



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF PLANNING, TRANSPORTATION AND STRATEGIC
ENVIRONMENT**

CIRCULATED SCHEDULE NO. 12/10

Date to Members: 26/03/10

Member's Deadline: 01/04/10 (5pm)

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

**Dates and Deadlines for Circulated Schedule
Over the Easter and May Bank Holiday Period 2010**

Schedule Number	Date to Members 9am on	Members Deadline 5pm on
12/10	Fri 26 March 2010	Thurs 01 April 2010
13/10	Fri 09 April 2010	Thurs 15 April 2010
16/10	Thur 29 April 2010	Thurs 06 May 2010
20/10	Thur 27 May 2010	Thurs 03 Jun 2010

Please note due to Easter Bank Holiday there will be no Circulated Schedule published on Friday 02 April 2010

CIRCULATED SCHEDULE

DATE: 26/03/10

SCHEDULE NO. 12/10

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

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

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

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

Please note: - Reason for Referral

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

SIGNATURE

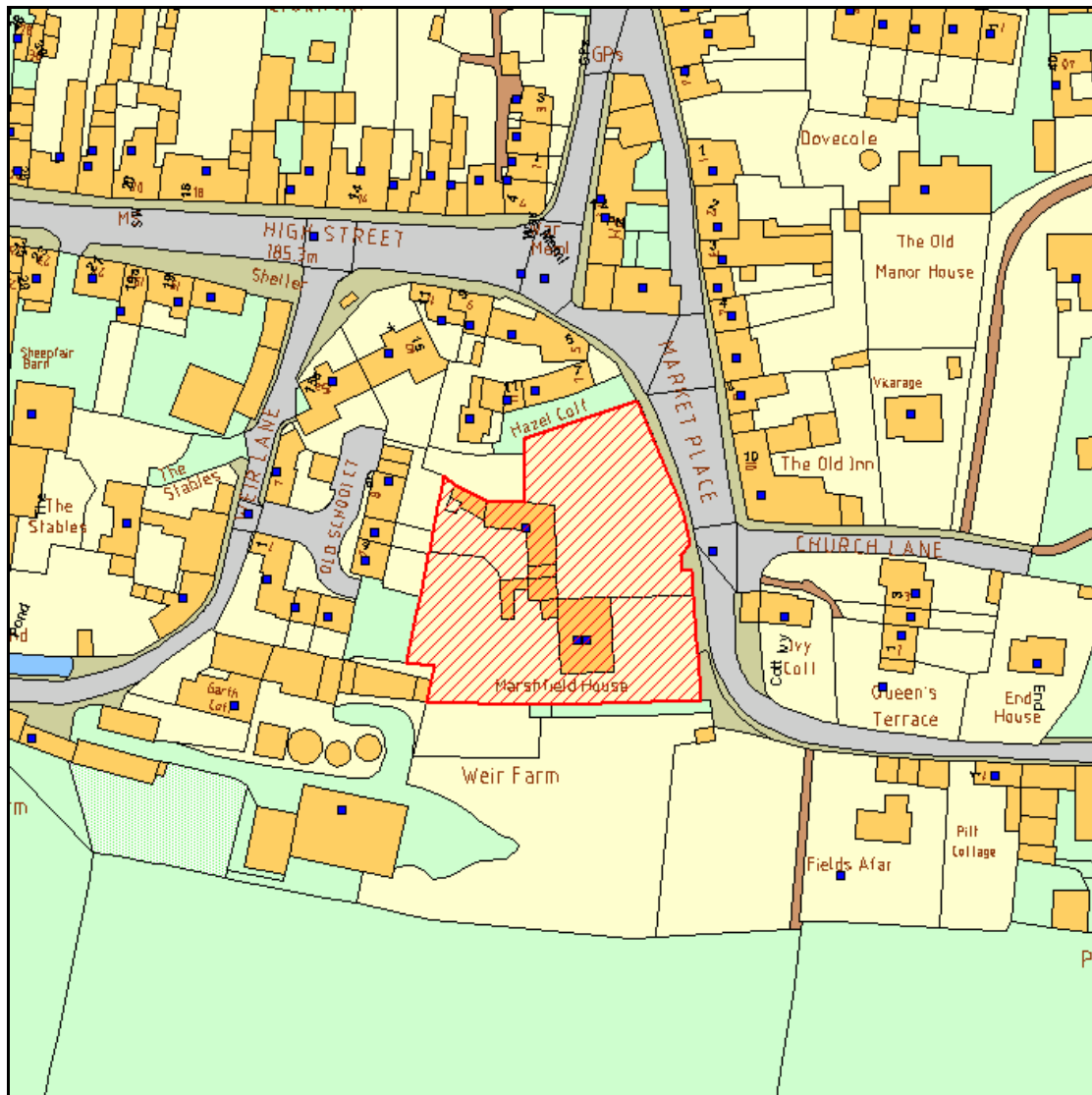
DATE

CIRCULATED SCHEDULE – 26 MARCH 2010

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/0038/F	Approve with Conditions	Old Vicarage Market Place Marshfield Chippenham South Gloucestershire SN14 8NP	Boyd Valley	Marshfield Parish Council
2	PK10/0039/LB	Approve with Conditions	Old Vicarage Market Place Marshfield Chippenham South Gloucestershire SN14 8NP	Boyd Valley	Marshfield Parish Council
3	PK10/0231/F	Approve with Conditions	128 Guest Avenue Emersons Green South Gloucestershire BS16 7DA	Emersons	Mangotsfield Rural Parish Council
4	PK10/0300/F	Approve with Conditions	Broadley Barn Ashwicke Road Marshfield Chippenham South Gloucestershire SN14 8AA	Boyd Valley	Marshfield Parish Council
5	PK10/0318/F	Approve with Conditions	Kingswood Leisure Centre Church Road Soundwell South Gloucestershire BS16 4RH	Staple Hill	None
6	PK10/0343/F	Approve without conditions	23 Pear Tree Hey Yate South Gloucestershire BS37 7JT	Yate North	Yate Town
7	PK10/0365/F	Approve with Conditions	23 Homefield Yate South Gloucestershire BS37 5US	Yate North	Yate Town
8	PT09/5495/F	Approved Subject to	Land At Parkway North Stoke Gifford South Gloucestershire BS34 8RG	Stoke Gifford	Stoke Gifford Parish Council
9	PT09/5590/F	Approve without conditions	DRG Stapleton Football Club Frenchay South Gloucestershire BS16 1LG	Frenchay And Stoke Park	Winterbourne Parish Council
10	PT09/6091/O	Refusal	Northfield Filton Airfield Patchway South Gloucestershire	Patchway	Patchway Town Council
11	PT09/6103/F	Approve with Conditions	Pilning Wetland New Passage Road Pilning South Gloucestershire BS35 4LZ	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
12	PT09/6105/F	Approve with Conditions	Pilning Wetlands New Passage Road Pilning South Gloucestershire BS35 4LZ	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
13	PT10/0121/R3F	Approve with Conditions	Charfield Cp School Wotton Road Charfield Wotton Under Edge South Gloucestershire	Charfield	Charfield Parish Council
14	PT10/0195/F	Approve with Conditions	Gilslake Farm Station Road Pilning South Gloucestershire BS35 4JT	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
15	PT10/0228/F	Approve with Conditions	5 Woodend Road Coalpit Heath South Gloucestershire BS36 2LN	Frampton Cotterell	Frampton Cotterell Parish
16	PT10/0239/F	Approve with Conditions	89 Cornfield Close Bradley Stoke South Gloucestershire BS32 9DR	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
17	PT10/0297/F	Approve with Conditions	Syrosika 74 Huckley Way Bradley Stoke South Gloucestershire BS32 8AR	Bradley Stoke South	Bradley Stoke Town Council

CIRCULATED SCHEDULE NO. 12/10 – 26 MARCH 2010

App No.:	PK10/0038/F	Applicant:	Mrs S O'Connor
Site:	Old Vicarage Market Place Marshfield Chippenham South Gloucestershire	Date Reg:	15th January 2010
Proposal:	Erection of single storey side extension with glazed link to provide additional living accommodation. (Resubmission of PK09/0871/F).	Parish:	Marshfield Parish Council
Map Ref:	378092 173635	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	11th March 2010



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 100023410, 2008. **N.T.S.** **PK10/0038/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a single storey extension to the west elevation of The Old Vicarage, Marshfield. The proposed extension would measure 14.7 metres wide by a maximum of 4.8 metres in depth and would have an overall height to ridge of 3.5 metres.
- 1.2 The application property is a three storey Grade II* listed dwelling which is located within the settlement boundary of Marshfield. The property is also situated within the Marshfield Conservation Area and the Cotswold Area of Outstanding Natural Beauty.
- 1.3 During the course of the application additional plans were requested to show more details of the scheme, in addition more information was required with regard to the protection of an existing tree close to the site of the proposed extension. Additional information was received as requested.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG15 Planning and the Historic Environment
- 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
L1 Landscape Protection and Enhancement
L2 Cotswold Area of Outstanding Natural Beauty
L12 Conservation Areas
L13 Listed Building
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/2777/LB Internal and external alterations to existing house and barn
Approved December 2003
- 3.2 PK04/1018/F Conversion of first floor to form residential annexe.
Erection of store and external staircase.
Approved May 2004
- 3.3 PK04/1038/LB Conversion of first floor to form residential annexe.

- Erection of store and external staircase. Various internal works and installation of windows.
Approved May 2004
- 3.4 PK04/0311/LB Internal alterations to existing dwelling and installation of glazed doors.
Approved April 2004
- 3.5 PK04/3746/F Change of use of agricultural land to residential curtilage and creation of tennis court with perimeter fencing.
Refused January 2005
- 3.6 PK05/0693/F Change of use of agricultural land to residential curtilage.
Refused April 2005
- 3.7 PK05/2506/LB Installation and restoration of windows to east elevation.
Approved November 2005
- 3.8 PK05/2629/LB Installation of 2no. replacement entrance gates
Approved October 2005
- 3.9 PK06/1138/LB Rebuilding and restoration of walls on east and south boundaries. Restoration of garden building.
Approved August 2006
- 3.10 PK06/1132/F Engineering works to provide landscaped area. Erection of retaining wall and flight of steps. Erection of fencing to the western boundary of garden.
Approved August 2006
- 3.11 PK07/1248/LB External lime render and wash to South gable façade of outbuilding
Approved June 2007

4. CONSULTATION RESPONSES

- 4.1 Marshfield Parish Council
Object to the proposal as it is considered detrimental to the character of the Grade II listed building.
- 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 application property is a substantial detached three storey Grade II* Listed building. The proposed extension would be located to the rear of the property on the west elevation of the property. The proposal is modest in scale, especially when compared to the main dwelling and is considered to be suitably subservient to the main house. It is considered that the west elevation of the dwelling is the simplest elevation, furthermore the fact that the proposal would be predominantly glass, allows the existing façade to remain visible. Whilst the proposal is a very modern structure, given the materials and scale of the proposal, it is considered that the main original building would remain visually dominant and that the proposal would have minimal impact on the character and appearance of the main dwelling.

The proposed extension is located to the rear of the dwelling, shielded from public views by the main dwelling house and outbuildings. As such the proposal would have no visual impact on the property or Marshfield Conservation Area when viewed from the street. The Council's Conservation Officer is of the opinion that the Grade II* building would not be detrimentally effected by the proposal and the architectural and historic interest in the building would be retained. Overall it is considered that the proposed addition would not be harmful to the character and appearance of the principal dwelling and street scene. The proposal therefore accords with Policy D1, H4 and L12 of the South Gloucestershire Local Plan.

5.3 Residential Amenity

Given the modest scale and location of the proposed extension set away from any neighbouring properties, it is not considered that the proposal would have any overshadowing or overbearing effect on the neighbouring dwellings.

It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.4 Listed Building

An application for an extension of similar design, and in the same location, was submitted in 2009. This was withdrawn due to concerns raised by the local planning authority. Following the withdrawal of the previous application consultation has taken place between the applicants architect and the Council's Conservation Officer and English Heritage. The revised application includes a revised design which reflects recent discussions.

In relation to the basic design, whereas previously the flat roofed extension continued the entire length of the west elevation, with a step back at the northern end, this has been revised to reduce the sense of scale of the new addition. The flat roofed element now terminates at the right hand side of the

large kitchen window, and the existing lean-to will be rebuilt to an almost identical form and size as existing. Connecting these two elements is proposed to be a lightweight and transparent glazed link, which is no longer shown to physically attach to the long window in the west elevation of the building, thus eliminating the issue of the awkward junction. The materials are now proposed to be stone ashlar and anodized bronze framed glazing for the elevations, and terne coated steel for the roof. These materials are considered far more appropriate than those of the previous application.

Additional plans have been submitted to show several elements in more detail, as such the impact of the proposal on the character of the listed building is fully understood and the proposal is considered acceptable.

5.5 Tree Implications

A method statement and tree constraints plan have been submitted in support of the application outlining the measures proposed to mitigate against any impact the proposal may have on the mature Lime tree situated within the garden of the property. It is considered that the details submitted are in accordance with best industry practice and should safe guard the tree and its roots throughout the proposed development.

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

No additional measures proposed.

5.8 Improvements Achieved to the Scheme

Pre-application discussions ensured that the re-submission of the proposal would be in accordance with local plan policies.

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 proposed extension is of an appropriate standard in design and would not detract from the historic character of the main dwelling house or the character or appearance of the Conservation Area. Furthermore the extension would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies D1, L12 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the application be referred to the Secretary of State under planning (Listed Buildings and Conservation Areas) Act 1990.

Subject to the Secretary of State not wishing to intervene, authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission subject to the conditions set out in the report.

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CONDITIONS

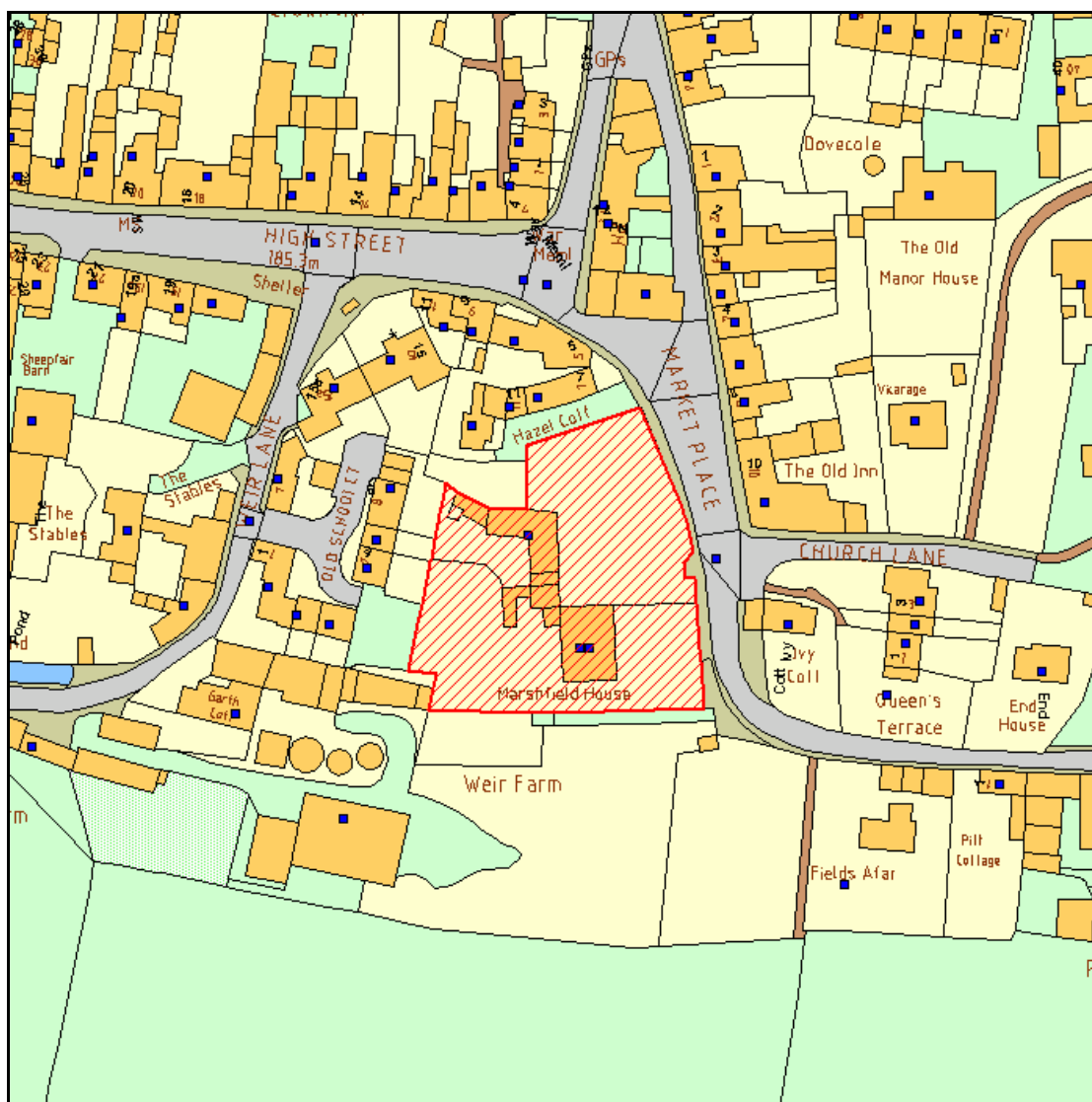
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 12/10 – 26 MARCH 2010

App No.:	PK10/0039/LB	Applicant:	Mrs S O'Connor
Site:	Old Vicarage Market Place Marshfield Chippenham South Gloucestershire	Date Reg:	15th January 2010
Proposal:	Demolition of existing lean-to to facilitate the erection of single storey side extension. Internal works including new staircase to existing cellar. (Resubmission of PK09/0909/LB).	Parish:	Marshfield Parish Council
Map Ref:	378092 173635	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	11th March 2010



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 100023410, 2008. **N.T.S.** **PK10/0039/LB**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant is seeking listed building consent for the erection of a single storey extension to the west elevation of The Old Vicarage, Marshfield. The proposed extension would measure 14.7 metres wide by a maximum of 4.8 metres in depth and would have an overall height to ridge of 3.5 metres. In addition consent is requested for internal works including a new staircase to the cellar.
- 1.2 The application property is a three storey Grade II* listed dwelling which is located within the settlement boundary of Marshfield. The property is also situated within the Marshfield Conservation Area and the Cotswold Area of Outstanding Natural Beauty.
- 1.3 During the course of the application additional plans were requested to show more details of the scheme. Plans were received as requested.

