

**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. 33/09

Date to Members: 21/08/09

Member's Deadline: 27/08/09(5pm)

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE: 21/08/09

SCHEDULE NO. 33/09

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

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

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

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

Please note: - Reason for Referral

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

SIGNATURE

DATE

**Dates and Deadlines for Circulated Schedule leading up to the
August Bank Holiday 2009**

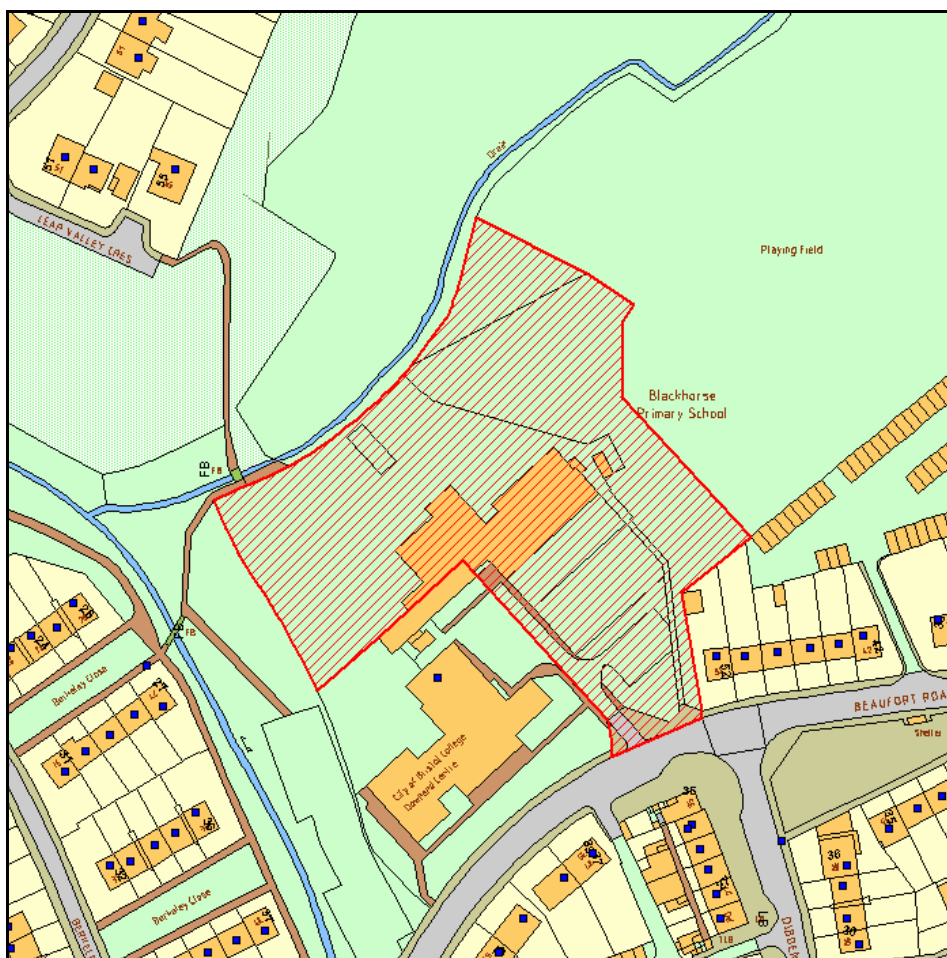
Schedule Number	Date to Members 9am on	Members Deadline 5pm on
34/09 Week commencing 24 August	Thursday 27 August 2009	Thursday 3 September 2009

CIRCULATED SCHEDULE -21 August 2009

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK09/1047/F	Approved Subject to	Beaufort Road Downend Bristol South Gloucestershire BS16	Emersons	Mangotsfield
2	PK09/1172/F	Approve with Conditions	9 Pembroke Road Kingswood South Gloucestershire BS15 1XG	Kings Chase	
3	PK09/1261/F	Approve with Conditions	56 Charnhill Drive Mangotsfield South Gloucestershire BS16 9JS	Rodway	
4	PK09/1281/F	Approve with Conditions	156 Robin Way Chipping Sodbury South Gloucestershire BS37 6JT	Chipping	Dodington
5	PK09/1298/F	Approve with Conditions	103 Footshill Road Hanham South Gloucestershire BS15 8HB	Hanham	
6	PK09/1313/F	Approve with Conditions	27 Glenwood Drive Oldland Common South Gloucestershire BS30 9RZ	Oldland	Bitton
7	PK09/1331/F	Deemed Consent	Abbotswood Primary Kelston Close Yate South Gloucestershire BS37 8SZ	Dodington	Dodington
8	PT08/2324/F	Approved Subject to	Garage Court off Filton Avenue Filton South Gloucestershire BS34 7HE	Filton	Filton
9	PT09/0586/O	Approve with Conditions	Gilslake Farm Station Road Pilning South Gloucestershire	Pilning And Severn Beach	Pilning & Severn Beach

CIRCULATED SCHEDULE NO. 33/09 – 21 AUGUST 2009

App No.:	PK09/1047/F	Applicant:	Hanover Housing Association
Site:	Beaufort Road Downend Bristol South Gloucestershire BS16	Date Reg:	9th June 2009
Proposal:	Erection of 63 self contained units of Extra Care Accommodation (Class C2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), with parking access and associated works. (Resubmission of PK09/0019/F).	Parish:	Mangotsfield
Map Ref:	3661140 1776570	Ward:	Emersons Green
Application Category:	Major	Target Date:	4th September 2009



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100023410, 2008.

N.T.S.

PK09/1047/F

INTRODUCTION

This application appears on the Circulated Schedule due to the receipt of one letter of objection from a local resident and one letter of objection from the Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of one building containing 63 no. sheltered flats with ancillary accommodation. Creation of parking, landscaping and associated works are also proposed. Of the 63 flats 42 will have one bedroom and 21 will have two bedrooms. The ancillary accommodation includes an occupants lounge, a dining area, hairdresser and treatment room, health suite, laundry room, cinema, buggy store and guest suite.
- 1.2 The proposed development site comprises an area of approximately 0.82 hectares in Downend. The site was previously occupied by Blackhorse Primary School which has been demolished so the site is currently vacant. The site is roughly 'T' shaped although the site has irregular boundaries. The site is relatively flat although the surrounding land slopes up away from the site quite steeply to the north and west. A large playing field lies immediately to the east of the application site.
- 1.3 The proposal consists of three storey building with a 'T' shaped footprint. Access to the site will be via the old school entrance onto Beaufort Road which is to be widened to allow for two way traffic. Car Parking will be provided to the front of the site with landscaped gardens around the rear and side for use by the residents. A detailed landscaping plan has been submitted with the application to show the layout of the landscaped garden.
- 1.4 The applicants are Hanover, a housing association that is proposing this scheme in partnership with South Gloucestershire Council. The project seeks to provide a suitable environment to enable the delivery of the Council's 'Joint Accommodation and Care Strategy for Older People in South Gloucestershire' to a wide range of older people in South Gloucestershire. Downend is recognised as a location within South Gloucestershire with a high concentration of older people in the South Gloucestershire Strategy for Older People 2008 – 2012 and thus there is a particular need for this type of development in this area. The term 'extra care' means accommodation and services which allows elderly people to remain in their own home for as long as possible, rather than being cared for in residential homes/hospitals, which is often the result of crisis rather than choice. Extra care offers the choice of a home with the availability of 24 hour care and support should it be needed. It offers a real housing alternative to residential care.
- 1.5 This application is the resubmission of an almost identical previous application on the site reference PK09/0019/F. The previous application was withdrawn by the applicants because of concerns raised by the Environment Agency. All other issues with the previous application were considered to be acceptable. This current application has been redesigned to pull the whole

building away from the stream slightly to address the previous issues raised by the Environment Agency. The previous application was written up with a recommendation for approval and appeared on the Circulated Schedule with this recommendation before being withdrawn by the agents. Other than moving the building slightly, this current scheme for consideration is the same as that previously submitted and supported.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPS25	Planning and Flood Risk

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L9	Species Protection
L17	The Water Environment
EP2	Flood Risk and Development
H2	Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation within the Existing Urban Area
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

2.3 Supplementary Guidance

Design checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/0019/F Erection of 63 self contained units of Extra Care Accommodation (Class C2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with parking access and associated works. Withdrawn March 2009 after appearing on the circulated schedule with an officer recommendation for approval

4. CONSULTATION RESPONSES

4.1 Mangotsfield Rural Parish Council

Object to the application for the following reasons:

- Serious concerns regarding adequate drainage of both water and sewerage
- Winter flooding is frequently experienced in Beaufort Road
- Insufficient Parking
- Design is out of keeping with street scene

- Lack of sunlight to residents units which also face a stream the Parish Council consider to be a potential health risk.

4.2 Other Consultees

Wessex Water

Have advised the applicant and indicated that the network has adequate capacity to serve the development.

Whilst there is a surface water sewer in the vicinity of the site we have previously advised that we would not permit an increase in flow to this sewer. The Applicant will therefore need to prove current positive drainage from the existing site and limit flow to this figure if he pursues this less preferable option.

Environment Agency

No Objection subject to the attachment of conditions.

Other Representations

4.3 Local Residents

One letters of objection has been received from a local resident. A summary of the points of concern is as follows:

- No significant change since the last application other than moving the building north
- The proposal is not compatible with the requirements of polices H2 and D1 by means of excessive building mass, coverage and design.
- The site should not be developed independently of the adjoining city of Bristol college
- The development should be determined by Committee not a council officer

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site lies within the established urban area and is a previously developed site. The site therefore needs to be assessed under Policy H2, which states that proposals for residential development, including residential institutions, within the existing urban area, will be permitted, subject to various criteria, as follows:

- Development would not have unacceptable environmental or transportation effects and would not significantly prejudice residential amenity
- The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved, with a minimum density of 30 dwellings per hectare and higher densities where local circumstances permit.
- The site is not subject to unacceptable levels of noise disturbance or air pollution

- Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals

Part of the site also lies within Flood Zone 2 and therefore the requirements of Policy EP2 along with PPS25 'Planning and Flood Risk' must also be satisfied. Other policies relating to parking and highway safety – Policies T8 and T12 of the Adopted Local Plan must also be taken into consideration.

