Planning and the Historic Environment

2.2 Development Plans

Joint Replacement Structure Plan (Adopted) September 2002
Policy 41 Safeguarding of Local Shopping

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H4	Development within Existing Residential Curtilage
GB1	Development within the Green Belt
L12	Conservation Areas
L15	Locally Listed Buildings
RT8	Small Scale Retail Uses
T12	Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

No relevant history.

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

The Parish Council wishes to object to the application for change of use for the following reasons.

Whilst the principle of a village shop is a good idea, it needs to be at an appropriate location. This site is not a good idea for a number of reasons. Work commences next week on a school crossing in the village in very close proximity to this site and we would not wish to see any effect on the health & safety of the children. There is no provision for parking outside this location. There is no footpath outside this location. The site is located on the corner of a junction which already suffers at peak times on the day with congested parking.

4.2 Highways Officer

The Council's Highways Officer was consulted as a part of this application. The proposed shop is in the centre of Almondsbury, within walking distance of a large proportion of dwellings within the village. The village of Almondsbury currently lacks a food shop and so residents currently have to travel out of the village. On this basis the proposed shop has the potential to reduce the overall number of vehicle movements by improving the sustainability of the village.

The shop does not have the benefit of any on-site parking and whilst there is some on-street parking in the vicinity, availability is limited at certain times. However, it is not anticipated that a shop of this nature would lead to significant parking problems and the situation can be reviewed at the end of the 2 year period.

4.3 Local Residents

55 letters of support were received by members of the public raising the following points:

- The shop would provide a central meeting point for members of the community.
- There are very few local amenities / shopping facilities available in the town at present.
- Local traffic would be reduced as people could walk to the shop.
- The character of the locality would not be adversely affected.
- The proposal would impact positively on the environment due to people being able to walk to the shop instead of drive cars.

17 letters of objection were received raising the following concerns:

- There is a lack of pavement access into and around the site.
- The demand for a shop is unproven / loss of residential accommodation.
- Delivery vehicles would cause a traffic and pedestrian hazard.
- Any alterations to the building or garden would be detrimental to the Conservation Area.
- Congested on-street parking would result in highway safety issues.
- No street lighting is a security concern.

- No provision for off-street parking.
- The proposal would cause anti-social behaviour problems such as noise, nuisance and litter.

2 further letters of general observations were received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy L12 of the Local Plan allows for development within a Conservation Area provided that development would preserve or enhance the character or appearance of the Conservation Area having regard to design considerations.

Advice contained within PPS6 states that market towns and villages should be the main service centres in rural areas, providing a range of facilities, shops and services at a scale appropriate to the needs and size of their catchment area. This advice is reflected Policy 41 of the adopted Joint Replacement Structure Plan which seeks the provision of new shopping facilities to meet the needs of local communities subject to residential amenity, traffic/parking and vitality/viability issues.

- 5.2 This advice is further reflected in Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006. Small scale retail uses within the boundaries of settlements but outside town centres will normally be permitted provided the following criteria are complied with:-

A. The development would not give rise to unacceptable levels of vehicular traffic or on-street parking to the detriment of the amenities of the surrounding area and highway safety;

The Council's Highways Officer was consulted as a part of this application. The proposed shop is in the centre of Almondsbury, within walking distance of a large proportion of dwellings within the village. The village of Almondsbury currently lacks a food shop and so residents currently have to travel out of the village. On this basis the proposed shop has the potential to reduce the overall number of vehicle movements by improving the sustainability of the village.

The shop does not have the benefit of any on-site parking and whilst there is some on-street parking in the vicinity, availability is limited at certain times. However, it is not anticipated that a shop of this nature would lead to significant parking problems and the situation can be reviewed at the end of the 2 year period. The proposal is therefore considered to comply with Policies RT8 and T12 of the Local Plan.

B. The development would not prejudice existing residential amenity;

14 Church Road, Almondsbury is a detached building and so although there will be an increase in the level of use of the premises it is not considered there would be any adverse impact on neighbouring occupiers. It is not considered that the use of the building as a shop would give rise to unacceptable levels of antisocial behaviour including noise and litter.

The proposed opening hours of the shop (Monday to Friday 08.30 – 18.00, Saturday 08.30 – 14.30, Sunday Closed) are also reasonable and these will be conditioned to preserve the amenities of nearby dwellings.

C. The character of the area would not be adversely affected;

14 Old School House, Church Road, is a locally listed building. The change of use from residential to a shop is for a limited period of time only. According to the Design and Access statement, there are to be no external changes that would affect the contribution this building makes to the character and distinctiveness of the locality. The proposals are, therefore, in accordance with the Local Plan Policy L15 which covers locally listed buildings.

The building also lies within the Lower Almondsbury Conservation Area and is in close proximity to other Listed Buildings, namely Court Farm and the Church. However, as no external alterations are proposed it is considered that the appearance of the Conservation Area would be preserved. The proposal therefore complies with Policy L12 of the Local Plan.

Almondsbury is 'washed over' by Green Belt however this proposal would not have a materially greater impact than the present authorised use on the openness of the Green Belt and therefore the proposal satisfies the criteria of Policy GB1 of the Local Plan.

D. Development would improve the range of services to a local community and would not harm the vitality and viability of an existing local centre.

It is considered that the Design and Access Statement submitted with this application clearly demonstrates that the addition of a village shop in the centre of Almondsbury would improve the range of services on offer to the local community. The nearest 'convenience store' is located at the Murco petrol garage on the A38 approximately 1.5 miles from Lower Almondsbury. In addition, existing local centres at Bradley Stoke and Thornbury would not be adversely affected by this modest proposal. The proposal is therefore considered to comply with Policy RT8 of the Local Plan.

5.3 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.

5.4 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended).

Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT08/2724/F**

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

CONDITIONS

1. The use hereby permitted shall be discontinued and the land restored to its former condition and use on or before 30th November 2010 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason(s):

There is insufficient evidence available at this stage to assess the impact of the development in relation to transportation and permission for a limited period will allow the Local Planning Authority to re-assess the development in the light of experience of the use, the provisions of the Local Plan, and any other material considerations. The two year time period will also allow the applicant to assess the viability of the proposed shop.

2. The use hereby permitted shall not be open to customers outside the following times Monday - Friday 08.30-1800, Saturday 08.30 - 14.30.

Reason(s):

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.