2. POLICY CONTEXT

- 2.1 National Guidance
PPG15 Planning and the Historic Environment
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
L12 Conservation Areas
L13 Listed Building

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/2777/LB Internal and external alterations to existing house and barn
Approved December 2003
- 3.2 PK04/1018/F Conversion of first floor to form residential annexe.
Erection of store and external staircase.
Approved May 2004
- 3.3 PK04/1038/LB Conversion of first floor to form residential annexe.
Erection of store and external staircase. Various internal works and installation of windows.
Approved May 2004
- 3.4 PK04/0311/LB Internal alterations to existing dwelling and installation of glazed doors.
Approved April 2004

- 3.5 PK04/3746/F Change of use of agricultural land to residential curtilage and creation of tennis court with perimeter fencing.
Refused January 2005
- 3.6 PK05/0693/F Change of use of agricultural land to residential curtilage.
Refused April 2005
- 3.7 PK05/2506/LB Installation and restoration of windows to east elevation.
Approved November 2005
- 3.8 PK05/2629/LB Installation of 2no. replacement entrance gates
Approved October 2005
- 3.9 PK06/1138/LB Rebuilding and restoration of walls on east and south boundaries. Restoration of garden building.
Approved August 2006
- 3.10 PK06/1132/F Engineering works to provide landscaped area. Erection of retaining wall and flight of steps. Erection of fencing to the western boundary of garden.
Approved August 2006
- 3.11 PK07/1248/LB External lime render and wash to South gable façade of outbuilding
Approved June 2007

4. CONSULTATION RESPONSES

- 4.1 Marshfield Parish Council
Object to the proposal as it is considered detrimental to the character of the Grade II listed building.
- 4.2 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
PPG15 states that when considering whether to grant listed building consent for works which affect a listed building or its setting, special regard should be had to the desirability of preserving the building, or its setting, or any features of architectural or historic interest which it possesses.

An application for an extension of similar design, and in the same location, was submitted in 2009. This was withdrawn due to concerns raised by the local planning authority. Following the withdrawal of the previous application consultation has taken place between the applicants architect and the Councils

Conservation Officer and English Heritage. The revised application includes a revised design which reflects recent discussions.

In relation to the basic design, whereas previously the flat roofed extension continued the entire length of the west elevation, with a step back at the northern end, this has been revised to reduce the sense of scale of the new addition. The flat roofed element now terminates at the right hand side of the large kitchen window, and the existing lean-to will be rebuilt to an almost identical form and size as existing. Connecting these two elements is proposed to be a lightweight and transparent glazed link, which is no longer shown to physically attach to the long window in the west elevation of the building, thus eliminating the issue of the awkward junction. The materials are now proposed to be stone ashlar and anodized bronze framed glazing for the elevations, and terne coated steel for the roof. These materials are considered far more appropriate than those of the previous application.

Additional plans have been submitted to show several elements in more detail, as such the impact of the proposal on the character of the listed building is fully understood and the proposal is considered acceptable.

5.2 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.

5.3 Use of Energy and Sustainability

No additional, measures proposed.

5.4 Improvements Achieved to the Scheme

Pre-application discussions ensured that the re-submission of the proposal would be in accordance with policy.

5.5 Section 106 Requirements

Not applicable

6. CONCLUSION

- 6.1 The decision to GRANT Listed Building consent has been taken having regard to the section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 and Government advice contained in PPG15 (Planning and the Historic Environment).

7. RECOMMENDATION

- 7.1 That the application be referred to the Secretary of State under planning (Listed Buildings and Conservation Areas) Act 1990.

Subject to the Secretary of State not wishing to intervene, authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant Listed Building Consent subject to the conditions set out in the report.

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

2. Notwithstanding previously submitted details, prior to the commencement of development, the detailed design including materials and finishes, of the following items shall be approved in writing by the local planning authority:
 - a. All new windows
 - b. all new internal and external doors
 - c. reveals
 - d. glazed link and all other frameless glazing

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

Reason:

To ensure that the development is appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L13 of the Adopted South Gloucestershire Local Plan.

3. Notwithstanding previously submitted drawings, detailed cross section drawings at a scale of 1:10, showing the floor of the glazed link and new extension (including external walkway and plinth), in relation to the ground levels, shall be submitted and approved in writing by the local planning authority. Details of all elevation materials and finishes to be used within the finished floor and plinth areas shall be included on the detailed drawings.

Reason:

To ensure that the development is appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L13 of the Adopted South Gloucestershire Local Plan.

4. Prior to the commencement of development representative samples of the following items shall be submitted and approved in writing by the local planning authority.
 - a. bronze anodised door frame
 - b. terre coated steel roofing material

- c. natural stone paving for the steps and all new hard surfacing
- d. hardwood decking
- e. ashlar stone for eaves and plinth
- f. all new internal floor finishes

Reason:

To ensure that the development is appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L13 of the Adopted South Gloucestershire Local Plan.

5. The eaves and verges of the lean-to shall match exactly the existing.

Reason:

To ensure that the development is appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L13 of the Adopted South Gloucestershire Local Plan.

6. Prior to the commencement of development a sample panel of ashlar stonework of at least one metre square, to illustrate the stone, jointing, coursing and pointing shall be erected on site and approved in writing by the local planning authority. The development shall be carried out strictly in accordance with the approved panel, which shall be retained on site until completion of the development.

Reason:

To ensure that the development is appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L13 of the Adopted South Gloucestershire Local Plan.

7. Prior to the commencement of development a sample panel of rebuilt rubble stonework (within the lean-to) of at least one metre square, to illustrate the stone, coursing and pointing shall be erected on site and approved in writing by the local planning authority. The development shall be carried out strictly in accordance with the approved panel, which shall be retained on site until completion of the development

Reason:

To ensure that the development is appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L13 of the Adopted South Gloucestershire Local Plan.

8. Prior to the commencement of development a detailed method statement and specification of all structural works to the existing building, for which consent is

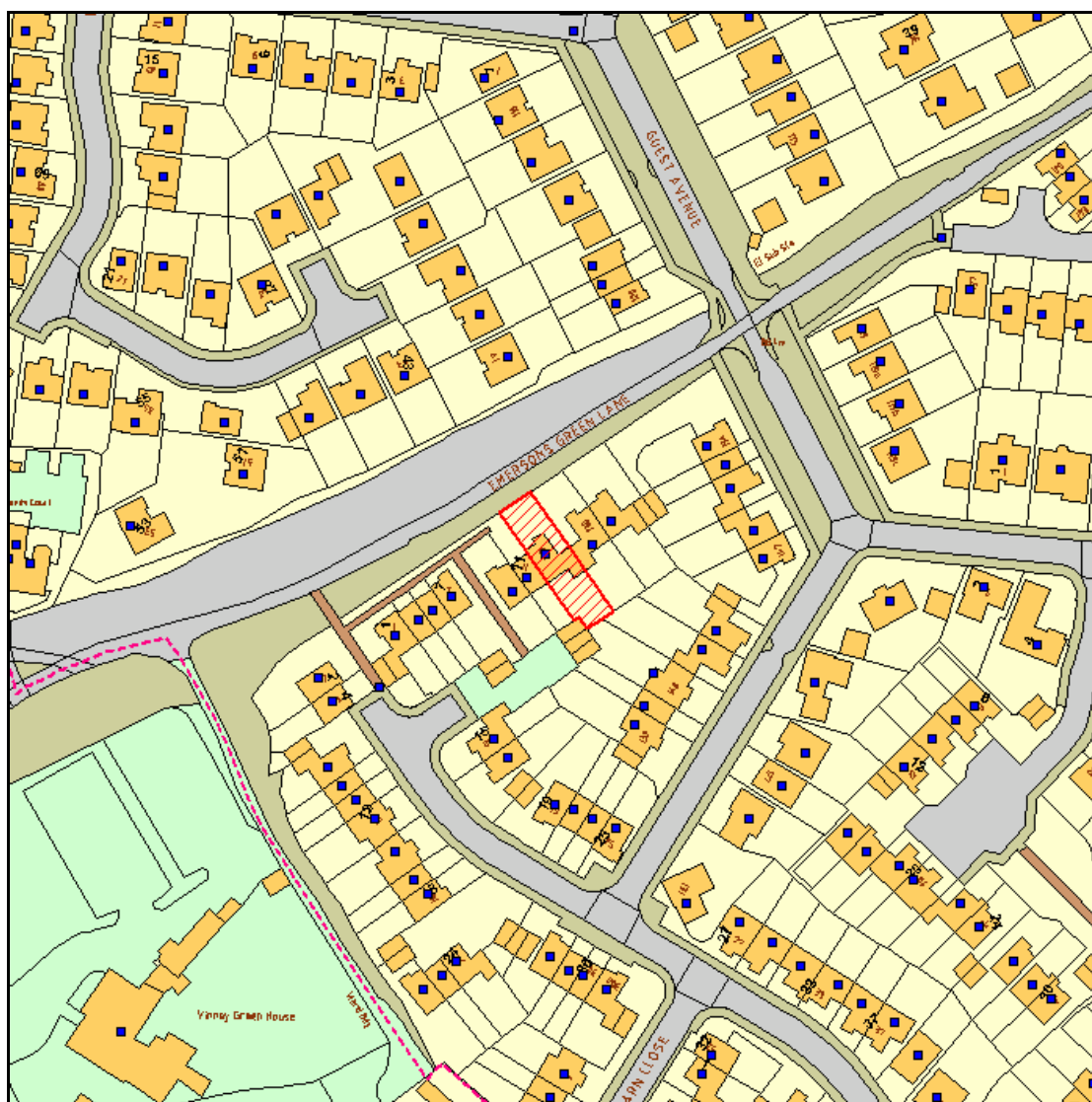
expressly reserved, shall be submitted and approved in writing by the local planning authority.

Reason:

To ensure that the development is appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L13 of the Adopted South Gloucestershire Local Plan.

CIRCULATED SCHEDULE NO. 12/10 – 26 MARCH 2010

App No.:	PK10/0231/F	Applicant:	Mr And Mrs Taviner
Site:	128 Guest Avenue Emersons Green Bristol South Gloucestershire BS16 7DA	Date Reg:	8th February 2010
Proposal:	Erection of single storey rear extension to provide additional living accommodation	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366644 176709	Ward:	Emersons Green
Application Category:	Householder	Target Date:	2nd April 2010



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100023410, 2008.

N.T.S.

PK10/0231/F

INTRODUCTION

This application appears on the Circulated Schedule following objections received from a local resident.

1. THE PROPOSAL

- 1.1 The application relates to a brick built end of terrace dwelling situated on the south side of the public footpath called Emersons Green Lane. The site lies within the defined settlement boundary.
- 1.2 Planning permission is sought for the erection for a single storey rear extension. The property has the benefit of an attached garage, that projects into the rear garden. Planning permission is required due to the property's permitted development rights having been removed.

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

3. RELEVANT PLANNING HISTORY

3.1 P96/4761 Dwellings – Permitted development rights removed
Approved 24th Feb 1997

4. CONSULTATION RESPONSES

4.1 Mangotsfield Rural Parish Council
No objection.

Other Representations

4.2 Local Residents

One online submission of objection has been received, raising the following points.

- The extension will result in the neighbouring garden being pressed in
- Concern over loss of sunlight
- The extension is out of character for the street

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety. The principle of development is therefore acceptable subject to the following detailed assessment.

5.2 Design/Visual Amenity

This application seeks planning permission for the erection of a single storey rear extension that will be attached to the side of the existing attached garage that projects into the rear garden. The depth of the extension will be 3.0 metres, it will have a width of 5.2 metres and will have a lean-to roof. The height to eaves will be 2.5 metres and the apex height of the lean to roof will be 3.8 metres. The materials used in the proposed extension will match the host dwelling.

5.3 An objection has been received regarding the character of the extension. However, the materials will match the existing dwelling, and there will be French windows on the rear elevation, similar to the existing French windows currently in situ. Two rooflights are proposed, which are domestic in design and scale. It is therefore considered that the proposed rear extension is an appropriate addition to the dwelling and the streetscene.

5.4 Overbearing analysis

The proposed rear extension will have a depth of 3.0 metres and will be attached to the side of the existing attached garage. It will project beyond the rear elevation of the garage by 0.7 metres and will be situated 0.2 metres from the boundary with the neighbouring attached dwelling. The extension will be screened from the neighbouring attached dwelling by the existing 1.8 metre close-boarded fence. The dwelling to the other side is situated nearly 6 metres away due to the attached garages to both properties.

5.5 An objection has been received stating the proposed extension will make the adjoining garden feel 'pressed in', this being exacerbated by their garage being situated in their rear garden. It is also stated that the neighbouring property will suffer a loss of light. It is considered that due to the extension being single storey and the proposed depth being 3.0 metres, an overbearing effect will not be created by the extension. Additionally, although a loss of light is not considered a planning matter, it is considered that due to the rear gardens facing south east, the extension will not significantly impact upon sunlight reaching the rear gardens if the extension is built. It is therefore considered that due to the screening of the extension by the existing boundary treatment and attached garage, the proposed rear extension is not considered to have an overbearing effect on the adjoining properties. The scale and design of the rear extension is therefore considered to be acceptable.

5.6 Privacy Analysis

The proposed rear extension will not have any openings on either side elevation. A condition will be imposed preventing the insertion of any new windows on the south west side elevation. French windows are proposed in the rear elevation, but due to the distance from the rear elevation to the rear boundary of over 9.5 metres and the existing boundary treatment it is considered that the proposed extension will not lead to a loss of privacy.

5.7 Amenity Space

Whilst the proposed extension does project into the rear garden, sufficient garden space will remain to serve the occupiers of the property.

5.8 Highway Safety Analysis

The property benefits from an attached garage. This is situated to the side of the property and consequently the development will not impact upon highway safety or impact upon the property's parking arrangements.

5.9 Design and Access Statement

A Design and Access Statement is not required.

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 It has been assessed that the proposed extension has been designed to respect and maintain the materials and design and character of the dwelling streetscene. The development therefore accords with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

It is not considered that the proposal would cause any significant adverse impact in residential amenity. The development is therefore considered to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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

7. RECOMMENDATION

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

Contact Officer: Elizabeth Dowse
Tel. No. 01454 862217

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.