- 5.2 It is also a material consideration that the proposal seeks to go some way to implementing the Council's formally adopted 'Joint Accommodation and Care Strategy for Older People in South Gloucestershire' which seeks to support older people in South Gloucestershire to continue to live independently in their own home. The Strategy states that there is an unmet need for appropriate housing for older people, and a need to reduce admissions into residential care. One of the ways identified to do this is to develop 'extra care' accommodation, which offers the possibility of supporting higher levels of dependency but also providing an environment for lively and active old age. To achieve this, one of the ways forward detailed in the Strategy is to develop or facilitate 16 extra care housing schemes by 2016.
- 5.3 In view of this, the principle of the proposed development on this site is considered to be acceptable. Whilst it is accepted that one local resident has objected to the scheme, the wider context of need for extra care accommodation within South Gloucestershire it is considered to outweigh these objections. Whilst it is accepted that the density of the scheme is high equating to approximately 76 dwellings per hectare, the nature of the scheme necessitates high densities to operate effectively. PPS3 states that local authorities should promote designs and layouts which make the efficient and effective use of land and given that the high density results in no demonstrable harm it is not considered that this issue alone is sufficient to warrant refusal of the application.
- 5.4 The proposal is therefore considered acceptable in principle, subject to the following detailed assessment.
- 5.5 Residential Amenity
Policy H2 requires that development would not significantly prejudice residential amenity. Given the previous use of the site as a school, it is probable that historically high levels of noise would have resulted from the site at particular times of day. The use of the site as an extra care housing scheme would clearly be likely to result in significantly lower levels of noise for the surrounding residents than the previous use.
- 5.6 The site is unusual in that it is within an urban location but has a relatively low number of immediately neighbouring dwellings – indeed there are only two dwellings that have a curtilage adjoining the application site – No's 54 and 52 Beaufort Road. In addition to this, despite the building being three storeys in height, because of the change in land levels surrounding the site, the bulk of the proposed building will not be immediately apparent from several of the surrounding properties. In particular the site is not particularly visible from Leap Valley Crescent to the northwest of the application site because of a wooded,

- steep hill. Because of the change in land levels, the floor level of the dwellings on Leap Valley Crescent will be roughly in line with or above the roof line of the proposed new Extra-care scheme. On this basis, and because of the distances involved (the new building will be some 80 metres away from the dwellings along Leap Valley Crescent), it is not considered that the development would have any impact upon the existing levels of residential amenity for the properties along Leap Valley Crescent.
- 5.7 Although to a lesser extent, the dwellings along Berkeley Close to the southwest of the application site are also at a slightly elevated position relative to the ground floor level of the proposed building. The proposed new building would be some 50 metres away from the properties on Berkeley Close and at this distance it is not considered that there is any potential for intervisibility or overlooking. In addition to this it is important to note that the dwellings on Berkeley Close all face either north or south – they do not face towards the proposed development. Whilst therefore the new building will be visible from the windows of these dwellings, it is considered that it will not be over dominant or oppressive. Again, because Berkeley Close is at a slightly elevated position relative to the application site, the impact of the three storey building will be reduced.
- 5.8 The land to the northeast of the application site is a playing field with no dwellings.
- 5.9 The two dwellings that stand to be most affected by the proposed development are 54 and 52 Beaufort Road to the southeast of the site. The gardens of these two dwellings adjoin the perimeter of the application site. Despite this however, the proposed new building to accommodate the extra care facility will still stand 24 metres from these dwellings at its closest point.
- 5.10 The proposed new building has been designed so that the windows of the new units will not face directly towards or into any habitable room windows of the surrounding dwellings. Many of the existing trees around the south-eastern perimeter of the site are being retained and additional planting across the site is proposed. This will help reduce and screen the visual mass of the building from the neighbouring dwellings – particularly No's 54 and 52 Beaufort Road. In light of the above, and despite the concerns expressed by some residents, your officer is confident that the proposed new building will have no detrimental impact upon existing levels of residential amenity.
- 5.11 Landscape
Policy L1 states that within the existing urban area development will only be permitted where existing features of the landscape are preserved and that the amenity of the landscape is enhanced where possible.
- 5.12 As it currently stands, the site is vacant. It is surfaced mainly with concrete and other hard surfacing although there are several trees and small areas of planting. The planting and vegetation has all become overgrown and is untended giving the site a rather un-kempt appearance. Although the footprint of the proposed development is significantly greater than the footprint of the old

- school buildings, the proposed scheme will allow for significantly greater amounts of soft landscaping. The Councils landscape officers have commented on the submitted landscaping plan and consider that the submitted scheme is appropriate for the site.
- 5.13 As there are a few existing trees on the site, the Councils tree officers have also been consulted regarding the proposal. It is noted by the tree officers that there is only one significant tree at the front of the site. The tree is an over-mature Cherry in a poor condition, this tree is not worthy of retention as it has a relatively short useful life expectancy due to its poor structural condition. There are trees overhanging the rear of the site which are on public open space and in the ownership of South Gloucestershire Council. The remaining trees around the site offer little visual amenity to the area and would be classified as grade C under the BS 5837:2005 guidelines. Grade C trees should not influence the design of any new development, therefore the trees could be removed. The councils tree officer recommends that replacement trees should be incorporated into the layout of the new development to mitigate the loss of the existing trees and these are shown on the submitted landscaping plan.
- 5.14 Design and Visual Amenity
Policy D1 states that development will only be permitted where good standards of site planning and design are achieved.
- 5.15 In design terms, the scheme has a 'T' shaped footprint and is three storeys in height along its length. The 'T' shaped footprint ensures that the building is never viewed as one large mass but instead will be viewed as a series of smaller elements. In order to respond to the scale of the local context, the bulk of the building has been kept to the rear of the site – closer to the steep hill leading up to Leap Valley Crescent. The largest northern wing is set well back from the street so the height does not appear overly dominant in the street scene. Whilst there is no disputing that the building is of considerable size, the varying roof forms help to break down the buildings mass. The roof pitches have been kept a low as possible further helping to reduce the visual mass. The use of varying materials – particularly with a horizontal emphasis at ground floor level, give the building a horizontal emphasis helping to visually reduce the height of the building.
- 5.16 The surrounding built form has no unique character or design. The area is dominated largely by two storey dwellings of the post-war era. The proposed new building will be notably different to the surrounding built form both in size, set back from the highway and design. However, PPS1 states that 'Local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.' Whilst undeniably different in appearance, it is considered by your officer that the building has been sensitively designed. The external appearance incorporates projecting rendered bays and projecting timber panels to add interesting features to the facade. In conclusion with regard to the design, scale and massing of the scheme, whilst the proposal would look different from the surrounding vernacular, given the local plan context, the

proposed innovative design and the lack of any particular character in the local vernacular, the proposal is considered acceptable in visual amenity terms.

5.17 Transportation

Policy T12 allows for new development provided that, in terms of transportation the proposal

- provides adequate, safe, convenient access for pedestrians, cyclists and people with disabilities
- provides safe access capable of accommodating the motorised traffic generated by the proposal,
- would not create or exacerbate traffic congestion or harm highway safety
- would not generate traffic which would harm residential amenity
- incorporates traffic management/calming measures where necessary
- provides for or contributes to public transport and pedestrian and cycle links

Policy T8 advised of maximum parking standards for different types of development.

5.18 As explained in paragraph 1.1 at the start of this report, the proposal is for the redevelopment of the site with 63 no. apartments which comprise of 42 no. one bedroom suites and 21no. two bedroom suites. This makes a total of 84 no. bed spaces. The scheme proposes to utilise the existing vehicular access point off of Beaufort Road that previously served the school. The existing access point is single width only and is of insufficient width to allow to vehicles to pass. As part of the proposed scheme, the existing access is to be widened to 5.5m – sufficiently wide to allow two cars to pass. Visibility splays from the site access onto the public highway (Beaufort Road) are satisfactory in both directions. Any works associated with the access that falls within the limits of the public highway would need to be carried out to the Council's satisfaction and for this reason, there would be a planning condition imposed accordingly.

5.19 Compared to the previous use of the site as a school, it is considered that vehicle movements are likely to be greatly reduced. Vehicle movements are likely to be spread throughout the day with no noticeable morning and evening peaks. This combined with the increase in width of the access point means that highway officers have no objection to the works as proposed.

5.20 The application includes a total of 20 parking spaces; 14 no. residents parking spaces and 6 staff parking spaces – this equates to 1 car parking space per 6 bed spaces and 1 parking space for every 2 members staff. One additional parking space is also provided for an ambulance on the site.

5.21 Mangotsfield Parish Council queries whether the level of parking provision is adequate for the proposed development. In assessing the parking provision the development must be assessed against policy T8 of the Adopted Local Plan which advises of maximum parking space provision. For residential institutions such as this the policy advises that the maximum level of parking that can be considered acceptable is 1 space per 6 bed spaces plus 1 space per 2 staff. It is apparent therefore that the scheme includes the maximum permissible level of parking provision for the development and therefore the level of parking

provision is considered to be acceptable.

- 5.22 There is a bus stop almost immediately outside of the application site served by bus numbers 48 and 49. These busses both run from the city centre through Eastville, Fishponds, Downend and finish at Emersons Green. The busses run every 15 minutes during daytimes and every 30 minutes in the evening. It is therefore considered that the site is easily accessible to many parts of the city by public transport.
- 5.23 Ecology
The Council's Ecologist has confirmed that there are no known ecological constraints.
- 5.24 Flood Risk and Drainage
Part of the site lies within Flood Zone 2 and thus the requirements of PPS25 must be taken into consideration. Policy EP2 of the adopted Local Plan explains that when assessing the location of development the Council will apply a sequential approach, dependant upon the nature of the development and the level of risk from flooding in its proposed location.
- 5.25 It is the responsibility of the applicant to submit evidence of the sequential test approach to the Local Planning Authority and then for the local planning authority to ensure that the sequential test has been adequately completed. PPS15 states that the geographical area of search for a sequential test will usually be over the whole of the authority's area but that it can be reduced where justified by the functional requirements of the development. In this instance, and as previously explored in paragraph 1.4 above, there is a specific need for this type of development in the Downend area. It is therefore acceptable in this case for the sequential test to be applied to just this part of South Gloucestershire. The Council's 'Joint Accommodation and Care Strategy for Older People in South Gloucestershire' identifies that 16 extra care schemes are required in South Gloucestershire by 2016. The Care Strategy (page 34) also identifies that 4 of these schemes could be provided by remodelling existing Council Stock. This application is one of those 4 schemes to be developed on Council owned land as earmarked in the Care Strategy.
- 5.26 It is the considered opinion of the applicant that there are no alternative suitable sites available within the area. Extra Care schemes, by their very nature need relatively large sites to function and such sites are limited in the Downend area. Your officer and the Council's Extra-care officer are unable to identify any better or equally suitable sites in the required search area. Paragraph 4.2 of PPS25 Practice Guide advises that other sites assessed in a sequential test should be reasonably available (developable and deliverable). Your officer is accordingly of the view that there are no such sites within the area of search and thus the Sequential test is satisfied.
- 5.27 Having satisfied the sequential test, and before the application can be supported, a Flood Risk Assessment (FRA) must be submitted to the Environment Agency to demonstrate that the development is safe from flooding itself without increasing the risk of flooding elsewhere.