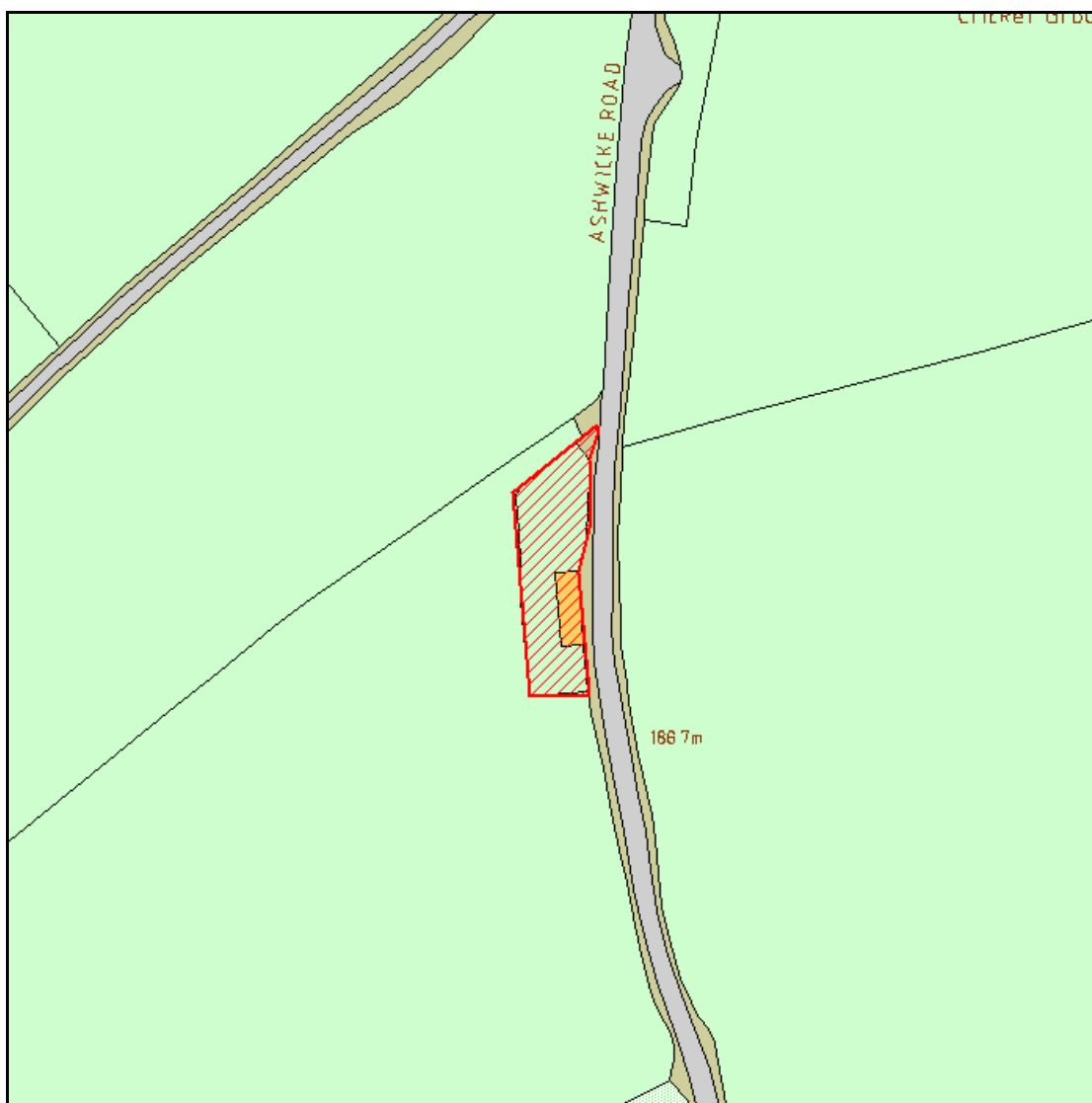
3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the south west side elevation of the extension hereby approved.

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. 12/10 – 26 MARCH 2010

App No.:	PK10/0300/F	Applicant:	East Bristol Limited
Site:	Broadley Barn Ashwicke Road Marshfield Chippenham South Gloucestershire	Date Reg:	12th February 2010
Proposal:	Conversion of agricultural barn to 1no. dwelling. (Resubmission of PK09/5895/F)	Parish:	Marshfield Parish Council
Map Ref:	377657 173474	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	7th April 2010



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 100023410, 2008. **N.T.S.** **PK10/0300/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the conversion of an agricultural barn to form 1 no. dwelling. The proposed dwelling would have one bedroom, in addition, a small rear conservatory is proposed measuring a maximum of 1.3 metres in depth by 2.6 metres in width.
- 1.2 The barn is located within open countryside to the south of Marshfield and lies adjacent to Ashwicke Road. It is within the Green Belt and the Cotswold AONB but outside the Marshfield Conservation Area. The existing building exhibits a traditional design and is set in a small paddock, mostly bounded by locally characteristic natural stone walls. Vehicular access would be from Ashwicke Road.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belts
PPS7 Sustainable Development in Rural Areas
PPG15 Planning and the Historic Environment
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
L1 Landscape Protection and Enhancement
L2 Cotswold AONB
GB1 Development within the Green Belt
H10 Conversion and Re-Use of Rural Buildings for Residential Purposes
EP1 Environmental Pollution
E9 Species Protection
L17&L18 The Water Environment
T8 Parking Standards
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/1828/F Conversion of agricultural building to 2 no. bed residential dwelling to include single storey extension. Refused 25th October 2004
- 3.2 PK05/0493/F Conversion of agricultural dwelling to 2no. bed

residential dwelling to include single storey extension. (Re-sub of PK04/1828/F)

Refused May 2005 for the following reasons:

- The large extension, hardstanding and residential curtilage is considered harmful to the openness of the Green Belt.
- The proposal was not in keeping with the rural locality
- Demolition and relocation of the front boundary wall and associated works to provide the access would have a significant impact on the visual amenity of the Green Belt.

4. CONSULTATION RESPONSES

4.1 Marshfield Parish Council

Object to the application on grounds of the proposal being damaging to the open countryside, AONB and Green Belt.

4.2 Sustainable Transport

No objections

4.3 Local Residents

No objections.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site is located within the Bristol / Bath Green Belt. Policy GB1 allows for the change of use of buildings in the Green Belt provided that the proposal would not have a materially greater impact on the openness of the Green Belt than the present use and that the building is capable of conversion without major construction and provided that building would remain in keeping with its surroundings. Policy H10 of the South Gloucestershire Local Plan allows for the conversion and reuse of rural building for residential purposes provided that the proposal accords with the following criteria:

5.2 **A. All reasonable attempts have been made to secure a suitable re-use or the conversion is part of a scheme for business re-use; AND**

Whilst no marketing information has been submitted in support of the application, this aspect of the proposal was assessed in the previous application and it is considered that in this particular case a commercial use would be inappropriate given the narrow nature of Ashwicke Road and the location of the property, remote from services or public transport provision. On balance it is therefore considered that the proposal meets this criterion.

B. The buildings are of a permanent construction and structurally sound and capable of conversion without major or complete reconstruction; AND

A structural survey was submitted with the previous applications which concluded that there was no reason to question the ability of the existing

structure to accommodate a conversion. A further report has been submitted with the current proposal, whilst the report details several works that would need to be carried out, including the replacement of some structural beams and one internal wall, it is considered that the building is capable of conversion without complete or major reconstruction.

C. The buildings are in keeping with their surroundings in terms of character, form, bulk and overall design; AND

No new openings are proposed apart from two small roof lights on the east elevation, furthermore, given the small scale and location of the conservatory to the rear of the property, it is considered that the proposal would be sufficiently in keeping with the agricultural character of the building and surroundings. Furthermore the garden area is already defined by existing walls and hedges.

D. Development , would not have a harmful effect on the character of the countryside or the amenities of the surrounding area.

The barn is set low in the landscape, well integrated into its surroundings and consequently is not widely visible. The most locally prominent visual impact is from a short length of Ashwicke Road. The only change to the mass of the building is a small proposed conservatory to the rear. The views of the building will therefore remain virtually unchanged.

The existing stone boundary walls are to be retained and repaired and the proposed planting is a reinforcement of existing boundary planting with native /semi-native trees and shrubs and this approach is considered acceptable. There are some existing conifers on the site that are out of character with the locality and there would be no objection to their removal. The access is to have a gravel finish and the entrance gates are to be traditional timber field gates.

E. The building is well related to an existing settlement or other groups of buildings.

The application site is located less than half a mile away from the settlement boundary of Marshfield and is situated just south of the village Cricket Ground. Whilst the site is some distance from the original farmhouse, the existing farmhouse would be the backdrop for the site when viewed from Ashwicke Road. Furthermore, it should be noted that there are residential buildings located at close intervals along Ashwicke Road. In addition, there are no objections from the Councils Highways Officer, it is considered that the proposal meets this criterion.

5.3 Impact on the Green Belt

Previous proposals included large extensions to the existing barn to facilitate the conversion and were refused as it was considered that the proposed extensions would have a detrimental impact in the openness of the Green Belt. The current application proposes a small conservatory which would extend 1.4 metres in depth and a limited amount of hard standing to facilitate off street parking. No new openings in the existing barn are proposed with the existing openings being used for windows and doors. Given the location and small scale of the proposed conservatory, it is not considered that the proposal would have a detrimental impact on the openness of the Green Belt. Furthermore a

condition would be attached to any permission to ensure approval of a full landscape plan including details of all boundary and surface treatments.

In terms of visual amenity the site is set low in the landscape and as a result is not widely visible within the broader landscape. As such the conversion of the building and associated works are not considered to be significantly detrimental to the visual amenity of the Green Belt. Given the location of the site within the Bristol Bath Green Belt and Cotswold Area of Outstanding Natural Beauty, it is considered reasonable to remove the permitted development rights for the site to allow an assessment of the impact of such development on the rural character of the building, the Green Belt and the Cotswold Area of Outstanding Natural Beauty.

5.4 Highways Issues

The proposal is to convert the existing barn into a residential dwelling. Unlike the previous proposal, this current application only seeks a very small extension to the building. Existing site access would be used although it is proposed to widen it, to allow easy access and egress for vehicles. The proposed access widening is small in scale but the changes are necessary to make access acceptable in highway terms. It is proposed to provide parking and turning space within the site curtilage, this would be controlled by the attachment of a condition.

5.5 Ecological Implications

The barn was surveyed for use by bats on 18th March 2010, by an ecological consultant, on behalf of the applicants. The survey involved a visual and endoscopic inspection and found no signs of use by bats.

Notwithstanding the above, one section of the roof was lined with felting. Because it is presently outside bats' active months, the survey could not reliably establish that bats were not utilising the gap between the felting and the roof tiles. It is therefore recommended that a suitably qualified ecologist is present to oversee and monitor works ('a watching brief') when the roof tiles are stripped. The report of 18th March recommends incorporating a 'bat slate' within the roof of the converted building to provide new roosting opportunities and benefit local bat populations. This is supported. A 'bat slate' is a simple fold of lead married into the roof tiles with a 1 ½" gap beneath to allow ingress. Conditions would be attached to any permission to ensure that both these recommendations are carried out.

The grassland surrounding the barn has been identified as offering suitable habitat for slow-worms. Accordingly, any suitable habitat should be subject to a destructive search immediately ahead of development or clearance of vegetation and any animals found moved to suitable habitat (receptor site) near the application site and to be agreed with the Council.

5.6 Residential Amenity

Given the location of the site away from any neighbouring residential properties is not considered that the proposal would have any impacts upon existing

residential amenities in the vicinity. Furthermore adequate private and usable amenity space would be available to serve the property.

5.7 Environmental and Drainage Issues

The Councils Drainage Engineer raised no objections to the proposed works provided that a condition is attached to ensure the submission of a full drainage scheme, to ensure a sustainable drainage approach is adopted for the site.

5.8 Design and Access Statement

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

5.9 Use of Energy and Sustainability

No additional measures proposed.

5.10 Improvements Achieved to the Scheme

None required

5.11 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The building is in keeping with its surroundings in terms of character, and overall design, and would not have a harmful effect on the character of the countryside or the amenities of the surrounding area. Furthermore, it is considered that the building is capable of conversion without complete or major reconstruction. The proposal therefore accords with Policy H10 of the South Gloucestershire Local Plan (Adopted) 2006.

The proposal would not effect the openness or visual amenity of the Green Belt and is satisfactory in terms of highway safety, in accordance with Policy GB1, T8 and T12.

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

7. RECOMMENDATION

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

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

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

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the openness of the Green Belt and to accord with Policy D1, H10, L2 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To protect the character and appearance of the area to accord with Policies D1, L1, L2 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

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

Reason

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

6. The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason

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

7. A suitable qualified/experienced person shall be present to monitor and oversee work to the roof tiles and to maintain a watching brief for Bats.

Reason

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

8. A 'bat slate', the type and location of which are to be approved in writing by the Local Planning Authority, shall be fitted within the fabric of the new roof. Development shall be carried out in accordance with the agreed details.

Reason

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

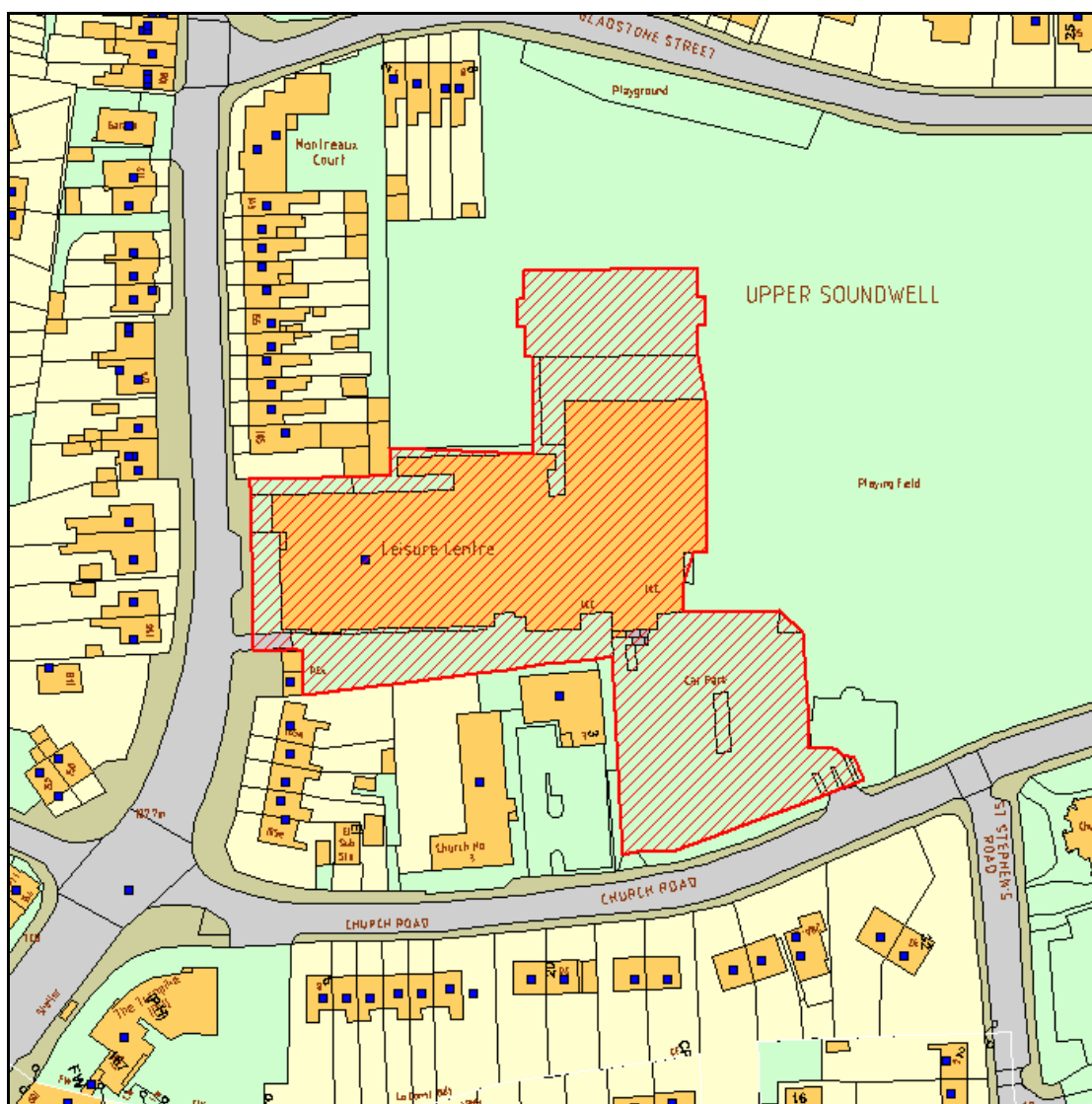
9. Prior to the commencement of development, all suitable habitat within the site shall be subject to a destructive search for slow worms. Any animals found shall be moved to a suitable receptor site, the location of which is to be agreed in writing by the Local Planning Authority.