5.28 During the course of the application additional information was prepared and submitted to the Environment Agency regarding flood issues at the site. The Environment Agency is not fully satisfied that the proposals will have no adverse impact upon flooding in the area. Subject to the attachment of conditions the Environment Agency raise no objections to the scheme.

5.29 Affordable Housing

The entire accommodation is classed by the Housing Enabling Team as 'affordable' and as the scheme is being bought forward by the applicants in partnership with the Council itself, there is no specific requirement for affordable housing to be tied up in a legal agreement.

5.30 Education Services

Since the proposal is for the elderly (over 55's) and thus there is no requirement for a contribution to education services in the area.

5.31 Community Services

The Community Services department has been consulted regarding the proposed scheme and has stated that the expected population increase resulting from the proposal would equate to 72 people. Taking into consideration the intended residents and their likely use of community facilities it is considered that the proposed development would create a need for extra public open space and there is a local shortfall of public open space. Due to the age of the intended occupants, no contribution toward children's play space is required. The total contribution requested towards open space is £21,485.23 (that is £11,343.16 towards the enhancement of off-site public open space and £10,142.07 towards the future maintenance of these enhancements). The Community Services team has confirmed that the enhancements are to be carried out within 2km of the development.

5.32 Community Services also seeks a contribution of £1,342.08 towards the home serve library service to contribute towards upgrading or enhancement of existing facilities and stock to offset the increased demand on facilities.

5.33 The applicants have confirmed that they are willing to provide this contribution, and as such the proposal is acceptable in terms of community services provision. A unilateral undertaking has been prepared and agreed with the Council's solicitors and is just awaiting signing. The unilateral undertaking can only be used if the applicants have a legal interest in the land. A lease is therefore also being prepared at present and this lease and the unilateral undertaking must both be signed before the planning permission can be issued.

5.34 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. The design rationale is thoroughly explained and justifies the reason for the layout of the building and the access.

5.35 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 public open space and library contributions (examined in paragraphs 5.32 – 5.34) are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

6. CONCLUSION

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

The recommendation to grant permission (subject to the signing of a lease so the applicants have a legal interest in the land, and also the signing of a S106 agreement to secure the funding as requested by the Community Services Department) has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the following two points all being fully satisfied before the expiration of the application deadline:

- A) Completion of a lease to ensure that the applicants have a legal interest in the land; AND
- B) Signing of a Unilateral Section 106 Agreement, to secure the following:

1) The contribution of £21,485.23 towards public open space within 2km of the proposed development (that is £11,343.16 towards the enhancement of off-site public open space and £10,142.07 towards the future maintenance of these enhancements).

AND

2) The contribution of £1,342.08 towards the home serve library service to contribute towards upgrading or enhancement of existing facilities and stock to offset the increased demand on facilities

The reason for this Agreement is:

- (i) Due to the lack of open space being provided on site and to mitigate against the impact of the proposed new development on existing public

open space in the vicinity of the site to meet the needs that will arise from the development.

- (ii) To contribute towards the services ability to meet the needs of the intended residents.

7.2 If either of the points A, or B as stated in section 7.1 above are not fully addressed to the satisfaction of the local planning authority before the expiration of the application deadline, the decision will not be issued and the application will be subject to further consideration by officers.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

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

2. The development hereby permitted shall be used as assisted living accommodation for the over 55's with ancillary facilities only. The use of the site for any other purpose will require the submission of a full planning application.

In light of the site specific circumstances most specifically the amount of vehicle parking provided. To allow the Council to consider the implications of any change of use on the surrounding highway and impact upon residential amenity and to accord with the requirements of Policies H2 and T12 of the adopted South Gloucestershire Local Plan.

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

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

4. The materials to be used in construction of the building hereby approved shall be as per those stated on the application form unless the Local Planning Authority gives written agreement to any alteration.

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

5. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on plans L1D and T-PL-03G. 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.

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

6. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 hours Monday to Friday, 0800 to 1300 hours on 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.

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

7. Prior to the first occupation of the building hereby permitted, the vehicular entrance to the site shall be widened in accordance with the approved plans. All alterations to the site access within the limits of the public highway shall be carried out to the Council's adoptable standards and with the full and final permission of the Council.

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

8. Prior to the commencement of development there shall be submitted and approved in writing by the Local Planning Authority details of the proposed Sustainable Urban Drainage scheme for the site. The development shall subsequently be implemented in accordance with the approved details before the development is first occupied

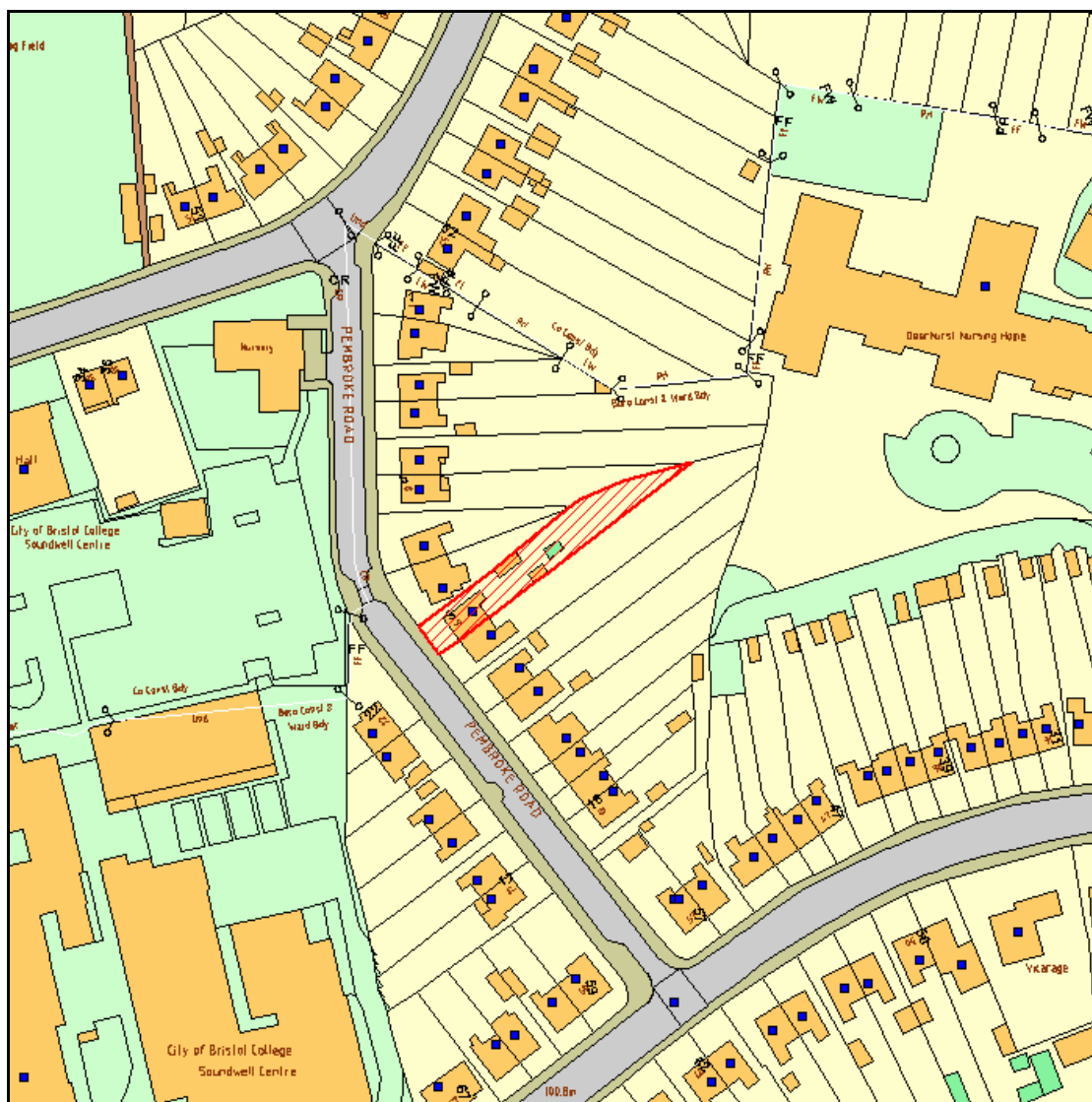
In the interests of flood prevention and to accord with the requirements of Policy EP2 of the South Gloucestershire Local Plan (Adopted).

9. The floodplain compensation scheme must be implemented in accordance with Hyders drawing ref: V001 Issue 4 and V002 Issue 3

To reduce the impact of flooding on the proposed development and future occupants and to accord with the requirements of Policy EP2 of the South Gloucestershire Local Plan (Adopted).

CIRCULATED SCHEDULE NO. 33/09 – 21st August 2009

App No.:	PK09/1172/F	Applicant:	Mr D Harris
Site:	9 Pembroke Road Kingswood South Gloucestershire BS15 1XG	Date Reg:	25th June 2009
Proposal:	Erection of two storey rear extension to provide additional living accommodation.	Parish:	
Map Ref:	3651340 1750010	Ward:	Kings Chase
Application Category:	Householder	Target Date:	18th August 2009



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 100023410, 2008. **N.T.S.** **PK09/1172/F**

INTRODUCTION

This application has been referred to the Circulated Schedule following the receipt of objections from a local resident.

1. THE PROPOSAL

- 1.1 The application relates to a two-storey, semi-detached, dwelling house situated on the north-eastern side of Pembroke Road, Kingswood. The location is both residential and suburban in character.
- 1.2 It is proposed to erect a two-storey extension to the rear of the property to provide an extended dining room and new kitchen at ground floor level with additional bedrooms above. The extension would replace an existing single-storey rear extension.

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
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Check List SPD (Adopted) 23rd Aug 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Not a parished area.
- 4.2 Other Consultees
None

Other Representations

- 4.3 Local Residents
2 letters of objection were received from the occupant of adjoining no. 10 Pembroke Road, who whilst not objecting to the extension per se, raised concerns about encroachment of the proposed development onto land in her ownership.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 permits extensions to existing dwellings subject to criteria that are discussed below. Policy D1 seeks to secure good standards of design in new development.

5.2 Scale and Design

There is a two-storey extension to the rear of adjoining no.10 which projects 2.85m to the rear. The proposed extension would also project 2.85m for the first 3m of its width where located next to no.10 and then extend 4.86m for the remaining 2.6m of its width. The extension would therefore be 'L' shaped. Due to land ownership issues, the proposed south-eastern flank wall would be set back 200mm from that of no.10.

5.3 The proposed eaves and roof ridges of the gabled ends would be set at much the same level as those to the rear of no.10. As such the scale of the extension would be subservient to the main house and its massing and form would integrate adequately within the existing built form. Furthermore the materials to be used in construction would match those of the existing building. On balance therefore the overall scale and design of the proposal is acceptable.