Reason

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

CIRCULATED SCHEDULE NO. 12/10 – 26 MARCH 2010

App No.:	PK10/0318/F	Applicant:	South Gloucestershire Council
Site:	Kingswood Leisure Centre Church Road Soundwell Bristol South Gloucestershire	Date Reg:	22nd February 2010
Proposal:	External cladding to existing building.	Parish:	None
Map Ref:	364839 175074	Ward:	Staple Hill
Application Category:	Minor	Target Date:	13th April 2010



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 100023410, 2008. **N.T.S.** **PK10/0318/F**

INTRODUCTION

This application has been referred to the Circulated Schedule due to the application being submitted by South Gloucestershire Council.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the installation of external cladding to Kingswood Leisure Centre, Soundwell. The application outlines several internal alterations, it should be noted that these do not require planning permission.
- 1.2 Kingswood Leisure Centre is a large building fronting onto Soundwell Road. A large playing field is situated to the north and east of the building. With the car parking situated to the South East of the building, which can be assessed off either Soundwell Road or Church Road. The site is located within a residential area of Kingswood.

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
LC3 Proposals for Sports and Leisure Facilities within the Existing Urban Area
LC4 Proposals for Education and Community Facilities Within the Existing Urban Area
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

The site was subject to several applications in the late 1980's early 1990's due to the age of these it is not considered relevant to list details, the most recent application is detailed below.

- 3.1 PK00/2949/F Erection of railings on car park retaining wall.
Approved December 2000

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Site falls outside of any parish boundaries.
- 4.2 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy LC3 and LC4 allow for proposals to improve sports and leisure facilities and community facilities that are located within urban areas provided that the development would not unacceptably prejudice residential amenities or have any unacceptable environmental or transportation effects, and provided that the proposal is highly accessible by public transport and pedestrians and the proposal would not result in unacceptable levels of on street parking.

5.2 Design / Visual Amenity

The application outlines a number of alterations to the Kingswood Leisure Centre, the majority of the works are internal and do not require planning permission. With regard to the exterior of the building the applicant proposes to re-clad the building and replace windows and frames. The building is currently a mix of block work, brick and cladding of a dark green colour. The front elevation fronting onto Soundwell Road is predominantly glazing with red aluminium frames. The proposal would replace the existing cladding with new cladding of a wedgewood blue colour and the windows frames would be replaced with grey aluminium frames. It is considered that the proposed works would improve the appearance of the site which is beginning to look outdated, as such resulting in a more aesthetically pleasing building. It is therefore considered that the proposal would be an improvement on the existing situation and would not harm the character and appearance of the building and street scene.

5.3 Residential Amenity

No extension to the footprint of the Leisure Centre is proposed and it is not considered that the proposed cladding would impact upon the amenities of any of the nearby residential properties, by way of overbearing impact or overshadowing. No additional windows are proposed, as such there are no issues of inter-visibility or loss of privacy. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.4 Highways Implications

No extension to the footprint of the building is proposed, furthermore, no change is proposed to the existing vehicular access or the existing parking provision. Therefore with no objections from the Council's Transportation Officer the proposal is considered acceptable.

5.5 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.

5.6 Use of Energy and Sustainability

The proposed works, with the enhanced thermal performance of the envelope combined with the replacement and upgraded mechanical and electrical insulation will result in a substantial improvement in the energy efficiency of the building.

5.7 Improvements Achieved to the Scheme

None required

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 proposal is of an appropriate standard in design and is considered to result in a positive improvement to the building. Furthermore the proposed works would not harm the amenities of the neighbouring properties or impact upon highway safety. As such the proposal accords with Policies D1, LC3 and LC4 of the South Gloucestershire Local Plan (Adopted) 2006.

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

7. RECOMMENDATION

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

Contact Officer: Kirstie Banks

Tel. No. 01454 865207

CONDITIONS

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

Reason

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

CIRCULATED SCHEDULE NO. 12/10 – 26 MARCH 2010

App No.:	PK10/0343/F	Applicant:	Mr Walker
Site:	23 Pear Tree Hey Yate Bristol South Gloucestershire BS37 7JT	Date Reg:	18th February 2010
Proposal:	Erection of two storey side extension to form additional living accommodation.	Parish:	Yate Town Council
Map Ref:	371122 184292	Ward:	Yate North
Application Category:	Householder	Target Date:	12th April 2010



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100023410, 2008.

N.T.S.

PK10/0343/F

INTRODUCTION

This application has been referred to the Circulated Schedule due to an objection raised by the Parish Council and due to the receipt of two letters of objection.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a first floor side extension over the existing garage at 23 Pear Tree Hey, Yate. The application property is a two storey detached dwelling and is located within a residential area of Yate.
- 1.2 During the course of the application amended plans were requested to set back the front elevation of the first floor extension and to remove the gable. Amended plans were received as requested.

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
T8 Parking Standards
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/0543/F Erection of first floor side and front extension over existing garage to form additional living accommodation.
Refused March 2008
- 3.2 PK08/2710/F Erection of first floor side extension to provide additional living accommodation.
Refused November 2008

Both previous applications were refused as it was considered that, due to the siting, scale and massing, in combination to the proximity to the adjoining dwelling, No. 27 Pear Tree Hey, the proposal would have an unacceptable impact on the amenities of the occupiers of that property by way of an overbearing impact and loss of both daylight and sunlight.

4. **CONSULTATION RESPONSES**

4.1 Yate Town Council

Object to the massing and overbearing of the proposal, it is considered that the impact on the neighbours is too great. Yate Town Council suggest that it would be appropriate for the South Gloucestershire Sites Panel to visit the site as the decision is finely balanced.

Other Representations

4.2 Local Residents

Two letters of objection have been received raising the following concerns.

- Although changes have been made since the refused applications, the changes would not alter the effects the main part of the extension would have on the neighbouring property
- The two storey extension is only 0.9 metres away from the boundary with No. 27 Pear Tree Hey.
- Application states there is a distance of 12.5 metres between the application property and those properties to the side. Actually 8.4 metres from rear conservatory.
- Overbearing effect on property
- Will cause shade to most of the garden in summer and all day in winter.
- Loss of enjoyment when using rooms facing the extension, due to brick wall 2 floors high stretching almost the entire width of the southern boundary.
- Loss of garage leaving driveway as only space to park cars.
- Contrary to policy H4 criteria A and B
- Loss of value of property
- The plan showing the effect of sunlight is not a true representation throughout the whole year.
- The daylight sketch should be drawn by an expert and to scale if it is to be taken as fact.

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 proposal has been amended from the initial submission to no longer include the addition of a front gable, as such it is considered that the proposed addition is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The proposed extension is of modest size in comparison to the bulk of the main dwelling and is suitably

subservient to it, furthermore it is considered that the appearance of the resultant building would be well proportioned and would remain in keeping with the scale of the surrounding dwellings. The proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling. Overall, it is considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene and accords with Policies H4 and D1 of the South Gloucestershire Local Plan.

5.3 Residential Amenity

Two applications for first floor side extensions have been refused in the past as it was considered that the scale and massing of the proposal, in combination with the location, less than 12 metres away from the rear elevation of No. 27 Pear Tree Hey, would result in a harmful impact on the amenities of the occupants of that neighbouring property, in terms of overbearing impact and loss of light to habitable room windows. Both refused applications included a first floor side extension of a depth and height to match the main dwelling, the applicant now proposes a first floor extension with a front elevation eaves height to match the main dwelling and a catslide roof with a dormer window to the rear. The ridge height would be significantly set down from the main ridge height and the rear elevation eaves height would be the same as existing. The rear dormer window would be modest in scale and would be set 600mm in from the side elevation of the dwelling and would have a roof hipped away from the neighbouring properties.

Given the reduced scale of the development and the fact that the main bulk of the proposal is located to the front of the property, positioned slightly away from the main rear elevation of the nearest neighbouring property, No.27 Pear Tree Hey, it is not considered that the proposal would result in any significant overbearing impact on this neighbouring dwelling. This is especially the case given the catslide roof to the rear and the low ridge height of the first floor extension, resulting in only a marginal increase in the bulk of the dwelling when compared to the existing situation.

The application property already causes overshadowing to the rear garden of No. 27 Pear Tree Hey, whilst it is accepted that the proposal would, inevitably result in a slight increase in overshadowing, given that the bulk of the proposed addition would be to the front of the property and set slightly away from the rear elevation of No. 27 Pear Tree Hey, it is not considered that the proposal would result in a such a significant increase in overshadowing over and above the existing situation, to justify the refusal of the application. It is considered that there are no issues of inter-visibility or loss of privacy. Further sufficient garden space would remain to serve the property. Therefore on balance, the impact on residential amenity is subsequently deemed acceptable.

5.4 Highways Implications

The application property benefits from an integral garage and a driveway, whilst concern has been raised regarding the loss of the garage, the proposal would not effect the existing off street parking provision, and the garage as existing, is shown to be retained. Therefore the parking provision would remain in compliance and within the Councils required parking standards. Further, with

no objections from the Councils Transportation Officer the proposal is considered acceptable.

5.5 Design and Access Statement

None submitted

5.6 Use of Energy and Sustainability

No additional measures proposed

5.7 Improvements Achieved to the Scheme

The proposed front gable has been omitted from the scheme, improving the appearance of the addition.

5.8 Other Issues

The application states there is a distance of 12.5 metres between the application property and those properties to the side. The distance between the rear elevation of No. 27 Pear Tree Hey and the side elevation of the proposed extension is approximately 12 metres, with the distance from the side elevation of the rear dormer to No. 27 Pear Tree Hey being 12.5 metres. With regard to the concern raised regarding the accuracy of the plan showing the daylight, it should be noted that this plan has been considered as an indicative illustration only.

With regards to the loss of value to the property, this is not a material planning consideration.

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 proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Furthermore it is considered that the extension would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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

7. RECOMMENDATION

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

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CONDITIONS

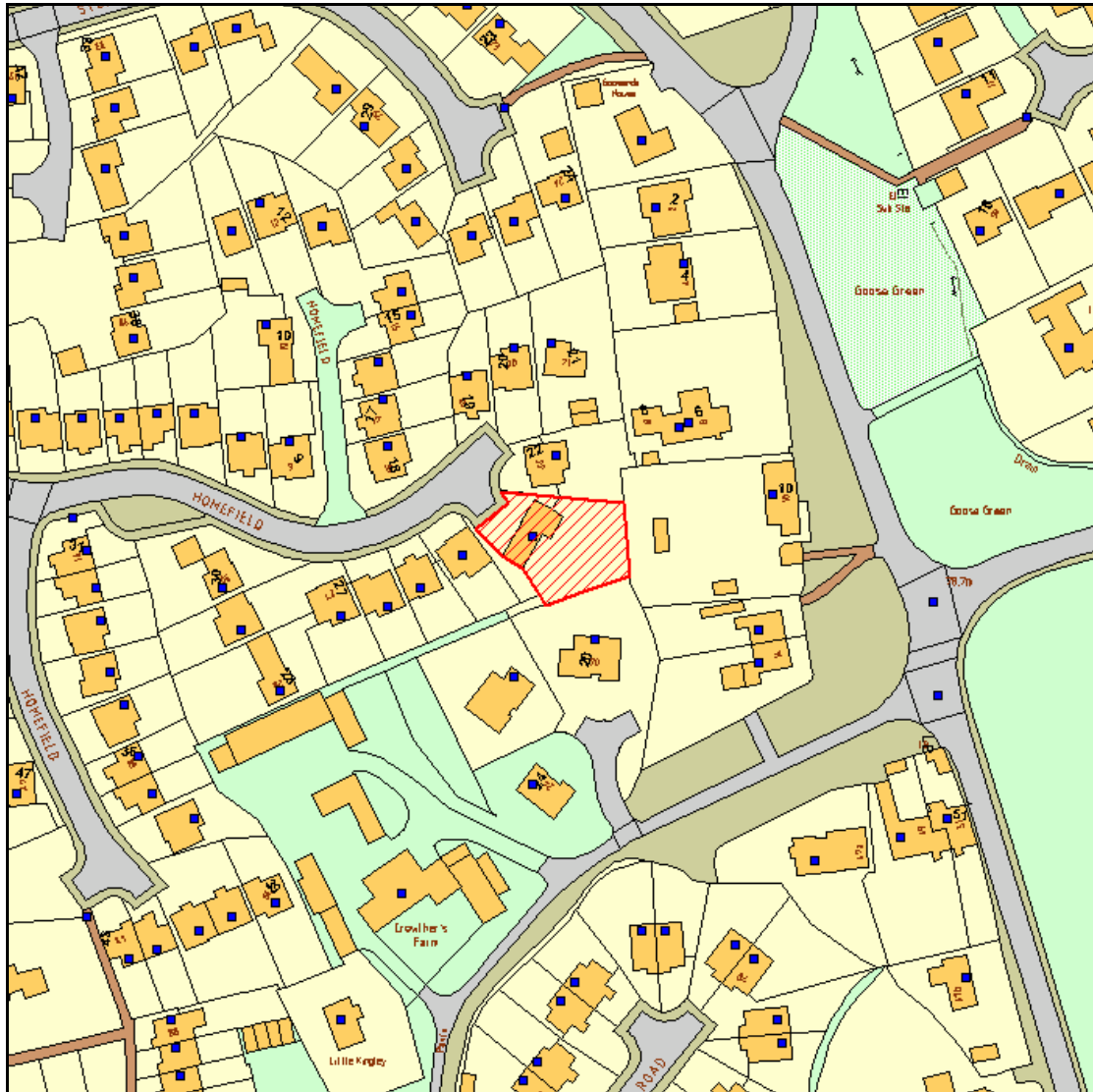
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 12/10 – 26 MARCH 2010

App No.:	PK10/0365/F	Applicant:	Mr P Charlton
Site:	23 Homefield Yate Bristol South Gloucestershire BS37 5US	Date Reg:	22nd February 2010
Proposal:	Subdivision of existing dwelling to form 2no. separate dwellings with associated works.	Parish:	Yate Town Council
Map Ref:	371313 183465	Ward:	Yate North
Application Category:	Minor	Target Date:	14th April 2010



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INTRODUCTION

This application has been referred to the circulated schedule due to the receipt of several letters of objection from neighbouring residents and due to an objection raised by Yate Town Council.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the subdivision of 23 Homefield Yate into 2no. separate dwellings. The application property is a large two storey detached dwelling which is located in a corner plot within a residential area of Yate. No increase in footprint is proposed,
- 1.2 During the course of the application additional plans were requested to show the boundary treatment and parking allocation, these were received as requested.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG3 Housing
- 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
H5 Residential Conversions, Houses in Multiple Occupation and Re-use of buildings for Residential Purposes.
T8 Parking Standards
T12 Transportation Development Control
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 P94/1144 Change of use of part of domestic garage to workshop for dental technician.
Approved January 1994
- 3.2 PK02/1603/F Erection of first floor side and two storey rear extension. Erection of rear conservatory.
Refused July 2002
- 3.3 PK02/2536/F Erection of two storey and first floor side extension to provide garage and family room with en-suite bedroom and study above. Erection of rear conservatory.
Approved October 2002.

4. CONSULTATION RESPONSES

4.1 Yate Town Council

Object to the proposal due to over development of the site and increased traffic in an already over subscribed.

4.2 Sustainable Transport

No objections

4.3 Local Residents

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

- Concern regarding parking
- Previously No. 23 were granted permission to run a business from home resulting in vehicles obstructing drives. The council granting planning permission caused this problem
- Highway safety concerns due to loss of garage and off street parking.
- On street parking already an issue, an increase in parking could compromise pedestrian safety
- Would lead to limited access for service vehicles and visitors.
- Surrounding properties are all detached
- Proposal would lead to overcrowding in relation to the plot size
- Loss of privacy, due to access for new dwelling being close to windows of neighbouring property.
- Bin storage

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H5 allows for the conversion of existing residential properties into smaller units of self contained residential accommodation, provided that the proposal would not prejudice the character of the surrounding area or the amenities of the nearby occupiers and provided that there is adequate amenity space and parking provision.

5.2 Design / Visual Amenity

The application proposes the conversion of No. 23 Homefield into two self contained dwellings. The effect of this proposal in design terms would be minimal, including the replacement of the existing garage door with a front door on the front elevation and swapping the location of a rear window and back door on the rear elevation. All the materials used for these alterations would match the existing, assisting the successful integration. Whilst it is accepted that the neighbouring area is characterised by detached properties, given the scale of the existing dwelling and the fact that the property benefits from two front drive areas, it is considered that the application property already has the appearance of being two separate dwellings. Furthermore the neighbouring properties are of various size and design. Given that no extensions are proposed, it is not considered that the proposal would result in any demonstrable harm to the character and appearance of the principal dwelling and street scene.

5.3 Residential Amenity

The conversion would occur entirely within the existing detached property. No extensions are proposed and no additional first floor windows are proposed. The addition of a window to the front of the property, in place of the existing garage door is not considered to have any impacts upon existing residential amenities in the vicinity. Furthermore, it is not considered that the proposal would result in any overshadowing or overbearing effect on the neighbouring dwellings.

Concern has been raised that the new front access in place of the existing garage would result in loss of privacy to neighbouring properties, given that the neighbouring property adjacent to the site of the new access has no ground floor side elevation windows, it is not considered that the proposal would result in any increase in noise and disturbance or loss of privacy over and above the existing circumstances.

The rear garden would be divided into two with the boundary defined by a timber fence. Whilst the rear first floor windows of each property would overlook the rear garden of the adjoining property, this is a common situation within urban areas and in this context is considered acceptable. Whilst the proposed new dwelling would have a small garden area, it is considered that each property has been allocated sufficient usable and private amenity space, as such it is not considered that the site is being overdeveloped. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.4 Transportation Implications

The application proposes the conversion of the garage, leaving the driveways as the only off road parking for the two dwellings. The plans and supporting information submitted state that five vehicular parking spaces can be provided within the site boundary. It is considered that as existing three cars could easily park on site and with the removal of the front garden area four cars could be easily accommodated, as such, a condition would be attached to any permission to ensure that parking for at least two cars for each dwelling is provided. Whilst concern has been raised regarding the proposed level of parking, it should be noted that the parking provision would be in compliance and within the Council's required parking standards. The access to the dwellings would be as existing, further, with no objections from the Council's Transportation Officer the proposal is considered acceptable in terms of highway safety.

5.5 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.

5.6 Use of Energy and Sustainability

No additional measures proposed

5.7 Improvements Achieved to the Scheme

None

5.8 Other Issues

It is not considered that the addition of an extra unit of accommodation would cause any significant increase in overall noise and disturbance. The Building Regulations (Part E), would cover the issue of sound insulation between the new units themselves. As this issue is covered by the Building Regulations (ie other legislation), legal advice has indicated that it is not appropriate to impose a condition requiring insulation details.

With regard to the concerns raised regarding bin storage, it is considered that there would be ample space to the front of the dwellings to accommodate both parking in compliance with the councils standards and bin storage.

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 proposal is of an appropriate standard in design and reflects the character of the main dwelling house. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies D1, H5 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

The resultant parking provision would remain in compliance with Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

7. RECOMMENDATION

7.1 That the application be approved subject to the following conditions

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

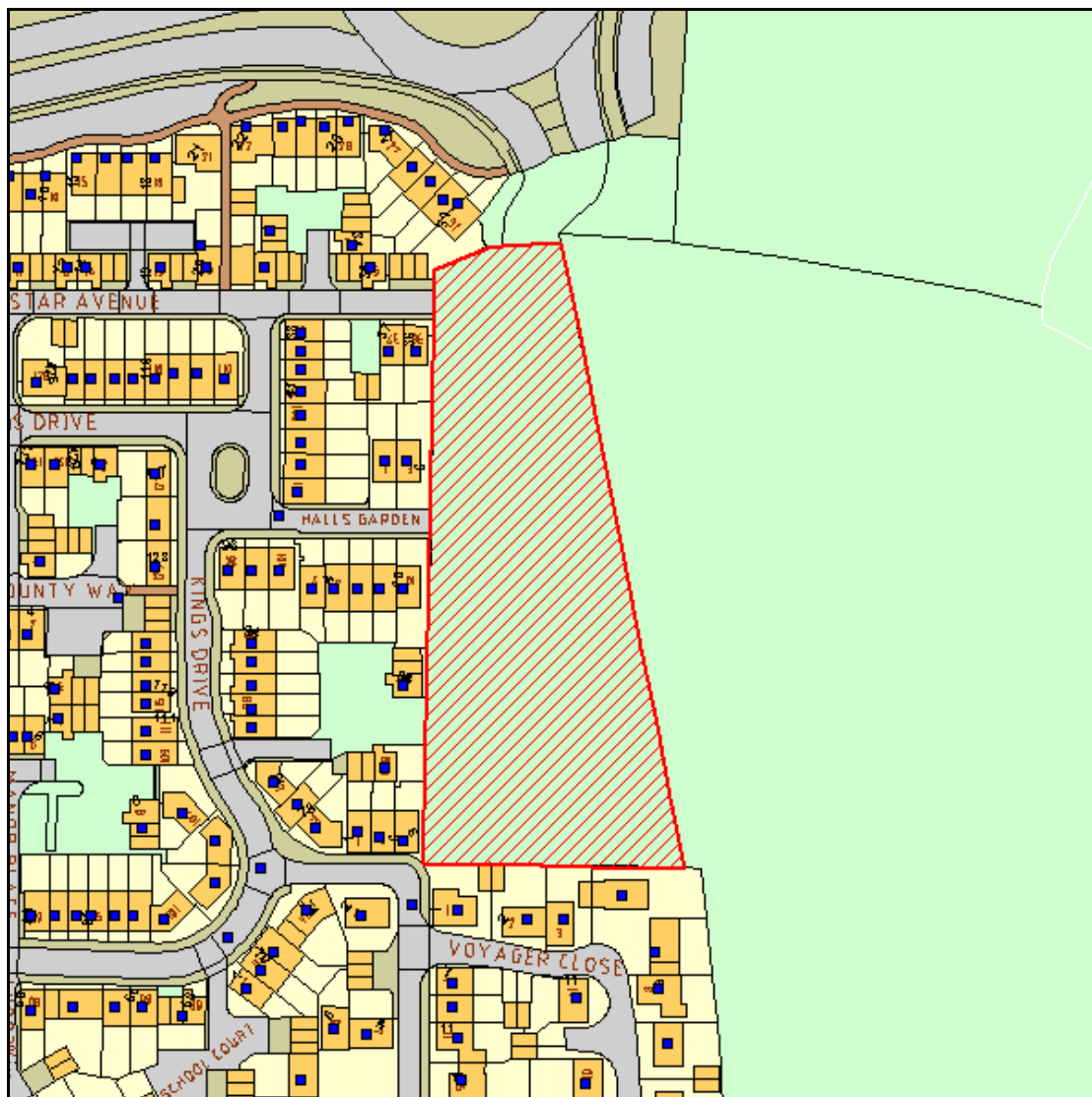
2. Prior to the commencement of development detailed plans showing the provision of at least two parking spaces per dwelling in accordance with the standards set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason

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. 12/10 – 26 MARCH 2010

App No.:	PT09/5495/F	Applicant:	Crest Nicholson (South West) Ltd
Site:	Land At Parkway North Stoke Gifford Bristol South Gloucestershire BS34 8RG	Date Reg:	9th October 2009
Proposal:	Erection of 34 no. one, two and three bedroom dwellings with associated parking, landscaping and works. New access.	Parish:	Stoke Gifford Parish Council
Map Ref:	363180 179844	Ward:	Stoke Gifford
Application Category:	Major	Target Date:	1st January 2010



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INTRODUCTION

This application appears on the Circulated Schedule as there is public comment that is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The site is located off Great Stoke Way and is immediately to the East of existing residential development associated with Kings Drive, Star Avenue and Halls Drive. The site originally formed part of the adjacent housing development site (P99/2180, PT99/0270/RM and PT00/2213/RM) and was allocated as a potential option site for a primary school. The Council's Directorate for Children and Young People have chosen not to take this option, opting instead for a financial contribution. More detail relating to this site history is outlined below.
- 1.2 The proposed development consists of the provision of 34 new dwellings. The development is to be linked to the existing development via Star Avenue and Halls Gardens. The applicant proposes a mix of one, two and three bed dwellings. Off street parking is to be provided within the site as part of the development.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS1	Supplement Climate Change
Draft PPS1	Climate Change
PPS3	Housing
PPG13	Transport
PPG17	Recreation

2.2 Development Plans

Joint Replacement Structure Plan

Policy 1	Sustainable Development Objectives
Policy 2	Location of Development
Policy 12	Development in the North Fringe
Policy 33	Housing Provision

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
H2	New Housing Development in the Urban Areas and Settlement Boundaries.
H6	Affordable Housing Provision
LC1	Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2	Provision for Developer Contributions (Site Allocations and Developer Contributions)
LC8	Open Space and Children's Play in Conjunction with New Residential Development

- L1 Landscape Protection and Enhancement
 - L18 The Water Environment
 - L9 Species Protection
 - T7 Cycle Parking
 - T8 Parking Standards
 - T12 Transportation Development Control Policy
 - EP4 Noise Sensitive Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)
Affordable Housing (Adopted)
- 2.4 Other Material Considerations
Safer Places – The Planning System and Crime Prevention (ODPM 2004)
Strategic Housing Market Assessment
South Gloucestershire Core Strategy – Pre Publication Submission Draft for Consultation March 2010 (Chapter 10 – Providing Housing and Community Infrastructure Policy CS27)

3. **RELEVANT PLANNING HISTORY**

- 3.1 P99/2180 Development of land for residential purposes, and erection of school site (outline).
Approved 3rd May 2000
- 3.2 PT99/0270/RM Erection of 83 dwellings and associated works.
Approved 14th July 2000
- 3.3 PT00/2213/RM Erection of 234 dwellings and associated works.
Approved 14th December 2000
- 3.4 The Outline Planning Consent detailed above made provision (via a section 106 legal agreement) for education contributions on the following basis;
- The subject site be transferred to South Gloucestershire Council for the provision of a new primary school; or;
 - A financial contribution is provided to South Gloucestershire Council for provision of additional school places in existing schools (in this instance the land would revert to the developer).
- 3.5 The section 106 legal agreement was such that South Gloucestershire Council was in a position to exercise one or the other of the above on optional basis. In 2009, South Gloucestershire Council Department for Children and Young People opted for the financial contribution as apposed to the land option. The land has reverted back to the developer and is now subject of this application. It is now the intension of South Gloucester Council (CYP) to improve the existing schools in the locality and provide the additionally required school places.

It should be noted that Crest Nicholson applied to the Local Planning Authority to discharge the financial contribution referred to above (PT09/0741/VAR). The

application was refused and subsequently appealed (APP/P0119/A/09/2108710/NWF). The appeal was heard at Public Inquiry and the decision remains out standing at the time of compiling this report.

- 3.6 It should be noted that the 1 school places referred to above are in relation to children arising from the development, which is now complete. Additional requirements are needed in respect of this application and this is detailed later in this report.

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

Object to the proposed development on the following grounds;

‘Bad access arrangement from the two internal roads not capable of sustaining extra traffic to the new development. Access should be directly from the roundabout to the North – from Great Stoke Way.

4.2 Sustainable Transport

No Objection subject to the provision of £17,500 towards the North Fringe Development Major Scheme (Transport Measures)

4.3 Crime Prevention design Adviser (CPDA) Avon and Somerset Constabulary

The CPDA has made detailed observations in respect of this application and are offered by way of advice. The CPDA does not make objection to this planning application. The comments relate to the layout of the development generally, giving advice in respect of the use of public footpaths and links running to the side and rear of dwellings. Advice is also given in respect of the treatment of gable ends and frontages of buildings in respect of defensible spaces and the demarcation of public and private space. Comments and advice are also provided in respect of car parking and the security of associated parking court yards and enclosures.

It should be noted that the comments of the Crime Prevention Design Adviser have been considered by the developer and the Local Planning Authority and have been taken into account in respect of this development proposal. Officers consider that the proposed development would adequately cater for the issues raised by the Crime Prevention Design Adviser.

4.4 Local Residents

9 sets of correspondence have been received from local residents. All of these residents live on the adjacent housing development to the West of this site. The comments can be summarised as follows;

- 1 The development would result in the loss of a site that is intended for a community use such as a primary school.
- 2 The developer has not carried out sufficient consultation with the residents of the adjacent development and the statement of community involvement should not be relied upon.

- 3 The development would allow overlooking of existing dwellings from the new dwellings to the detriment of privacy and residential amenity.
- 4 The development would cause a loss of light into the existing dwellings nearby.
- 5 There are too many car-parking spaces provided for the development. Excess car-parking spaces should be allocated for cycling.
- 6 There has been no consideration of 'Green Areas'.
- 7 There is not sufficient provision for bin storage on the proposed development.
- 8 There is concern about the level of street lighting on the new development and its impact upon the amenity of existing occupants of dwellings.
- 9 Concern is raised as to the use of Kings Drive, Halls Gardens and Star Avenue for the access to this development as there is already congestion on these streets due to parked vehicles. There is concern over the impact of this in respect of pedestrian safety. The use of Kings Drive would exacerbate this problem further increasing the risk to local residents.
- 10 Access to the development should be from the Roundabout associated with Great Stoke Way.
- 11 Concern is raised as to the use of the proposed footway leading onto the proposed development from Riviera Way as it may provide the opportunity for new residents to park on Riviera Way and accessing the development from this point. Concern is also raised as to the security impact arising from this footway.
- 12 The development would result in the loss of a rural view from the existing development.
- 13 Concern is raised as to the potential structural damage due to the proximity of proposed buildings to existing buildings.
- 14 Heavy construction traffic should not access the site via the existing development and should utilise the existing roundabout.

5. **ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of the erection of 34 dwellings and associated works.

5.2 Principle of Development

The site is located within the Bristol North Fringe Urban Area. Policy H2 of the South Gloucestershire Local Plan is relevant to this application. The Policy indicates that new residential development within the urban areas is acceptable in principle. The South Gloucestershire Core Strategy – Pre-submission Publication Draft, is also relevant, although at this stage the document carries limited weight at this time. Policy CS17 and CS25 deals with the development of housing in communities in the North Fringe Area and in this instance is considered that the proposed development is consistent with the aspirations of that policy. The principle of the proposed development is therefore acceptable subject to the following considerations.

5.3 The site area is approximately 0.57 hectares. The development of 34 dwellings would achieve a housing density of 60 dwellings per hectare. This is consistent with the density of the adjacent development to the West; and the development is close to the local transport hub located at Parkway Station. Accordingly this density is consistent with the requirements of Policy H2 of the South Gloucestershire Local Plan and PPS3.

5.4 Primary School Accommodation

Under the previous planning permission associated with the development of the dwellings to the West of the site, there were two options available to the Council in respect of the provision of school places in response to the existing residential development to the West. Essentially these options comprised;

- i) The provision of a new purpose built primary school on the site subject to this application; or
- ii) A financial sum so as to provide improvements to existing primary schools in the locality.

In this instance the Council have taken the second option. On this basis, the equivalent level of Primary School Accommodation will be provided elsewhere in the locality as part of existing primary schools. As such, the proposed development will not result in a loss of future primary school accommodation, although clearly it would not be provided on this site.

5.5 Urban Design

The site is relatively narrow and is constrained to the East by the boundary of the North Fringe Urban Area. Access is proposed to be from Kings Drive via Star Avenue and Halls Gardens. This access has significant influence on the layout of the development. The proposed development is predominantly made up of a mixture of semi-detached and terraced dwellings. Views of the site from the East are also a significant influence on the design of the development.

5.6 Dialogue has been ongoing between the developer and officers, including the Councils Urban Design Officer. Officers are of the opinion that the proposed development now adequately addresses the broad constraints of the site. In particular the proposed development allows for the majority of the built form to be set back from the Eastern boundary of the site thus reducing the impact of the development in the views towards the site, whilst maintaining long views from the site; and is considered acceptable.

5.7 The density of the proposed development is consistent with the density of development on the adjacent housing development to the West. The development comprises dwellings which, in the main, front onto the main access (street). Where this does not occur the dwellings front onto parking areas which are themselves extensions of the main access in to the site. This is considered to be an appropriate form of development and one which will work well in urban design terms. It is considered that the scale of the proposed development is acceptable and is consistent with the form and scale of the adjacent development to the West. An indication of proposed materials have been submitted to demonstrate the materials proposed to be used.