5.4 Impact Upon Residential Amenity

The rear garden to no.9 is well enclosed by high fences, which would virtually eliminate any issues of overlooking at ground floor level. Whilst no windows are proposed for the north-western side elevation of the proposed extension a new bedroom window would be inserted in the existing side elevation of no.9. This window would overlook the side of neighbouring no. 8 but would not result in a significant loss of privacy. Given that the window could be inserted using permitted development rights officers consider that the window is not justification for an objection to the proposal. A condition to prevent the insertion of additional windows in the side elevations of the extension is considered to be justified.

5.5 Whilst the north-western element of the extension would protrude 4.86m to the rear of the main house, this would to some extent be compensated for by being set back some 2m from the boundary with neighbouring no. 8. The proposal would not therefore have an excessively overbearing impact for neighbouring property.

5.6 Unusually the occupant of no.10 owns a narrow strip of land to the side of the 'party' wall facing no.9. In order to overcome the concerns about possible encroachment, the proposal has been amended to provide a 200mm gap between the respective side walls. The applicant has also confirmed that the proposed extension and footings would be built entirely within land within the applicant's ownership. The impact upon residential amenity would therefore be acceptable.

- 5.7 Transportation Issues
The existing parking provision would not be affected. There are therefore no highways implications.
- 5.8 Use of Energy and Sustainability
Low energy lighting would be used.
- 5.9 Improvements Achieved to the Scheme
Re-location of flank wall to eliminate encroachment on neighbouring property.
- 5.10 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission be GRANTED subject to the following conditions:

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

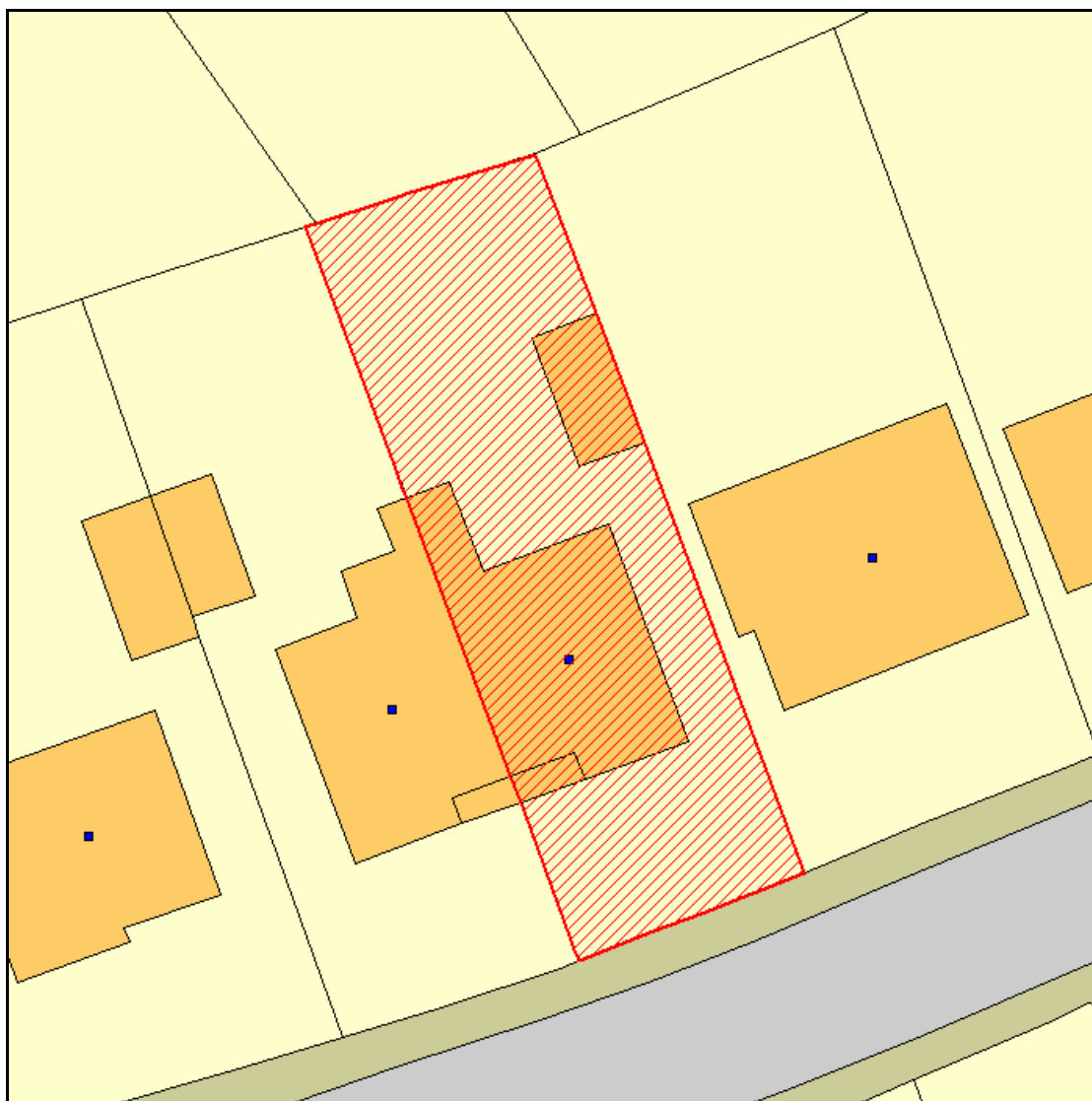
2. No new windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the extension hereby approved.

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. 33/09 –21 AUGUST 2009

App No.:	PK09/1261/F	Applicant:	Mr J Fussell
Site:	56 Charnhill Drive Mangotsfield South Gloucestershire BS16 9JS	Date Reg:	9th July 2009
Proposal:	Erection of two storey and single storey rear extension to provide additional living accommodation. Erection of raised decking area.	Parish:	
Map Ref:	3658770 1757070	Ward:	Rodway
Application Category:	Householder	Target Date:	31st August 2009



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100023410, 2008.

N.T.S.

PK09/1261/F

The application has been placed upon the Circulated Schedule due to the receipt of letters of objection.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of two-storey and single storey extension and erection of raised decking area at the rear of No. 56 Charnhill Drive, Mangotsfield. The existing garage is to be demolished to make way for the proposed extensions. The property is a two-storey semi-detached dwelling and is situated within a residential area of Mangotsfield.
- 1.2 The proposed extensions would be approximately 3.5 metres deep. The two-storey extension would be approximately 8 metres in height and the single storey extension would be approximately 4.4 metres in height. The overall height of the proposed decking area would be approximately 4 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
- 2.3 Supplementary Planning Guidance
Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
The site is situated outside parished area.

Other Representations

- 4.2 Local Residents
Two letters of objection have been received and the local residents are concerned the following issues:
- Loss of privacy
 - Overbearing impact
 - Loss of lights
 - Out of character

- Devaluation of property

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 allows extensions to existing dwellings subject to there being no adverse impacts upon visual amenity, residential amenity and highway safety. The proposal also needs to demonstrate that it would respect the character of the existing property.

5.2 Design / Visual Amenity

The proposed extensions are located at the rear of the property. The proposed two-storey extension would have a hipped roof and its roof would be stepped down from the main dwelling. The proposed single storey extension would have a 'lean-to' roof. It is considered that the proposed extensions would be subservient to the host dwelling and would not have an adverse impact upon the character and appearance of the host dwelling and the surrounding area.

5.3 Residential Amenity

The proposed two-storey extension would be approximately 3.5 metres deep and a local resident raised a concern that the existing house would be approximately 0.5 metres beyond the rear building line of the neighbouring property. As the proposed extension would be approximately 2.5 metres away from the both side boundaries, it is considered that the proposal would not cause significant overbearing impact upon the neighbouring property, No. 54 and No. 58.

The proposed single storey extension would not project beyond the existing rear addition, officers therefore consider that it would not cause significant overbearing impact upon the neighbouring property, No. 58.

The proposed bike store would be adjacent to the neighbour's shower room and hallway windows, which are non habitable room windows, it is considered that the proposed store would not cause significant adverse impact upon the neighbouring property, No. 54.

A new window is proposed on the first floor side elevation of the existing dwelling and it would be overlooking one of the neighbour's bedroom windows. Officers consider that it would cause some degree of loss of privacy, and therefore a planning condition is imposed to seek the details of this window to ensure that the privacy for both dwelling would be protected for the future.

A new window is also proposed on the ground floor side elevation of the existing dwelling and it would be a dining / family room window. It would be adjacent to the neighbour's kitchen/utility door. Officers therefore do not consider that it would cause significant loss of privacy to this non - habitable room doorway.

The existing garage would be demolished to make way for the proposed extensions, however no details is submitted with regard to the boundary

treatment. A planning condition is therefore imposed to seek details of the boundary treatment to ensure there would not be significant loss of privacy, and to ensure an acceptable boundary treatment is erected.

5.4 Highway Issues

Although the garage would be demolished, the existing off-street parking would remain unchanged. Officers therefore have no highway objection.

5.5 Design and Access Statement

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

5.6 Use of Energy and Sustainability

No information requested above Building Regulations.

5.7 Improvements Achieved to the Scheme

A planning condition is suggested to seek further details of the additional windows and to protect privacy.

5.8 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

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 & 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 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment to be erected along the eastern boundary shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the commencement of the work on the extensions hereby permitted. Development shall be carried out in accordance with the approved details.

Reason

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

4. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the proposed extensions hereby permitted.