- Nonetheless an appropriate condition securing specific detailing and use of materials can be used to ensure that the development continues to display high levels of quality.
- 5.8 The Crime Prevention Design Advisor (CPDA) (Avon and Somerset Police) has commented generally on the principles of designing out crime in respect of this development proposal. Negotiation between the developer and Officers has addressed the points raised by the CPDA. In particular, the public realm is well overlooked throughout the development. Revisions in the layout of the proposal have resulted in the removal of a pedestrian route along the Eastern Boundary of the site as it was not considered to be a safe option. Pedestrian routes (and cycling links) are now directed through the development. A short link pathway allows permeability of the site via the South Western corner. This link would be well lit (with existing street lighting) and is considered to be overlooked. The short length and relatively wide pathway would be consistent with the principles of 'Safer Places – The Planning System and Crime Prevention'.
- 5.9 In addition to the above, as part of its good design objectives, the Local Planning Authority would expect new major residential development to meet the standards set out in The Code for Sustainable Homes assessment criteria to reach Level 3 of those standards (CSH3). This is consistent with Policy D1 of the South Gloucestershire Local Plan and the supporting South Gloucestershire Design Supplementary Planning Guidance. PPS1 also sets out that new development should meet high standards of efficiency and sustainability. Similarly, the emerging draft PPS1 (Climate Change) is encouraging of new residential development that achieves CSH3 standard. On this basis, it is appropriate to apply a suitably worded condition to any approval, such that the achievement of CSH3 is achieved as part of the development.
- 5.10 Having regards to the above, and subject to the suggested condition it is considered that the proposed development is acceptable in urban design terms.
- 5.11 Residential Amenity
Local residents have expressed concern over the impact of the proposed development in respect of overlooking, loss of light and privacy. During the course of negotiations with the developer, officers have sought to ensure that the impact of this development proposal on the occupants of the adjacent dwellings is minimal. The development as a whole is two storeys and as such there are not floor levels that would allow views across areas of private garden. The development has been designed so that generally the gable ends of existing dwellings will face the gable ends of proposed dwellings where there is a close proximity. Proposed dwellings which face existing dwellings (rear elevation to rear elevation) carry sufficient distance between opposing windows to avoid direct intervisibility.
- 5.12 Particular attention has been given to plot 26 during the discussions over the design and layout of the development. The plot is located in the South West corner of the application site. The proposed dwelling is positioned approximately 12 metres from the dwelling at 1 Voyager Close and approximately 7 metres from number 5 Riviera Way. In this instance the

fenestration of the proposed dwelling has been arranged so that there is no direct overlooking at first floor level. Whilst there is no window in the South elevation of the dwelling at first floor level, this elevation contains a window/door at ground floor level. This would not allow any material loss of privacy in its own right. The West elevation of the proposed dwelling contains a window to a bedroom in the first floor. This window would allow a view of the gable end at 5 Riviera Way and as such would not allow direct over-looking. Nonetheless, the distance from this window to the existing dwelling is short (at 7 metres). Although this distance is not normally considered to be the best approach, the orientation of this elevation and the position of the window within it, is such that there would be a reasonable level of light afforded to this room. Given the density of the development proposed and the adjacent development, it is considered that this limited separation is an inevitable compromise and one which would not materially impact upon the future occupants of the dwelling.

5.13 Having regards to the above it is considered that the layout of the proposed development would not compromise the privacy and residential amenity of the occupants of the nearby dwellings. Also, it is considered that the layout is such that the development is itself acceptable in respect of the privacy and residential amenity of its future occupants. Furthermore it is considered that the proposed development would not generate harm in that it would not conflict with the sub-urban character of the locality and the relationship of the new development with the adjacent residential development would be typical of a sub-urban context.

5.14 Landscape and Ecology

The existing site is, for the majority, open scrubby vegetation and grass. There are patches of bare ground within the site. The site itself is not considered to be of any particular landscape merit. However, it is located in a prominent location in the broader landscape. Amendments to the proposed development have resulted in a layout which would reduce the overall impact of the development in the broader landscape and as such is considered acceptable. In respect of the physical landscaping of the site, further detail will be required in respect of planting, especially in areas that may become adopted by the Council for maintenance purposes. This level of detail is appropriately the subject of a planning condition should the proposal be approved.

5.15 In ecological terms, the site has remained undeveloped for sufficient time to allow for potential protected and priority species to inhabit the site. In particular there is potential habitat for slow-worms. There is also the potential for roosting bats and the presence of hedgehogs within the site. In this instance it is considered that the site should be subject to a Phase 1 habitat survey in order to establish the presence of protected and priority species. In the event that habitat is identified the condition can be worded in such a way that appropriate mitigation and receptor sites are identified prior to commencement of the development. Subject to the condition being imposed, the proposed development is acceptable in ecological terms.

5.16 Drainage

The site is within an area with access to existing sewer provision. The connection to this system is the most appropriate method for dealing with foul

water. Sustainable Drainage Systems (SuDS) should be used where suitable hydrological conditions exist. Accordingly, any consent relating to this proposal a suitably worded drainage condition can be used to ensure that SuDS will be considered and used where it is practical to do so. In this instance the developer has indicated that soak-away systems are to be utilised in the development for surface water. Subject to the suggested condition being imposed, the proposed development is considered acceptable in drainage terms.

5.17 Transportation

There is concern raised by local residents and Stoke Gifford Parish Council in respect of the impact of the proposed development in highway safety and amenity terms. Comments also suggest that the site should be accessed direct from the existing roundabout at the Southern end of Great Stoke Way.

5.18 In access terms, consideration of utilising the existing roundabout has been given very early on in the process. Great Stoke Way is a Primary District Distributor Road and as such is not designed to take minor residential roads directly from it. The use of the roundabout is not practicable as a suitable junction from it would be very difficult to design taking into account the speeds of exit onto what would be a very low speed residential road serving a relatively small number of dwellings (34). Essentially, there would not be sufficient space to reduce speeds to an acceptable level appropriate for what would be a cul-de-sac development and as such the use of the roundabout would present serious highway safety issues. This issue is particularly relevant given that the emerging South Gloucestershire Core Strategy (policy CS27) proposes to extend Great Stoke Way to the South and West to link into the Avon Ring Road and future residential development at Harry Stoke. This would create the Stoke Gifford Transport Link and would raise the status of the road further.

5.19 Furthermore, from an urban design perspective, the use of the roundabout would isolate the development somewhat as apposed to it becoming properly integrated with the existing development and associated community. On this basis, the use of the roundabout has been discounted at an early stage.

5.20 Notwithstanding the above, the implications for the proposed development access (from the existing residential development) has been considered by the Sustainable Transport Team. The proposed access to the development uses Star Avenue and Halls Gardens via Kings Drive (accessing onto Parkway Roundabout). In this instance it is considered that the existing and proposed access has capacity for the level of traffic movements generated by the proposed development. The scale of the proposed development would not introduce levels of traffic that would materially impact upon the safe movement of vehicles and pedestrians within the existing residential development. The existing development is designed such that speeds do not exceed 20mph. The proposed development would continue these principles. The proposed car-parking levels are considered to be acceptable and would provide sufficient capacity for the development. There is sufficient turning capacity within the development to allow for the manoeuvring of refuse vehicles.

- 5.21 It is noted that public comment has raised concerns in respect of the level of car parking and that it could be argued that there is too much and as such may encourage an over dependence on the private car. The submitted information does not show dedicated cycle storage for each individual dwelling. Nonetheless, the developer has agreed to providing suitable storage as part of the development. Cycling and pedestrian links are to be provided to the North and South West corner of the site. In this instance, it is considered that the cycling links from the development out to the wider cycle network, together with specific private cycle storage will act to encourage the use of cycles as an alternative to the private motor car. Accordingly, and appropriately worded condition is required on any approval such that the provision of private cycle storage for each dwelling.
- 5.22 Concern has also been raised as to the use of the existing residential roads to access the site during the construction of the development. In pure transportation terms it is not considered that this would itself impact in respect of highway safety. However, given the restricted nature of them, it is noted that the use of the residential roads for construction access would potentially be harmful in respect of residential amenity. The developer also acknowledges this issue and as such intends to access the site for construction purposes directly off Great Stoke Way roundabout, to the North of the site. This is considered acceptable in highway safety terms as it would be a temporary arrangement with limited vehicular movement. Accordingly it is appropriate to impose a condition so as to preclude the use of Kings Drive, Star Avenue and Halls Garden for construction traffic.
- 5.23 Having regards to the above, it is considered that the proposed access into the development is the most appropriate and it is considered that the proposed development would not materially impact upon highway safety and amenity in the site, immediate adjacent development and the surrounding highway network.
- 5.24 Developer Contributions and Obligations
The proposed development is of sufficient scale to generate specific requirements in respect of Affordable Housing, Education provision, Off Site Open Space provision and Transportation. These are addressed below;

Affordable Housing

Affordable housing provision is specifically addressed in the South Gloucestershire Core Strategy – Pre Submission Publication Draft (Policy CS18). At this stage the document carries limited weight. The emerging policies look to provide up to 35% affordable housing (as part of proposals for 10 or more dwellings in urban areas with a tenure split of 80% rented and 20% intermediate. The adopted Policy H6 of the South Gloucestershire Local Plan sets a target of 33.3% affordable (at nil-subsidy) homes should be provided within development of 15 dwellings or more. Whilst the emerging Core Strategy carries limited weight the proposed development should accord with Policy H6 of the South Gloucestershire Local Plan (adopted) January 2006.

The developer has committed to providing 11 dwellings for affordable housing. This equates to 32% of the total development. This is slightly below the target

rate, however, additional dwellings would take the rate above the target and as such, the number of units is rounded down to the nearest whole unit. The Housing Enabling Officer is content with this approach as it would not be reasonable to increase the rate of affordable units beyond the target under the current adopted planning policy. Furthermore, given the relatively small site area, the proposed pepper potting of the affordable units is considered acceptable subject to specific provisions relating to access and parking for the affordable units. This specific issue is a matter, which can be addressed within the required section 106 legal agreement and does not affect the principle policy considerations in respect of the number and tenure split for the affordable units. On this basis, the development is consistent with the fundamental requirements of Policy H6 of the South Gloucestershire Local Plan. In addition, the developer has agreed to provide a tenure split of 80% Rent and 20% Intermediate in accordance with the Strategic Housing Market Assessment and the emerging Core Strategy. The developer is offering this at nil-subsidy. On this basis and is consistent with current Affordable Housing policy.

School Places

The Directorate of Children and Young People have assessed the implications for the proposed development in terms of providing additional school places in the locality of the site. In this instance, there is a requirement to provide an additional seven primary school places. This equates to a sum of **£75,229**. There is a surplus capacity in respect of secondary school places and as such there is no requirement for contributions for secondary schools.

It is considered that the above requests are reasonable and would off set additional educational requirements generated as a direct result of the proposed development. As such the request is consistent with Policy LC2 of the South Gloucestershire Local Plan. In this instance the developer has agreed to meet this obligation in full.

Community Infrastructure

Community Services have assessed the needs arising from the development of additional dwellings in respect of open space provision; library services and dog waste. The requirement is for a financial contribution and is as follows;

Public Open Space (Off Site Provision)	£42,995.33
Library Services (enhancement to existing services)	£6783.48
Dog Waste Bins	£610.69

It is considered that the above requests are reasonable and would off set additional requirements generated as a direct result of the proposed development. As such the request is consistent with Policy LC1 and LC8 of the South Gloucestershire Local Plan.

The developer has agreed to meet this obligation in full.

Transport Infrastructure

The Sustainable Transport Team has assessed the application in respect of its impact upon the strategic transport requirements in the Bristol North Fringe. In

this instance it is considered that the impact is such that mitigation should be provided in the form of a financial contribution towards the North Fringe Development Major Scheme (Transport Measures). The financial sum calculated on the basis of type and number of dwellings amounts to **£17,500**.

The developer has agreed to meet this financial requirement in full.

5.25 Summary of Obligations

The developer has agreed to provide affordable units on a basis that is consistent with the requirements of the Housing Enabling Team; and Policy H6 of the South Gloucestershire Local Plan. The total required financial contribution amounts to **£143118.50**. The developer has agreed to meet this in full. On this basis, the proposed development would provide for full mitigation in respect of its impact upon the existing community and transport infrastructure; and as such is acceptable in respect of developer obligations and contributions.

5.26 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.

5.27 Use of Energy and Sustainability

In this instance the developer has indicated that it would be prepared to meet the 2010 levels of energy conservation contained within the Building Regulations from October 2010. The developer has also confirmed that the affordable housing units will be designed to meet the Code for Sustainable Home Level 3 (CSH3) criteria. Nonetheless, as stated earlier, it is appropriate to apply a suitably worded condition requiring that the whole development meets the CSH3 requirements and that the developer demonstrates that this level will be achieved prior to the first occupation of the development. Subject to the imposition of this development, the proposed development is acceptable in Energy and Sustainability terms.

5.28 Improvements Achieved to the Scheme

The layout of the proposed development is the result of negotiation with officers during the course of the assessment of this application. The layout no proposed is considered acceptable in urban design terms and is considered to be a significant improvement over the original submission.

5.29 Other Matters

Concern has been raised as to the scope of the consultation process in relation to this planning application. In this instance officers are content that the consultation is consistent with the requirements of the Statement of Community Involvement.

5.30 Concern has also been raised as to the potential for structural damage to dwellings during the construction of the development. Such an issue is a civil matter between the owner of the dwelling and the developer. As such this matter cannot be considered as part of this planning application.

5.31 Loss of Rural View

Concern has been raised as to the impact of the loss of views across the rural area to the East of the site. There is no right to a view as such, and such a consideration is not a material consideration in respect of the assessment of a planning application.

5.32 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the transportation improvements, provision of affordable housing, public open space, dog waste facilities, community library and education contributions) are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

6. CONCLUSION

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

6.2 It is concluded that subject to the completion of an appropriate Legal Agreement the proposed development would provide an appropriate level of affordable housing, and would provide sufficient mitigation in respect of its impact upon the Education facilities, Public Open Space facilities, Community Library Facilities, Dog Waste Facilities and the Transport Infrastructure. The proposed development is therefore consistent with Policies LC1, LC2, LC8 and T12.

6.3 It is also concluded that the development meets a good standard of urban design and the scale of the development would have no material impact in respect of highway safety and residential amenity; and subject to the imposition of suitably worded conditions would provide an acceptable level of energy conservation and sustainability and would provide appropriate landscape and ecological mitigation. The proposed development is therefore consistent with policy D1, L1, L9 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.

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

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) within 6 months to secure the following:
- The provision of 11 affordable housing units in accordance with the layout submitted to the Council on 24th March 2010 (BRS.2371_06-5) at a tenure split of 80% Rent and 20% Intermediate housing; and at Nil Subsidy.
 - A financial contribution of £75,229 towards the provision of additional primary school places in the locality
 - A financial contribution of £42,995.33 towards the provision of off site improvements to existing public open space in the locality
 - A financial contribution of £6783.48 towards the provision of improved library services in the locality
 - A financial contribution of £610.69 towards the provision of additional dog waste facilities in the locality
 - A financial contribution of £17,500 towards the implementation of highway improvements in the locality (North Fringe Development Major Scheme (Transport Measures))
- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.3 Should the Section 106 Agreement not be completed within 6 months of the date of determination then the application be refused or returned to the Circulated Schedule for further consideration on this basis.

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.

Reason

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

2. The development hereby approved shall be constructed to Code for Sustainable Homes Level 3 (CSH3). The development shall not be occupied until a formal assessment demonstrating that CSH3 has been achieved shall be undertaken by a licensed Code Assessor and a copy of the assessors report and the certificate shall be submitted to and approved by the Local Planning Authority.

To ensure the development minimises the use of energy and natural resources in accordance with Policy D1 of the South Gloucestershire Local Plan (adopted) January 2006; The Adopted South Gloucestershire Design Checklist; PPS1 and its supplement Planning and Climate Change.

3. Prior to the commencement of development detailed plans showing the provision of secure cycle storage facilities within the curtilages of each individual dwelling in accordance with the standards set out in Policies T7 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason

To encourage means of transportation other than the private car, to accord with Policies T7 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Access to the site during the construction of the development hereby approved shall not make use of Kings Drive, Star Avenue or Halls Gardens within the existing residential development to the West of the site.

Reason

To minimise disturbance to occupiers of Kings Drive, Star Avenue and Halls Gardens and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The hours of working on site during the period of construction shall be restricted to 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturday; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to occupiers of Kings Drive, Star Avenue and Halls Gardens and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of development details of the location of any construction compound and vehicular parking to be provided on the site shall be submitted to and

agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To minimise disturbance to occupiers of Kings Drive, Star Avenue and Halls Gardens and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. No development shall commence until the site is surveyed for the presence of slow-worms, bats and hedgehogs. Should any of these species be identified as being present within the site then a mitigation strategy for each species shall be prepared and agreed with the Local Planning Department prior to the commencement of the development hereby approved. The development shall proceed in accordance with the agreed mitigation strategy.