Reason

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

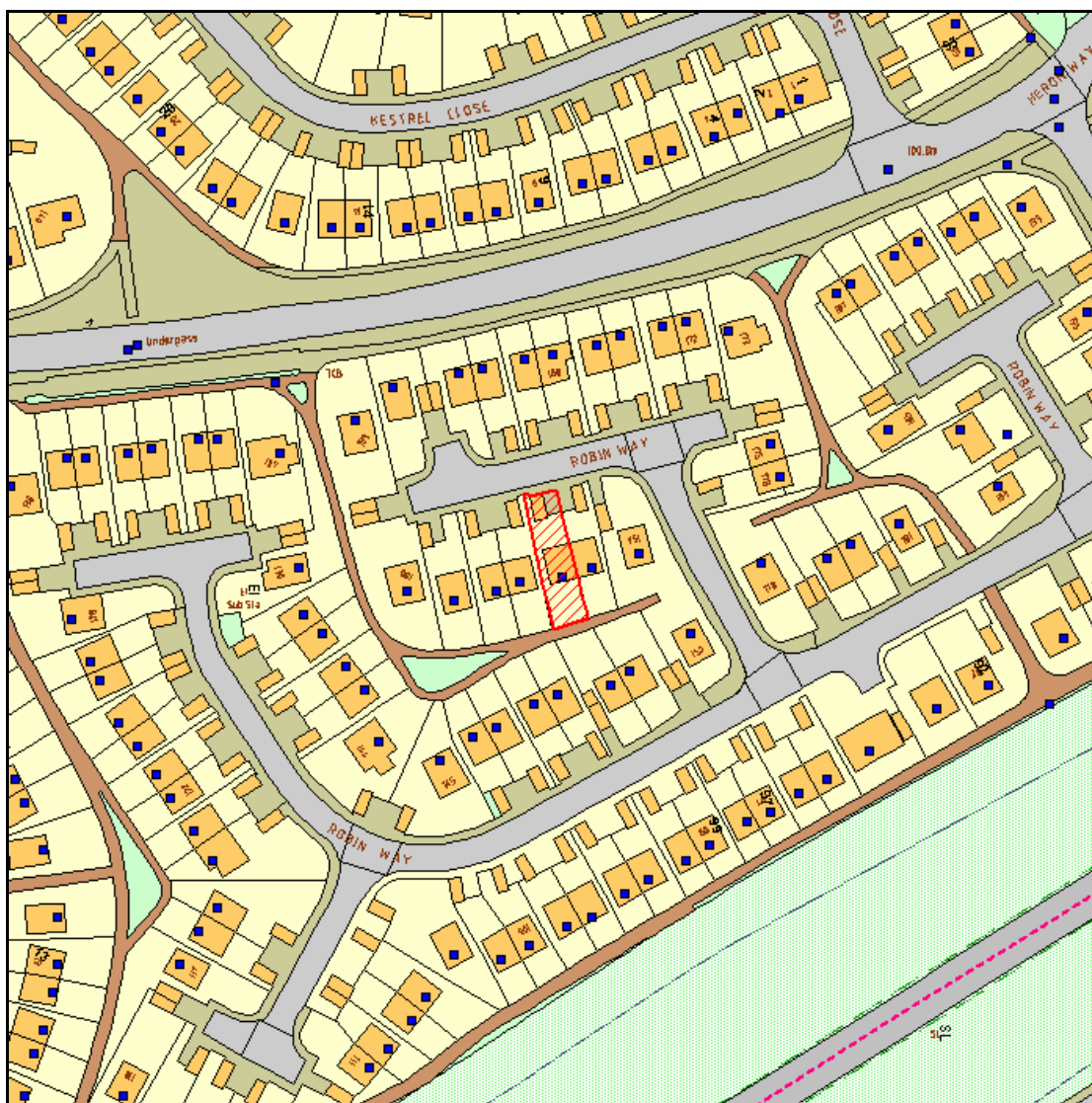
5. Notwithstanding the approved plans, prior to the commencement of development details of the new window on the first floor side elevation shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the occupation of the extensions hereby approved and the window shall be maintained such thereafter.

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. 33/09 – 21 AUGUST 2009

App No.:	PK09/1281/F	Applicant:	Mr & Mrs Roberts
Site:	156 Robin Way Chipping Sodbury South Gloucestershire BS37 6JT	Date Reg:	13th July 2009
Proposal:	Erection of rear conservatory and single storey front extension to form additional living accommodation.	Parish:	Dodington
Map Ref:	3719630 1813450	Ward:	Chipping Sodbury
Application Category:	Householder	Target Date:	1st September 2009



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N.T.S.

PK09/1281/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a single storey front extension and a rear conservatory at 156 Robin Way, Chipping Sodbury. The proposed front extension would measure 2.7 metres wide by 1.6 metres in depth and would have an overall height to ridge of 3.3 metres. The proposed rear conservatory would measure 3 metres wide by 3.7 metres deep and would be 3.3 metres high to its ridge.
- 1.2 The property is a two storey semi-detached dwelling situated in an established residential estate of Radburn Design.

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 Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 N5930 Erection of side extension to existing garage. Approved 13.09.79

4. CONSULTATION RESPONSES

- 4.1 Dodington Parish Council
The Parish Council objects the application for the following reasons:
 1. It spoils the visual amenity and open outlook for near neighbours.
 2. The proposed conservatory's depth is longer by 700mm than our recommended depth of 3000mm. In addition the solid brick wall will be adjacent to the neighbours dining room and will overshadow the garden and spoil the visual amenity from the dining room.

Other Representations

- 4.2 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design / Visual Amenity

The property is located on a 'Radburn' estate, as such it is oriented so that the front elevations face onto informal open spaces with the rear elevations facing the residential access road.

The front extension is of modest size in comparison to the scale of the main dwelling and is suitably subservient to it. In addition, a similar extension was approved for the adjacent property, 158 Robin Way. Officers therefore consider that the proposed front extension would be acceptable provided that the materials to be used for the construction of the front extension would match those of the existing dwelling. A planning condition is therefore recommended.

The proposed conservatory would be located at the rear of the property and would be partly screened by the boundary treatment. Furthermore, matching materials would be used for the construction of the conservatory. It is therefore that the proposed conservatory would be acceptable.

5.3 Residential Amenity

The proposed front extension would be approximately 1.5 metres away from the boundary with the nearest neighbouring property, No. 157 Robin Way. It is therefore considered that the proposed extension would not have any overshadowing or overbearing effect on the neighbouring dwellings.

The proposed conservatory would be approximately 3.7 metres deep and the Parish Council is concerned that the proposal would cause adverse impact upon the adjacent property.

Whilst officers acknowledged that the conservatory would be more than 3 metres deep, the adjacent property, No. 155 Robin Way, already have a rear conservatory. In addition, the conservatory would have a hipped roof and the blank wall would only be approximately 2.3 metres in height. Officers therefore consider that there would not be significant overbearing impact upon the adjacent property to warrant a refusal of this application. No windows are proposed on the side east elevation, therefore there would not be any significant loss of privacy.

5.4 Design and Access Statement

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

5.5 Use of Energy and Sustainability

No improvements in addition to Building Regulation standards.

5.6 Improvements Achieved to the Scheme

Not necessary.

5.7 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The 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.

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 & 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.

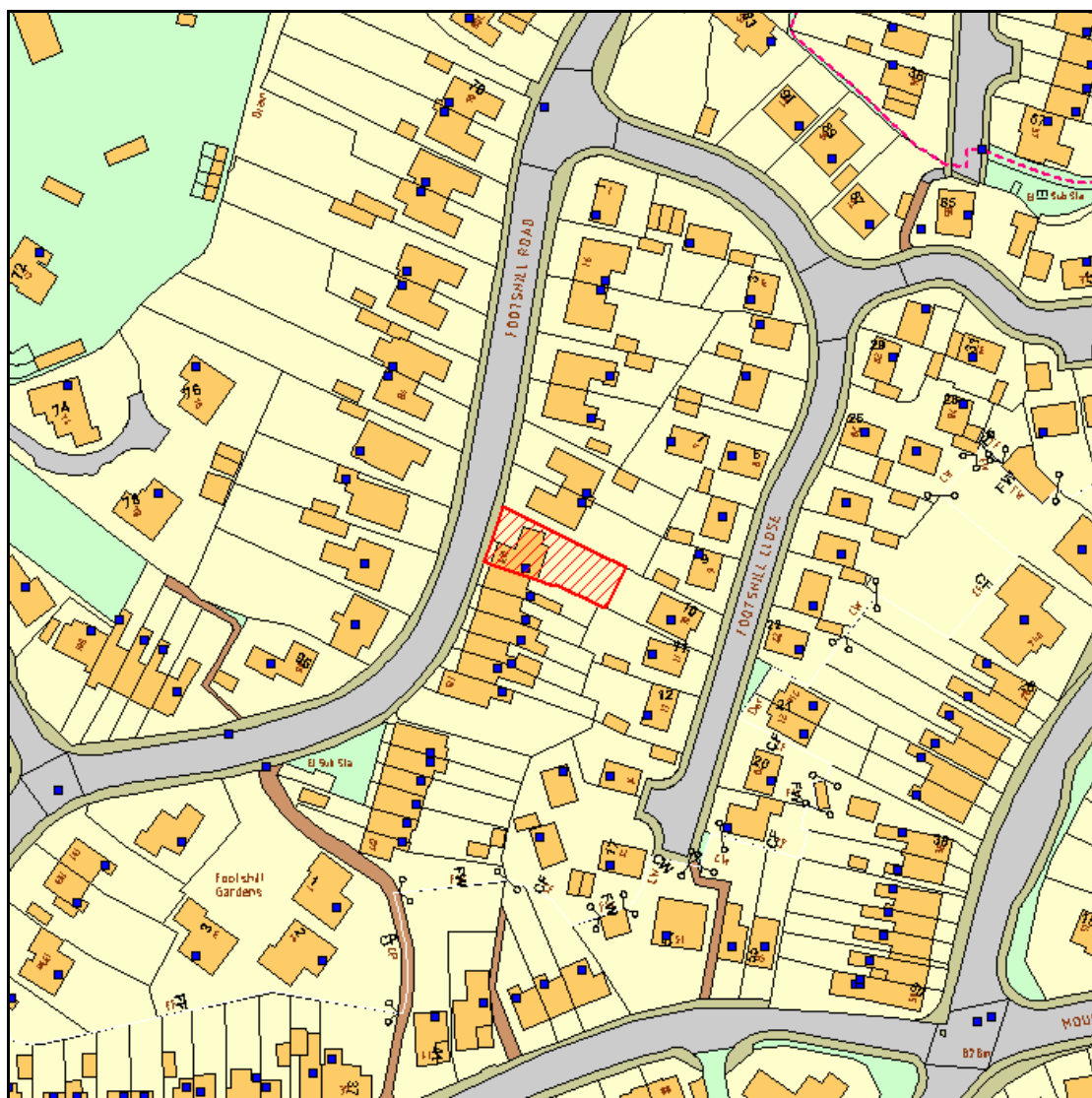
3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side east elevation of the proposed conservatory hereby permitted.

Reason

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

CIRCULATED SCHEDULE NO. 33/09 – 21st August 2009

App No.:	PK09/1298/F	Applicant:	Mr P Hallett
Site:	103 Footshill Road Hanham South Gloucestershire BS15 8HB	Date Reg:	14th July 2009
Proposal:	Erection of 1no. attached self contained dwelling with parking and associated works.	Parish:	
Map Ref:	3643140 1727550	Ward:	Hanham
Application Category:	Minor	Target Date:	2nd September 2009



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N.T.S.