Reason

To protect the ecological diversity of the site and the surrounding locality and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006

8. Notwithstanding the submitted details, no development shall commence until a detailed scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

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

9. 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 L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

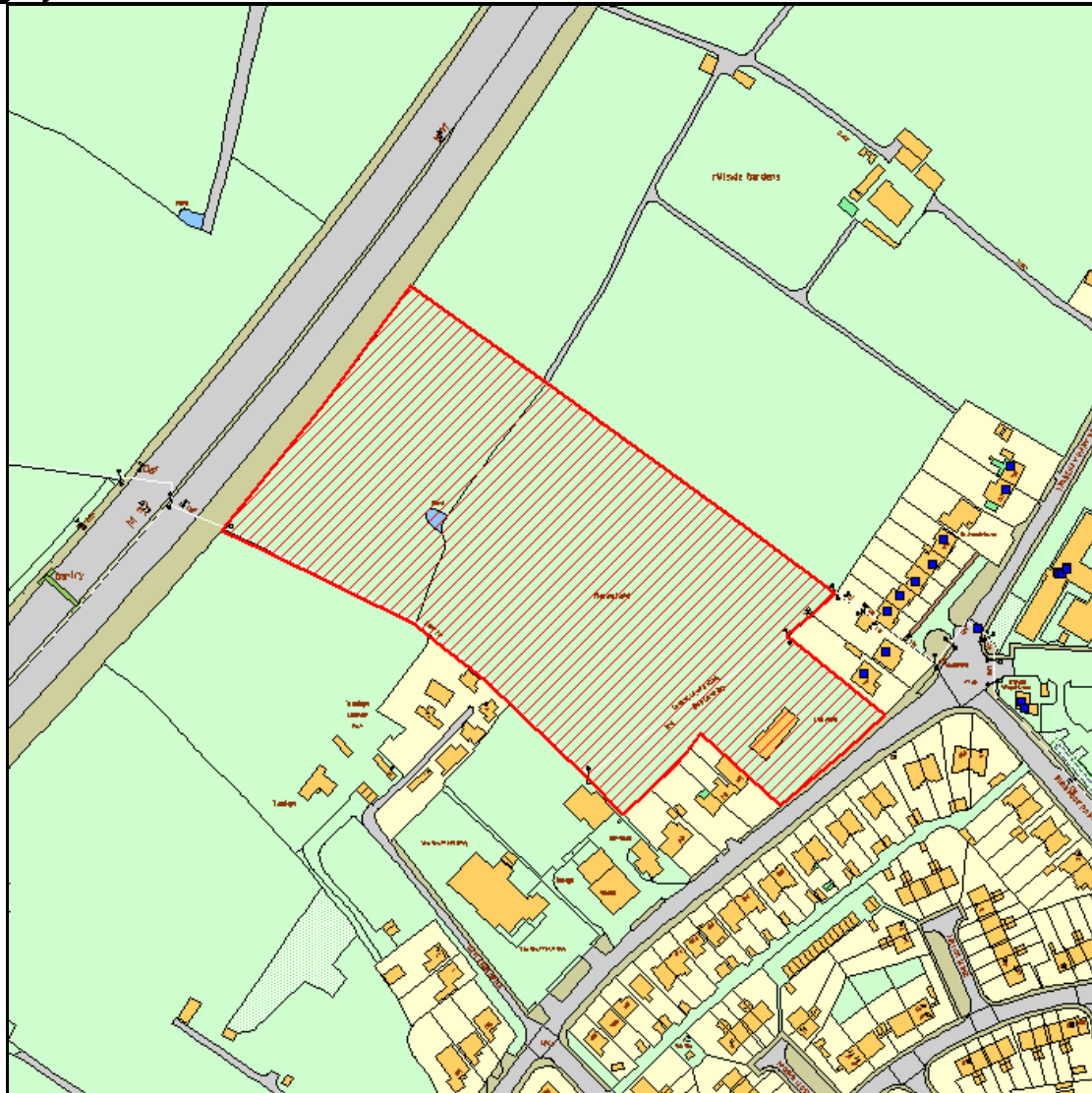
10. Prior to the commencement of development details and samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 12/10 – 26 MARCH 2010

App No.:	PT09/5590/F	Applicant:	Sir/MadamDRG Stapleton Amateur Football Club
Site:	DRG Stapleton Football Club Frenchay Bristol South Gloucestershire BS16 1LG	Date Reg:	26th October 2009
Proposal:	Construction of new football pitch including drainage and associated landscaping. Upgrade of existing football pitch.	Parish:	Winterbourne Parish Council
Map Ref:	363331 177648	Ward:	Frenchay And Stoke Park
Application Category:	Major	Target Date:	12th January 2010



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 100023410, 2008. **N.T.S.** **PT09/5590/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for engineering and drainage works to form a new football pitch (100m x 68m), upgrade the drainage of the existing football pitch, and provide ancillary landscaping works.
- 1.2 In order to carry out these engineering works material will be important onto the site. This material will consist of approximately 28 000 m³ of inert subsoil's and soils. It is forecasted by the applicant that the works will continue for approximately 12 months, and would involve an average of 12 lorry trips to the site per day.
- 1.3 The application site relates to an existing clubhouse, parking and football pitch. The new pitch would be situated on an area of scrubland that is situated to the north-west of the site.
- 1.4 The site is situated outside of the Frenchay settlement boundary and is designated as Green Belt. Moreover the access to the site and the clubhouse is situated within the boundary of Bristol City Council. However all of the operational development would take place within South Gloucestershire.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1: Delivering Sustainable Development
- PPG2: Green Belts
- PPS9: Biodiversity and Geological Conservation
- PPG17: Sport and Recreation
- PPS25: Development and Flood Risk

2.2 Development Plans

Joint Replacement Structure Plan (Adopted) September 2002

- Policy 16: The Green Belt

South Gloucestershire Local Plan (Adopted) January 2006

- D1: Achieving Good Quality Design in New Development
- L1: Landscape Protection and Enhancement
- L9: Species Protection
- L17/L18: The Water Environment
- EP2: Flood Risk and Development
- GB1: Development within the Green Belt
- T12: Transportation Development Control Policy For New Development

LC5: Proposals for Outdoor Sport Facilities Outside Defined Settlement Boundaries

Minerals & Waste Local Plan (Adopted) May 2002

Policy 9: Green Belt

Policy 22: Residential/Local Amenity

Policy 24: Transport

Policy 43 Inert, Construction and Demolition Waste

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 PT04/2719/F Construction of new football pitch and five-a-side practice pitch with hardstanding and removable barrier, and associated landscaping.
Refused on 05.07.2005
- 3.2 PT01/0557/F Erection of barriers around boundary of football pitch, and erection of team dugouts
Approved on 04.04.2001

4. **CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council
Objection as there are insufficient parking spaces. The great crested newts on this site must be rehoused.
- 4.2 Bristol City Council
No response.
- 4.3 Sustainable Transport
No objection.
- 4.4 Sport England
No objection.
- 4.5 Highways Agency
No objection subject to further drainage details and a scheme to prevent driver safety from football's entering the carriageway of the adjacent M32 motorway.
- 4.6 National Farming Union
Concern that the development would increase the risk of flooding on adjacent agricultural fields.
- 4.6 Local Residents
One letter has been received from a local resident. The main concerns are drainage, car parking, and footballs being kicked into their property.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the construction of a new football pitch, insertion of drainage in both the existing and proposed pitches, and associated landscaping. The following key issues shall be assessed in this report: -

1. Is the principle of a new a new football pitch and the associated drainage in a location which is outside of a defined settlement boundary.
2. Is the principle of a new pitch and the associated drainage and landscaping works appropriate development within the Green Belt?
3. Is the wider visual and landscape impact of the development acceptable?
4. Is the impact on ecology and proposed mitigation acceptable?
5. Is the impact of the development on the residential amenity of local residents acceptable?
6. Are the transportation implications of the development acceptable?
7. Is the development acceptable in relation to flood risk?

5.2 Principle of Development

Policy LC5 of the local plan allows for proposals for the development and improvement of outdoor sports and recreation outside of defined settlement boundaries, providing that:

- A. Proposals for facilities which are likely to be major travel generators are located on sites which are highly accessible by public transport, on foot and by bicycle; and
- B. Development would not itself, or when considered with other recent or proposed sports and recreation development in the immediate locality, have an unacceptable effect on the character and diversity of the landscape; and
- C. Development would not have unacceptable environmental or transportation effects; and
- D. Development would not unacceptably prejudice residential amenities; and
- E. Development would not give rise to unacceptable levels of on street parking to the detriment of the surrounding area and highway safety; and
- F. Any external lighting or advertisements would not result in unacceptable loss of amenity, nor constitute a road safety hazard.

5.3 In view of this policy it is considered that the principle of the proposed development would be acceptable. Nevertheless the individual criteria are addressed in the subsequent sections of this report.

5.4 Green Belt

The application site lies within an area which is designated as Green Belt. Policy GB1 of the adopted local plan mirrors national policy within PPG2 that sets a general presumption against inappropriate development within Green Belts. The change of use of land in such area will only be allowed where ‘ *it would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purpose of including land within it*’.

5.5 It is acknowledged that the development would involve the importation of 28,000 m³ of inert subsoil’s and soil to the site in order to: provide an additional pitch; level the existing pitch; and provide improvements to drainage. It is considered that the amount material being imported is only required for requirements of the improvements to the football pitches. The amount of material to be imported shall be strictly condition to prevent any additional material being brought onto the site.

5.6 On this basis, it is concluded that the proposed development would enable a significant improvement to the existing sporting facility and would retain the openness of the Green Belt in this location. On this basis it is considered that the proposed development not have a materially great impact than the present authorised use. The proposal would therefore be an appropriate development within the Green Belt and would accord to PPG2 and Policy GB1 of adopted Local Plan.

5.7 Visual Amenity and Landscape

It is acknowledged that the proposed development would involve the re-profiling of the existing site. The most significant re-profiling shall take place to the north west of the site where topography of the land drops in height.

5.8 The Council’s Landscape Architect has been consulted to assess the impact of the proposal on the visual amenity and the landscape of the site and locality. They concluded that the new pitch would not have any ‘in principle’ landscape objections. However, it is considered the proposed bunding to the north west of the site would appear visually contrived in this flat valley floor landscape and therefore would not be in character with the location. It is also considered that bunding is not entirely necessary for the operation of the pitch. On this basis, amended plans have been received which have omitted the bunding from the proposed development.

5.9 It is considered that the amended proposal would be acceptable in landscape terms, subject to a condition requiring a full landscape scheme to secure precise details of the landscape works. On this basis, it is concluded that the proposed development would accord with Policy L1 of the local plan.

5.10 Ecology

The Council’s Ecologist has identified that the application site is subject to the following ecological issues; hedges; slowworms; badgers; birds; bats; and Great Crested newts. The applicant has addressed these issues through the

submission of an 'Extended Phase 1 Habitat Survey', a 'Hedgerow Survey', a 'Great Crested Newt Habitat Suitability Index Survey', and a 'Reptile Survey'.

5.11 The Council's Ecologist has reviewed these surveys and has concluded that, subject to the conditions securing the ecological mitigation, the proposed development would not directly or indirectly have an adverse effect on nationally or international protected species. On this basis, it is concluded that the proposed development would accord with Policy L9 of the local plan.

5.12 Residential Amenity

The proposed development is isolated from the existing residential properties by some distance. Moreover given the site's existing use as playing fields it is considered that the development would not give rise to significant noise disturbance to these nearby properties.

5.13 It is acknowledged that the proposed development would involve construction works that would continue for a period of approximately 12 month, based on a total of approximately 266 working days over 12 months. It is estimated that there would be an average of 12 lorry trips to the site per day. To limit disturbance to local residents during this period it is recommended that a condition is attached to restrict working hours to 08:00 – 18: 00 Monday to Friday.

5.14 Transportation

The proposed development would not involve any alterations to the existing access or parking arrangements. Moreover it is considered that one additional pitch on the site would not result in significant increase to traffic movements to and from the site.

5.15 During the construction period it has been suggested that 12 HGV movements per day would be required to transport material, which seems a reasonable assessment. Any inconvenience cause by HGVs would be temporary and the number of movements anticipated would not impinge on highway safety. After completion the amount of additional development traffic is not considered significant within the context of South Gloucestershire's local road network.

5.16 It is acknowledged that the access to the site falls within the boundary of Bristol City Council (BCC). As part of the application BCC were consulted, however no comments were received. On this basis it is considered that the proposed development would not give rise to unacceptable transportation effects, and would accord to Policy T12 of the adopted local plan.

5.17 It is noted that the proposed development would be adjacent to the M32 motorway. The Highway's Agency were consulted as part of this application and they had no objection to the scheme, subject to:

(1) a condition securing drainage details; and

(2) a condition securing a scheme to protect the driver safety of the adjacent M32 motorway from stray football's entering the carriageway.

5.18 Flood Risk and Drainage

It is acknowledged that representations have been received that has raised concern with regard to potential flooding and drainage issues. To address these issues the applicant submitted a 'Level 2 Flood Risk Assessment'. The Council's Drainage Engineer and the Environment Agency have reviewed this study have they have both raised no objection to the development subject to the submission of further details regarding the provision of surface water drainage works. On this basis it is considered that the proposed development would not have an unacceptable effect on the water environment or flood risk. The proposed development therefore accords with policies L17, L18, and EP2 of the local plan.

5.19 Design and Access Statement

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

5.20 Use of Energy and Sustainability

None.

5.21 Improvements Achieved to the Scheme

Improvement to the landscape through the removal of bunding.

5.22 Section 106 Requirements

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

6. CONCLUSION

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

- a) The principle of the proposed playing fields and associated works, on land outside of the settlement boundary, would accord with Policy LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposed playing fields and associated works would constitute an 'essential facility for outdoor sport and recreation'. On this basis the represents appropriate development within the Green Belt and therefore accords with PPG2 and Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

- c) The wider visual and landscape impact of the proposed development has been fully considered in this application. It was concluded that the proposal would have an acceptable impact on visual amenity. On this basis the proposed development would accord with Policy D1, L1, and LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - d) The impact of the proposed development on ecology of the application site has been fully considered in this application. It was concluded, that subject to conditions, the proposals would not directly or indirectly have an adverse effect on nationally or internationally protected species. On this basis the proposed development would accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - e) The impact of the proposed development on the residential amenity of nearby occupiers has been fully considered in this application. It was concluded that the proposed development would not give rise to material levels of noise and disturbance. On this basis the proposed development would accord with Policy LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - f) The transportation effects of the proposed development have been considered in this application. It was concluded that the proposed development would not have an unacceptable effect on highway safety. On this basis the proposed development would accord with Policy LC5 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - g) The impact of the proposed development on flood risk and drainage has been fully considered in this application. It is considered that the proposal would not have an unacceptable effect on the water environment or flood risk. On this basis the proposed development would accord with Policy L17, L18 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. No development shall take place until details of how mud, dust or other debris shall be prevented from being deposited onto the public highway have been submitted to, and approved in writing by the Local Planning Authority. Development shall be implemented and in accordance with the approved details. For the avoidance of any doubt, no mud, dust or other debris shall be deposited on the highway. No vehicle shall leave the site unless its wheels and chassis are clean.

Reason

To prevent materials from being deposited on the highway, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No development shall take place until a scheme for the provision of surface water drainage works has been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved drainage works shall be completed in accordance with the details and timetable agreed.

Reason

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal, and to accord to policies L17, L18 and EP2 of the South Gloucestershire Local Plan (adopted) January 2006

4. No development shall take place until a landscape plan, strategy and management schedule have been submitted to, and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details and timetable agreed. For the avoidance of any doubt, the scheme should include; details of the semi-natural habitat (water bodies, scrub, species-rich grassland, trees) to be created on site; a maintenance specification covering a period of five years from the date of completion of the planting; and provisions for monitoring the works.

Reason 1

To protect the character and appearance of the area to accord with Policies D1, L1, and LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2

To maintain and enhance the biodiversity of the site, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall take place until an ecological mitigation strategy for protected species on the site has been submitted to, and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details and timetable agreed. For the avoidance of any doubt, the strategy shall include a working methodology and measures to safeguard any hedgehogs and reptiles (slow-worms and grass snakes) occurring on site to be implemented ahead of development commencing.

Reason

To maintain and enhance the biodiversity of the site, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. No development shall take place until a strategy to safeguard the areas of existing semi-natural areas (including hedges and scrub) within the site has been submitted to, and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details and timetable agreed. For the avoidance of any doubt, the strategy shall include details of the future management of the semi-natural areas and will also include re-use of the existing pond water/flora/fauna within the new water bodies.

Reason

To maintain and enhance the biodiversity of the site, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. No development shall take place until a strategy for the eradicating the stand(s) of Japanese knotweed on site has been submitted to, and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details and timetable agreed.