PK09/1298/F

INTRODUCTION

This application is reported on the Circulated Schedule as consultation replies have been received which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a three bedroom dwelling which would become a new end of terrace property. There is currently a terrace of seven two storey houses, all but the one at the other end having a common front building line. To allow for the creation of two off-street the proposed dwelling would be set back from the adjoining terraced house. The existing rear garden which serves 103 would be divided down the middle and serve both properties.
- 1.2 Currently there is an attached flat roofed garage on the site, which also contains some living accommodation for the host dwelling. This would be demolished to create space for a dwelling which would replicate the proportions of the host dwelling, only slightly downhill from it. Further downhill is a bungalow, which has a side facing window which currently faces the garage on site at close proximity, across the bungalow's driveway. To the rear of the site is a residential cul-de-sac of two storey houses.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within residential cartilages
T7 Cycle parking
T8 Parking standards
T12 Highway Safety
- 2.3 Supplementary Planning Guidance
Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/1131/F Erection of single storey rear extension and two storey side extension to form annex
Withdrawn

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Unparished area
- 4.2 Other Consultees
Technical Services Unit
No objection in principle, subject to two conditions shown below relating to the submission of a drainage plan which incorporates sustainable drainage and the detailed design of the hardstand area proposed for the front of the site.

Wessex Water

There is a public foul water sewer crossing the site and Wessex Water requires a 3 metre easement either side of it for maintenance and repair. Wessex state that they do not allow public sewers to be built over. Irrespective of whether planning permission is approved or not, therefore, whether anything is built depends on negotiation between the develop and Wessex Water.

Environmental protection

No objection in principle.

Transportation

Planning permission is sought to demolish an existing single storey side and rear extension to facilitate the erection of a two storey side extension to provide a new three-bed dwelling on land adjacent to No 103 Footshill Road.

There is an existing vehicular crossover onto Footshill Road, an unclassified highway, so vehicular use of the site has previously been established.

It is proposed to use the existing access to provide two parking spaces, one for each dwelling. This level of parking is within the maximum standards set out in Policy T8 of the SGLP and is therefore considered acceptable.

In light of the above, there is no transportation objection to this proposal.

Other Representations

4.3 Local Residents

One letter of objection was received, citing the following concerns:

1. The subject property comprises the end house of a small terrace of attractive Victorian properties. The nature of the proposal would comprise an overdevelopment of the site and would render it out of character with the adjoining properties.
2. The property has only two allotted parking spaces. With the additional property now proposed there is a potential increase to four or more cars. The property is at the top of a hill and parking is currently a problem with parking on both sides of the road and on the pavement at night. The additional vehicles would increase the risk to pedestrians and road users.
3. It is apparent from the plans submitted that the proposal envisages the demolition of the existing conservatory on the rear elevation and its replacement with a kitchen extension extending deeper into the rear garden. Furthermore the roof of the kitchen extension would be considerably higher on the wall of the main house being attached immediately below the windows of the first floor. This would have the effect of seriously restricting the amount of light received into our client's kitchen and bathroom. Our client's terraced property has a narrow rear garden and the height of the proposed rear extension would make it overbearing and unduly dominant. In addition to restricting the available light, this will interfere with our client's privacy and enjoyment of her property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The policies which of most relevance cover the design of the proposed dwelling and its impact upon the street scene; the impact of the proposal on existing levels of residential amenity and transportation concerns. The site lies within the urban area and therefore there is no objection in principle regarding residential development on this site.

1.1. D1: Design

As Stated above, the intention of the proposal is to extend an existing terrace with the addition of an extra terraced dwelling. Normally the appropriate way of achieving this would be to mirror the existing front and back building lines as well as the detailing on the proposed house. In this case, partly since a garage would be lost as part of the proposal, it is intended to provide two off-street parking spaces, one to serve each property. Continuing the terraced form by replicating the additional house on the same frontage would lead to more on-street parking, whereas setting it back would provide a parking space each for the proposed dwelling and the residual house. This leads to a balanced judgement in terms of the impact on the street scene, balancing the desirability of providing off-street parking against the need to maintain the line of the terrace. In this respect it is noted that the house at the other end of the terrace does not conform exactly to the pattern of the terrace. It is considered that in its proposed, set back, location, this dwelling would have a similar effect. This is considered to be mitigated for by the fact that its design and detailing, including materials would harmonise with the rest of terrace. To ensure that this takes place, a condition has been appended below requiring the submission of samples for the front of the proposed dwelling to be submitted before the commencement of development. It is considered that the proposal would accord with policies H4 and D1 in this respect.

5.3 H4: Residential Amenity

This aspect needs to be assessed in terms of the residential amenity of future occupiers and surrounding occupiers. In respect of the former, the subdivision of the garden would leave each dwelling with a rear garden of a similar size to others in the terrace and this is considered to be adequate and appropriate.

In regard to the impact of the proposal on surrounding residential amenity, the existing end terrace house presents a blank side elevation to the bungalow to the north. It is proposed that the new dwelling would also have a blank side elevation and no later windows could be added, as ensured by the condition below. The remaining issue is the impact of the proposal on the window in the side of the bungalow. This currently faces the side of the existing garage at a short and substandard distance. Under this proposal, this outlook would not be changed, other than this window would face a taller side wall and therefore it is considered that existing levels of residential amenity would not be compromised by the proposal. With regard to the proposal's impact upon other nearby properties, to the rear the separation between the terrace and the cul-de-sac would be broadly maintained through this proposal and overlooking

would not be intensified to a degree where it would harm residential amenity. The situation across Footshill Road is similar in that the houses on either side share an approximately common front building line and the proposal would not intensify overlooking to a degree which would warrant refusal.

It is therefore considered that this proposal would not harm existing levels of residential amenity and accords with policy H4 in this respect.

5.4 Transportation

The two proposed parking spaces, one for each dwelling are able to be provided to operate safely. The level of parking accords with policy T8. Each dwelling will have a off-street single parking space. The allocation of parking spaces is outlined in the Design and Access Statement which accompanies this application and is confirmed in the condition shown below. This level of parking provision is considered to be acceptable and the proposal accords with the highways policies listed above.

5.5 Other Issues

Regarding the comments provided by Wessex Water, if planning permission is approved, whether it can be implemented depends on negotiation between the develop and Wessex Water.

The consultation reply noted 3. above is concerned with the rear extension shown on the plans. This would extend three metres beyond the existing rear building line of No. 103 and would not be more than four metres tall and therefore this part of the proposal could be erected under permitted development rights and, although shown on the plans, does not require planning permission.

5.6 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.

5.7 Use of Energy and Sustainability

The Design and Access Statement does not make clear that any sustainability objectives will be met in the construction of the proposed dwelling. However, its construction will be subject to the Building Regulations and with regard to drainage, the condition below ensures that this will be provided in accordance with Sustainable Drainage principles.

5.8 Improvements Achieved to the Scheme

Between the withdrawal of the previous application (for an annex on a similar footprint) some design advice in principle was given regarding the proposal.

5.9 Section 106 Requirements

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. The parking space for each dwelling shall be allocated as indicated on plan no. 2094/2 and this allocation shall thereafter be retained.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity [and to protect the residential amenity of the neighbouring occupiers] and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

4. Prior to the commencement of development details/samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

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

Reason

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

6. Details of the design and construction of the parking area incorporating permeable surfacing shall be submitted for approval in writing prior to the commencement of development. The development shall be implemented in accordance with the details so approved and the surface shall not be changed thereafter without the prior written consent of the Local Planning Authority.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006. Use of permeable surfacing is required or rainfall to be directed to a permeable soakage area (provided it does not cause flooding of adjacent property).

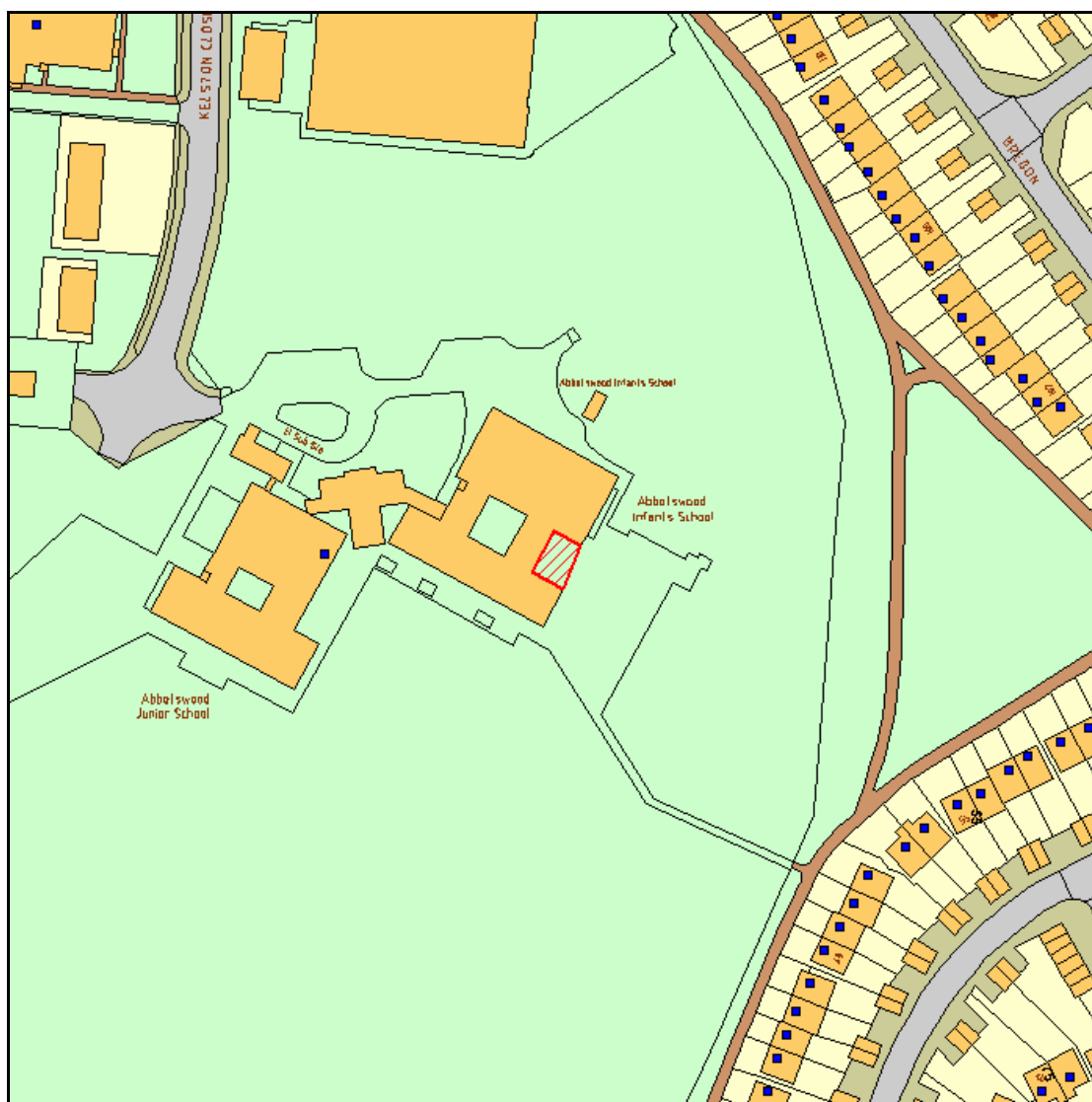
7. The off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 33/09 – 21ST August 2009

App No.:	PK09/1331/F	Applicant:	South Gloucestershire Council
Site:	Abbotswood Primary Kelston Close Yate South Gloucestershire BS37 8SZ	Date Reg:	20th July 2009
Proposal:	Erection of canopy to provide shelter for outdoor curriculum use.	Parish:	Dodington
Map Ref:	3708060 1809690	Ward:	Dodington
Application Category:	Minor	Target Date:	9th September 2009



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PK09/1331/F

INTRODUCTION

This application is reported on the Circulated Schedule as it was submitted by South Gloucestershire Council.

1. THE PROPOSAL

1.1 This application seeks planning permission for a canopy to be attached to the southern elevation of this school, which is a flat-roofed two storey building. The elevation in question is single storey and is of brick and render.

1.2 This elevation is not readily visible from public viewpoints, being set well back into the school grounds, which are bounded by a mature hedgerow which performs a screening function.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
LC4 Proposals for Educational Facilities

3. RELEVANT PLANNING HISTORY

3.1 PK07/3278/R3F Erection of sun shade canopy Approved

4. CONSULTATION RESPONSES

4.1 Dodington Parish Council
No reply received

4.2 Other Consultees
No replies received

Other Representations

4.3 Local Residents
No replies received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
This application stands to be assessed against the policies listed above in the light of all material considerations. The proposal is for a covered area which would allow some teaching to take place outside the existing building, but still well within the school grounds. The assessment needs to be made in relation to the impact of the proposal on the appearance of the school building and its impact upon existing levels of residential amenity.

5.2 Residential Amenity
As described above, the proposed location of the canopy is situated well away from any residential properties. The boundary of the site is marked by a mature hedge and there is a playing field between the school building and this hedge. Beyond the hedgerow is public open space bisected by a footpath and the

nearest residential properties are on the other side of this space. The canopy would facilitate teaching outside the building itself in the area that is currently used for school recreational purposes. It is considered that the proposal would have no significant effect on residential amenity and therefore complies with policy in this regard.

5.3 Visual Amenity/ Design

The design of the canopy is simple, forming an infill between two wings of the existing building. It is proposed to be a two bay cover, propped on six narrow supporting poles of anodised aluminium and forming a double Belfast roof of PVDF membrane. The overall appearance of the proposal would therefore be lightweight and offer a virtually uninterrupted view of the school building behind it. It is considered that the resulting impact on visual amenity would be negligible and not harmful to the building itself or the surrounding area. The design of the proposal is therefore considered to accord with policy in this regard.

5.4 Use of Energy and Sustainability

Not directly applicable to this proposal.

5.6 Improvements Achieved to the Scheme

None sought.

5.7 Section 106 Requirements

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

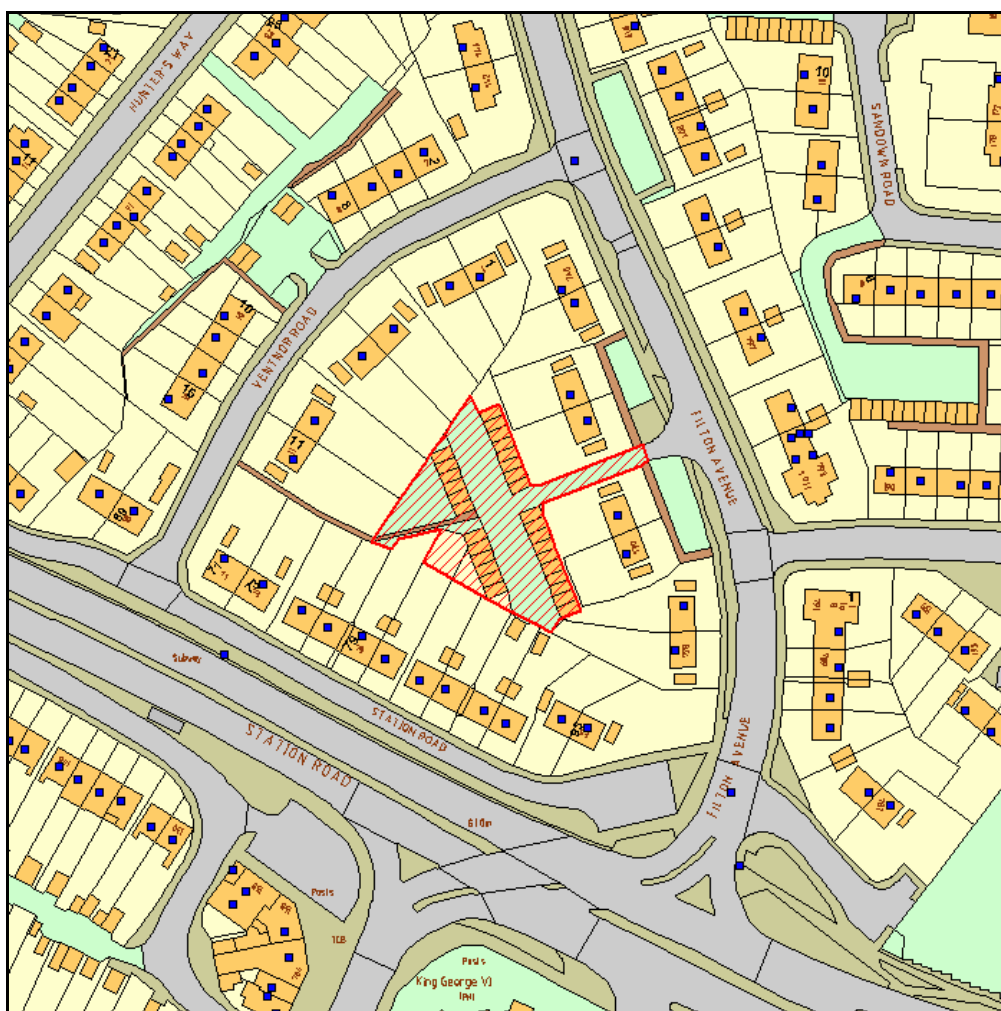
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 33/09 – 21 AUGUST 2009

App No.:	PT08/2324/F	Applicant:	Solon (SW) Housing Association
Site:	Garage Court off Filton Avenue Filton South Gloucestershire BS34 7HE	Date Reg:	18th August 2008
Proposal:	Demolition of existing garages to facilitate the erection of 5 no. houses with associated works (in accordance with amended plans received on 10 September 2008).	Parish:	Filton
Map Ref:	3609640 1790250	Ward:	Filton
Application Category:	Minor	Target Date:	6th October 2008



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PT08/2324/F

INTRODUCTION

- 1.1 Members may recall this planning application from the Circulated Schedule No. 37/08, dated 12 September 2008 where it was resolved to grant the proposal conditional planning permission, subject to a Section 106 Agreement requiring financial contributions towards the North Fringe Development Major Scheme (Transport Matters) and additional primary school provision.
- 1.2 The Section 106 Agreement is required to be signed and sealed within 6 months of the resolution, giving a date of 12 March 2009. However, this planning application appeared on the Circulated Schedule No. 04/08, dated 30 January 2009 where this date was extended to the 12 September 2009. The applicants have now requested a further extension of this time scale by 6 months. The applicant now requires this extension to secure funding from the new Homes and Community Agency which cannot be achieved prior to the 12 September 2009. As such the applicants are not yet in a position to enter in to a Section 106 Agreement.
- 1.3 Members are therefore requested to extend this time limit by a further 6 months, ie until 12 March 2010.
- 1.4 The original report relating to this application is attached for information. It is not considered that there have been any material changes to the policy context in the intervening period.

2. RECOMMENDATION

- 2.1 (1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) (or similar agreement) to secure the following:
 - (a) A financial contribution of £9,000 towards the North Fringe Development Major Scheme (Transport Matters).

Reason: To provide a contribution commensurate to the scale of the development towards the North Fringe Development Major Scheme (Transport Matters) as identified in the South Gloucestershire Local Plan (Adopted) January 2006 and to accord with policies T12 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - (b) A financial contribution of £10,747 towards additional primary school provision.

Reason: There is a projected deficit at primary level in the local area and to comply with Policy LC2 of the South Gloucestershire Local Plan (Adopted) January 2006.

- (2) If the Section 106 Agreement (or similar agreement) is not signed and sealed by 12 March 2010 then in view of the length of time the application should either:
- (a) Return to the Circulated Schedule with an updated report or;
 - (b) The application should be refused due to the failure to secure the Heads of Terms listed above under a legal agreement, for the reasons listed in section 1.

Background Papers: PT08/2324/F

Contact Officer: Simon Penketh
Tel No: 01454 863433

CONDITIONS

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

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

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

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

3. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment to be erected for the entire site shall be submitted to the local planning authority for approval. The boundary treatment shall be completed before the dwellings are first occupied and the development shall be carried out in accordance with the approved details.

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

4. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting) and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

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

5. No windows shall be inserted in the side (east) elevation of Plot 1.

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

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

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

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

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. 33/09 – 21 AUGUST 2009

App No.:	PT09/0586/O	Applicant:	Mr & Mrs D Cheacker
Site:	Gilslake Farm Station Road Pilning South Gloucestershire BS35 4JT	Date Reg:	31st March 2009
Proposal:	Erection of agricultural workers dwelling (outline) with access and layout to be determined. All other matters reserved.	Parish:	Pilning & Severn Beach
Map Ref:	3566210 1838330	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	22nd May 2009



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INTRODUCTION

This application appears on the Circulated Schedule following the receipt of representations from Pilning and Severn Beach Parish Council which were contrary to the case officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks outline planning permission for the erection of agricultural workers dwellings. The matters of access and layout are to be determined in this application. The matters of scale, appearance and landscaping shall be reserved for subsequent consideration.
- 1.2 Gilslake Farm, which is owned and occupied, extends to about 54ha, farmhouse and buildings. A further 45ha is taken on an annual basis predominantly for silage production. The farm is a well established agricultural business, which consists a beef suckler herd that consisting around 100 Limousin and Belgian Blue cross cows. They also own four Belgian Blue stock bulls. It is noted that a farm worker and their family have been living on the site in a mobile home for the past couple of years without permission. This has formed separate enforcement investigation.
- 1.3 The application site is approximately 0.9ha in site area, and would situated to the south-east of the existing farmstead and to the west of Station Road. The site is situated adjacent to the existing farm track leading the farm and a mature hedgerow.
- 1.4 The proposed dwelling would have a footprint of a 8 square metres and the Design and Access Statement submitted with the application has indicated the height of the dwelling at the eaves would not exceed 5.5m above FFL (Finished Floor Level) with a ridge height not exceeding 7.5m above FFL. The dwelling would be finished in stone and rendered elevations under a tiles roof. Access to the site would be achieved from the existing farm track, which has access onto Station Road.
- 1.5 The application site is situated outside of any defined settlement boundary, it is designated as Green Belt and is located within the Environment Agency's Flood Zone 3.
- 1.6 Amended plans have been received which moved the site further towards Station Road. These were at the applicant's request, and were no

2. POLICY CONTEXT

- 2.1 National Guidance
 - PPS1: Delivering Sustainable Development
 - PPG2: Green Belt
 - PPS3: Housing
 - PPS7: Sustainable Development in Rural Areas
 - PPG13: Transport

PPG16: Archaeology and Planning
PPS25: Development and Flood Risk

2.2 Development Plans

Joint Replacement Structure Plan (Adopted) September 2002: Saved Policies

Policy 1: Sustainable Development Objectives
Policy 2: Location of Development
Policy 16: Green Belts
Policy 33: Housing Provision and Distribution

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development
H3: Residential Development in the Countryside
GB1: Development within the Green Belt
L1: Landscape Protection and Enhancement
L11: Archaeology
EP2: Flood Risk and Development
T12: Transportation Development Control Policy in New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

South Gloucestershire Development within the Green Belt SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

3.1 None.

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish

The Parish Council is opposed to this application. The site is within the green belt and the local flood plain. Any development would be contrary to policy.

4.2 Sustainable Transport

No objection.

4.3 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning Policy Statement 7: Sustainable Development in Rural Areas and Policy H3 of the adopted local plan identifies that in principle, a agricultural/forestry workers dwelling is one of the few circumstances in which a new dwelling may be justified in the open countryside. Policy H8 of the adopted local plan also supports agricultural/forestry workers dwelling within the countryside, however this policy was not saved by the Secretary of State, and

therefore carries no weight in the determination of this application. In order for such a development to be permitted the Local Planning Authority (LPA) must scrutinise the application thoroughly to establish that the need for such a dwelling is genuine.

- 5.2 PPS7 identifies that new permanent agricultural worker dwellings should only be allowed to support existing agricultural activities on well-established agricultural units. The development must also satisfy the following criteria identified under paragraph 3 of Annex A of PPS7. The LPA have commissioned a consultant to provide an agricultural planning appraisal which has assessed the development with regard to the following criteria: -

5.3 ***i) There is a clearly established existing functional need;***

When one considers the functional need, one should naturally look to the long-term future availability of land and buildings before assessing the need to be living on site – or another dwelling in this case. With a lot of the land rented, the question could be asked as to the long-term viability of the present scale of enterprise. In this particular case the applicants have rented the same land for over 10 years, and this historic nature mitigates to an extent the potential future non-availability argument. The rented land is used predominantly for the production of forage, in which case the enterprises could still continue if this land were to be lost, with forage and feed bought-in if necessary. The business would not be so profitable though in this instance.

Going back to the functional need itself, based on the present enterprises being sustainable it should be emphasised that there are roughly 200 calvings throughout the year plus the seasonal lambing. On this scale the consultant considered it essential for there to be two qualified people based on site ie somebody else readily available in addition to Mr Cheacker at Gislake Farm.

This information demonstrates that this criterion has been **satisfied**.

5.4 ***ii) The need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;***

With the number of stock around there is a need for at least two full-time qualified people, in other words the proposed dwelling would be in association with a full-time qualified person.

This information demonstrates that this criterion has been **satisfied**.

5.5 ***iii) The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;***

The applicant's family have been farming for a number of years and have moved on from dairy farming to create a successful, mixed livestock enterprise, as proven by the accounts which the consultant assessed. The business is profitable and would sustain the proposed second full time person living on site.

This information demonstrates that this criterion has been **satisfied**.

- 5.6 ***iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and***

There are no other under used building on the holding which are capable of conversion to residential accommodation. Furthermore, there is no evidence to suggest that there is any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.

This information demonstrates that this criterion has been **satisfied**.

- 5.7 ***v) Other normal planning requirements are satisfied.***

This criterion is addressed through the remainder of this report.

- 5.8 In view of the above, it is considered that the proposed development accords with the national and local planning policy context laid out in PPS7. The development would be limited to a period of three year via an appropriate planning condition. Furthermore the design of the proposed log cabin allows it to be easily dismantled.

- 5.9 Green Belt

In Green Belt locations there is a general presumption in national and local planning policy against inappropriate development. The construction of new buildings inside a Green Belt is inappropriate unless it is for the following categories as defined in PPG2 and Policy GB1: -

Agriculture and forestry;

Essential facilities for outdoor sport and recreation

Cemeteries;

Limited extension, alteration or replacement of existing dwellings; and

Limited infilling within the boundaries of settlements.

- 5.10 With regard to the above it is considered that the proposed agricultural workers dwelling would fall within the 'agriculture and forestry' category and, therefore represents an appropriate development within the Green Belt. Subject to a condition linking the development to occupation by an agricultural worker.

- 5.11 Flood Risk

The application site is situated within the Environment Agency's (EA) Flood Zone 3. This zone is all areas which are at high risk from flooding. To address this issue the EA have been consulted. They have raised no objection to the proposal subject to the LPA being satisfied that both the sequential and exception test have been satisfactorily applied and passed in line PPS25. Furthermore, the EA have recommended several conditions if the LPA consider the above tests to be passed. Consideration to the sequential and exception tests has been given below: -

- 5.12 ***Sequential Test***

According to PPS25, this is a risk-based test which should be applied at all stages of planning. Its aim is to steer new development to areas at the lowest probability of flooding (Zone 1). The proposed dwelling is required as part of an existing agricultural holding in order for the applicant to provide care for their livestock. In view of this, it is considered that it is essential that the dwelling is situated on this site. As such, there would be no other reasonable sites in other flood zones. Furthermore, the EA have demonstrated that flood risk can be reduced through conditions.

5.13 ***Exception Test***

The exception test is applicable because the site is situated within Flood Zone 3 and is considered to be a 'More Vulnerable' development under Table D.2 of PPS25. For the exception test to be passed the following criteria must be accorded to: -

5.14 ***a) it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk;***

It is considered that the proposed development would help deliver the Government objectives for rural areas which are identified in PPS7. For instance the development would; encourage the development of a viable rural business, contribute to the rural economy and help protect the rural landscape. Hence it is considered that the development would provide wider sustainability to the rural area which would outweigh flood risk in this instance.

5.15 ***b) the development should be on developable previously-developed land or, if it is not previously developed land, that there are no reasonable alternative sites on developable previously developed land; and***

Agricultural land-uses generally relate to undeveloped land in rural locations. In order for an agricultural workers dwelling to function effectively it must be located on or near to its agricultural land. In this application there is no previously developed land and no reasonable alternative site in such locations. As such, it is considered the proposed development is the only acceptable option and therefore passes this criterion.

5.16 ***c) a FRA must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.***

The applicant has submitted a FRA with their application. The EA have assessed this and have raised no objection to the development subject to conditions. It is therefore considered that the development would be reasonably safe in these circumstances and would not increase flood risk elsewhere.

5.17 In view of the above, it is considered that the proposed development accords with the national and local planning policy context laid out in PPS25 and Policy EP2 of the adopted local plan.

5.18 Visual Amenity

The proposed dwelling would be situated to the south-east of the existing farmstead. It is considered that this siting and layout would relate well with the existing collection of farm buildings. The matters of appearance, scale and landscaping have been reserved for subsequent consideration. Nevertheless, the applicant has indicated in the Design and Access Statement that the proposed dwelling would have a footprint of 8m x 10m, and the eaves would not exceed 5.5m above FFL (Finished Floor Level) with a ridge height not exceeding 7.5m FFL. It is considered that this indicative scale and massing would relate well with the adjacent building on the site, and thus is acceptable in principle.

5.19 Furthermore, the indicative landscape proposals show that the development would be surrounded by a new hedgerow to the east and south of the site, and a new orchard planting to the west of the site. The Council Landscape Architect concluded the indicative landscape proposal follows the established hedgerow pattern by introducing new hedgerows. Furthermore orchards are considered a significant landscape characteristic of the locality and the 1881 OS appears to show an orchard around the farm. This landscape design approach is therefore considered wholly appropriate for the locality.

5.20 Residential Amenity

The application site is situated in an isolated and detached location. As such there would be no harm to residential amenity.

5.21 Archaeology

The proposed development lies adjacent to an area of known archaeology and within an area of known archaeological potential. In addition it is also situated in the Severn Levels, an internationally important zone relating to Archaeology and the Historic Environment. Therefore, a pre-determination archaeological assessment was required in the form of a desk-based assessment and field evaluation. The Councils Archaeologist has assessed the submitted report on the trial trenching at this site. They concluded that the work was successful in indicating that there are no substantial archaeological structures or deposits which require mitigation measures. As such no further archaeological work are required in the case of this development.

5.22 Transportation

The proposed development would share the existing access onto Station Road and would provide car parking within its curtilage. The Council Transport Engineer has assessed these arrangements and has raised no objection.

5.23 Enforcement Issues

It was observed during the site visit that the applicant has been occupying a mobile home on the site for residential purposes without planning permission. This issue has been passed onto the Councils Enforcement Team for investigation.

5.24 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.

5.25 Use of Energy and Sustainability

None.

5.26 Improvements Achieved to the Scheme

None.

5.27 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

5. Applications for the approval of the reserved matters shall be in accordance with the principles and parameters described and illustrated in the submitted Design and Access Statement (dated March 2009) and with the approved drawings (Location Plan) unless otherwise agreed in writing by the Local Planning Authority. A statement shall be submitted with each reserved matters application that demonstrates that the application proposals comply with the Design and Access Statement.

To ensure that the scale parameters of the reserved matters application accord to those approved at outline stage to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason

The site is not in an area intended for development and the development has been permitted solely because it is required to accommodate a person working in agriculture or forestry, to accord with Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPS7 .

7. Finished floor levels should be set no lower than 7.0 metres above Ordnance Datum (N).

Reason

To protect the dwelling from flooding., and to accord with PPS25 and policies EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. No development shall be commenced until a scheme for the incorporation of flood proofing measures within the dwelling has been submitted and approved by the Local

Planning Authority. Development shall be carried out in accordance with approved details.

Reason

To protect the dwelling from flooding., and to accord with PPS25 and policies EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. No development shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal, and to accord with PPS25 and policy EP2 of the South Gloucestershire Local Plan (adopted) January 2006

10. No development shall be commenced until a specific flood warning and evacuation plan is produced for the dwellings occupants. This must be submitted to and agreed in writing by the Local Planning Authority.

To reduce the impact of flooding on the future occupiers of the proposed dwelling, and to accord with PPS25 and policy EP2 of the South Gloucestershire Local Plan (adopted) January 2006.