Reason

To maintain and enhance the biodiversity of the site, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. No development shall take place until a suitably-experienced and/or qualified and licensed ecological "clerk of works" has been appointed to oversee all works relating to ecology. The applicant shall inform the Local Planning Authority in writing prior to the commencement of any works or development on the site. For the avoidance of the any doubt the appointed ecologist shall ensure that all works accord with the provisions of the relevant or appropriate conditions, strategies or undertakings, and to act as liaison with the Local Planning Authority and external agencies such as Natural England.

Reason

To maintain and enhance the biodiversity of the site, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Prior to the first use of the development hereby permitted, a scheme to protect the driver safety of the adjacent M32 motorway shall be submitted to, and approved in writing by the Local Planning Authority. For the avoidance of doubt the scheme shall specifically detail how the motorway shall be protected against footballs entering the carriageway. Development shall be implemented in accordance with the approved detail, and prior to the first use of the football pitches hereby approved, and thereafter maintained.

Reason

To protect highway safety of the adjacent M32 motorway, and to accord to Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006

10. The importation of material for the purposes of the development hereby authorised shall cease on or before the expiry of two years from commencement date which shall be provided to the Council in advance. Thereafter remaining restoration works, contouring and planting shall be completed within a further 3 months.

Reason

To ensure that the development is completed within a reasonable timescale in the interests of local amenity and to accord with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. No more than 28,000 cubic metres of material shall be imported to the site for the purposes of the development hereby permitted.

Reason

To ensure a satisfactory form of development, in accordance with the approved plans, to enable the Local Planning Authority to monitor the development and to accord with Policy D1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. No materials other than clean, uncontaminated soils and sub-soils shall be imported to and deposited at the site.

Reason

To prevent pollution of the water environment, and to accord with Policy L17 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. The hours of working on site during the period of construction shall be restricted to the hours of 0800 to 1800 Monday to Friday and no working shall take place on Saturdays, Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To prevent disturbance to nearby local residents, and to accord with Policy LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

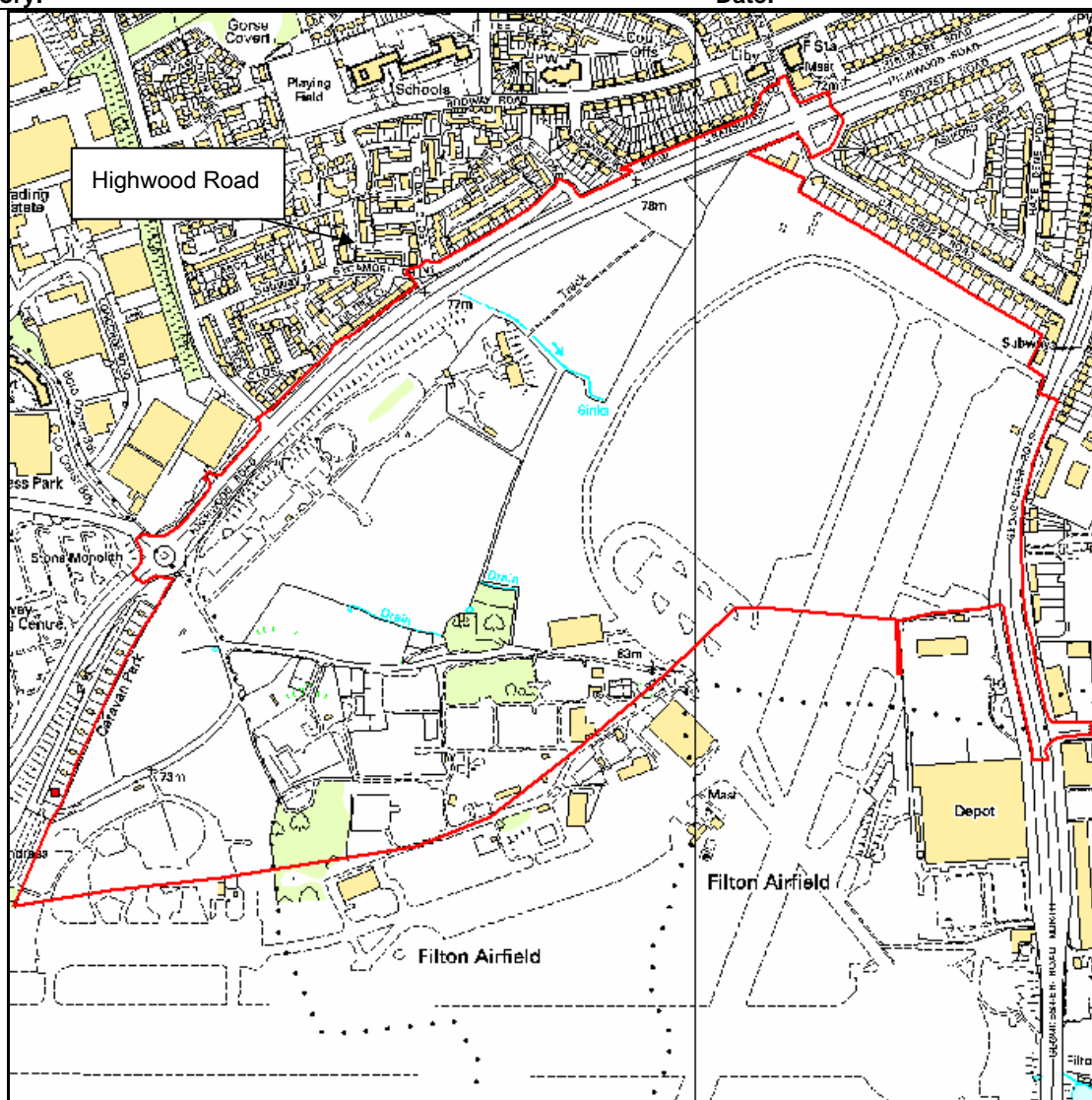
CIRCULATED SCHEDULE NO. 12/10 – 26 MARCH 2010

App No.: PT09/6091/O
Site: Northfield Filton Airfield Patchway South Gloucestershire BS34 5DJ
Proposal: Major mixed-use development across 81.25 hectares of land comprising 2,200 new dwellings, 66,000 sq m of employment floor space (B1, B2 and B8), 1,500 sq m of A1, A2, A3, A4 and A5 floor space: together with the provision of supporting infrastructure and facilities including; new vehicular and pedestrian access to Highwood Road, new link road, public open space, primary school, community building, hotel (C1) (Outline) with siting and access to be determined all other matters to be reserved.

Applicant: Bovis Homes Ltd
Date Reg: 30th December 2009
Parish: Patchway Town Council

Map Ref: 359132 180553
Application Category: Major

Ward: Patchway
Target Date: 14th April 2010



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 100023410, 2008. N.T.S. PT09/6091/O

INTRODUCTION

The application appears on the circulated schedule as it is major one and a representation has been received contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks outline planning permission for the following: Major mixed-use development across 81.25 hectares of land comprising 2,200 new dwellings, 66,000 sq m of employment floor space (B1, B2 and B8), 1,500 sq m of A1, A2, A3, A4 and A5 floor space: together with the provision of supporting infrastructure and facilities including; new vehicular and pedestrian access to Highwood Road, new link road, public open space, primary school, community building, hotel (C1). The application is in outline with siting and access to be determined with all other matters to be reserved.
- 1.2 The application is essentially a duplicate of the approved outline application (see history below) with the same physical works proposed, but with a reduced S106 obligation package. The applicant has stated that the reduced S106 'burdens' are required as the recent economic downturn has rendered the development commercially unviable unless the requirements for affordable housing and other financial contributions are reduced.
- 1.3 A number of reserved matters applications under the approved outline application have been approved (see history). Development has started on site on the principal link road (which was approved under the original outline application) that links the A38 to the San Andreas roundabout, and expected to be finished late 2010 early 2011, and housing approved by the reserved matters application PT09/0765/RM. The former was started with the benefit of Regional Infrastructure Funding and the latter with Homes and Community Agency 'Kick-Start' funding.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport
Circular 05/2005 Planning Obligations

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
M1 Site 4 Major Mixed Use Development Proposals at Northfield, Filton Arerodrome, Patchway
H6 Affordable Housing
T12 Transportation Development Control Policy
LC1 Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)

- LC2 Provision for Education Facilities (Site Allocations and Developer Contributions)
- LC8 Open Space and Children's Play in Conjunction with New Residential Developments
- S2 Proposals for Health Provision (Site Allocation and Developer Contributions)
- S3 Proposals for Social Services Provision (Site Allocation and Developer Contributions)

South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010

- CS1 High Quality Design
- CS6 Infrastructure and Developer Contributions
- CS7 Strategic Transport Infrastructure
- CS8 Improving Accessibility
- CS15 Distribution of Housing
- CS18 Affordable Housing
- CS23 Community Buildings and Cultural Activity
- CS24 Open Space Standards

- 2.3 Supplementary Planning Documents
 Design Checklist SPD
 Affordable Housing SPD

3. RELEVANT PLANNING HISTORY

Planning Applications

- 3.1 PT03/3143/O: Major mixed-use development across 81.25 hectares of land comprising 2,200 new dwellings, 66,000 sq m of employment floor space (B1, B2 and B8), 1,500 sq m of A1, A2, A3, A4 and A5 floor space: together with the provision of supporting infrastructure and facilities including; new vehicular and pedestrian access to Highwood Road, new link road, public open space, primary school, community building, hotel (C1) (Outline) with siting and access to be determined all other matters to be reserved. Approved following signing of S106 agreement March 2008.
- 3.2 PT09/0099/RM Phase 1: The Boulevard: Infrastructure highway works including landscaping, street furniture, paving materials and lighting. (Approval of reserved matters to read in conjunction with outline planning permission PT03/3143/O). Approved March 2009
- 3.3 PT09/0765/RM: Parcels H21, H22 and H23: Erection of 111no. dwelling with garaging and parking, landscaping and associated works. (Approval of Reserved Matters to be read in conjunction with outline planning permission PT03/3143/O). Approved July 2009
- 3.4 PT09/1271/RM: Parcel H18: Erection of 51 no. dwellings with garaging and parking, landscaping and associated works. (Approval of reserved matters to be read in conjunction with outline planning permission PT03/3143/O). Approved August 2009

- 3.5 PT10/0042/RM: Parcels H19, H20: Erection of 60no. dwellings with garaging and parking, landscaping and associated works. (Approval of reserved matters to be read in conjunction with outline planning permission PT03/3143/O). Approved March 2010.

Masterplans and Design Codes

- 3.6 Phase 1 Detailed Masterplan approved August 2008. Phase 1 Design Codes approved August 2008.
- 3.7 Phase 1 Masterplan amendments regarding phasing approved July 2009. Phase 1 Design Codes amendments regarding phasing approved July 2009.

Deeds of Variation to approved S106 agreement

- 3.8 Deed of variation to allow public subsidy for the first four parcels (H18, H21, H22 and H23) to assist in the delivery of the affordable housing provision to enable Bovis to apply for Homes and Community Agency 'Kick Start' funding. Approved October 2009
- 3.9 Deed to variation to insert Mortgagee in Possession Clause and to amend wording of Schedule 4 of the S106 relating to highway improvements to enable the S106 to conform to state subsidy rules (for the purposes of Bovis obtaining Regional Infrastructure Funding to build the principal link road). Approved January 2010.

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
No response received

- 4.2 Other Consultees

Sport England

Given the lack of information received Sport England wishes to register its objection to the outline planning application. However, Sport England would be willing to review our position if further information were forthcoming which demonstrated that the provision and location of sport and recreational facilities as proposed as based on a robust local assessment of existing and future need.

Highways Agency

Since the Agency was formally consulted on the application in December 2009 they have stated that they have been in direct discussions with the application in relation to the scope of supporting transport evidence required for the Agency to be able to accurately assess the impact of the proposals on the Strategic Road Network. The Agency is seeking to resolve as many of the outstanding transport matters with the applicant in advance of the Council determining the application.

Wessex Water

Points of connection to the foul system and flow rates are now agreed in principle with the developer for the preliminary phases of development. Technical approval has also been reached for the adoption agreement to cover these early phases. Further progress will need to be made on the outstanding phases once the developers programme is known.

Environment Agency

The Agency has no objections to the re-submission of the outline application, subject to conditions. There have been extensive discussions between SGC, the Agency and Bovis Homes in agreeing the strategic drainage strategy for this site. The agreed PBA Strategic Drainage strategy has been a high priority in influencing the layout and ensuring that runoff rates and volumes are not increased to ensure that flood risk betterment is achieved at the top of the Stoke catchment. To date the Agency is supportive of the PBA Strategic Drainage Strategy and the primary SUD features that will be delivered on the ground.

South West Regional Development Agency

SWRDA support the proposals providing that:

1. Appropriate arrangements are put in place to ensure that the transport linkages between the proposal and the city centre are secured to improve accessibility and reduce the need to travel by car
2. A level of affordable housing being provided to the satisfaction of the Council to meet demonstrated housing need

National Air Traffic Safeguarding (NATS)

NATS has no safeguarding objections to this proposal.

The Coal Authority

The Coal Authority does not wish to make any observations or specific comments in relation to the proposed development.

Other Representations

4.3 Local Residents

One objection has been received from a local resident stating that the A38 is at capacity twice a day and what will happen when the density of traffic arising from the proposal is put on this congested road.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application is essentially a duplicate of that approved under PT03/3143/O but with reduced S106 obligations. The Site Wide Design and Access submitted with the current application is almost identical with the Site Wide Design Access Statement approved as part of PT03/3143/O. This took account of the design evolution of the scheme from the original concept statement. The differences are: a chapter on Infrastructure Works as these have now been implemented on site in the form of site preparation (soil decontamination,

removal of concrete aprons, tree and hedgerow protection etc) and amendments to the Phasing Strategy that reflect already approved amendments to the Phase 1 Masterplan of PT03/3143/O.

- 5.2 Given that the Site Wide Design and Access Statement approved as part of PT03/3143/O is extensive and covers a wide range of issues involved in the development, and the Site Wide Design and Access Statement submitted as part of the current application covers the same issues in the same format and depth, with the only differences being those set out above, it is not considered appropriate to assess here matters of principle of development or other issues covered by the Site Wide Design and Access Statement. Furthermore, the EIA has been updated to December 2009 to take account of further work undertaken since approval of the previous application.
- 5.3 In the event of an approval of this current application, conditions would be attached to any permission requiring submission of phased masterplans and design codes in accordance with the Site Wide Design and Access Statement before the submission of any future reserved matters applications to ensure a high standard of design. Construction currently underway on the first reserved matters applications fits with the submitted Design and Access Statement.
- 5.4 Issues relating to landscape, tree protection, ecology, drainage, archaeology, detailed design, noise levels and protection of Filton Wood SNCI are covered in both the proposed Site Wide Design and Access Statement and the updated EIA. The proposed Site Wide Design and Access Statement is very similar to the approved Site Wide Design and Access Statement and as such, the treatment of these issues is appropriate and it is not considered necessary to refuse planning permission on this basis, since in the event of an approval these issues could be controlled by suitable conditions as per the existing outline planning permission.
- 5.5 The outstanding issues for this current application are therefore the reduction on the S106 obligations and these are analysed in depth below. The applicant has stated that the reason for these reduced S106 obligations is the economic downturn which has rendered the current obligations, as set out in the S106 agreement approved as part of PT03/3143/O as unviable and therefore seeks to reduce these.
- 5.6 However, It is important to note here that whilst detailed discussions have taken place with the applicant regarding viability, there is no agreed position with the applicant on the present viability of the approved scheme is at the present time, nor how this will change as the development is implemented over the next 10-12 years. Neither do officers have a finalised position on the viability of the scheme at present.
- 5.7 Guidance from the Homes and Communities Agency in the form of their recent document ‘ Investment and Planning Obligations – Responding to the Downturn’ states that where a consented development can no longer comply with planning policy for reasons of non-viability, it is likely that local planning authorities are entitled to take a view whether there are benefits from the scheme that justify flexibility. It goes onto say that it is important to understand

the principle that a planning obligation is generally necessary to make a proposed development acceptable in planning terms and that its non-viability, although a material consideration, is not a sufficient reason in itself for considering flexibility in its application.

- 5.8 The Council must have an understanding of the viability of the scheme over the full build out period of 10-12 years if it is to consider any proposed changes to the S106 package. As noted above, development of the strategic infrastructure and housing is currently proceeding on site.
- 5.9 Detailed analysis of the proposed S106 package submitted with the application are set out below.
- 5.10 Affordable Housing
The approved S106 agreement allows for 33.3% of total dwellings to be identified and reserved as affordable with nil public subsidy with 84.5% of the affordable dwellings social rented and 15.5% shared ownership units.
- 5.11 Policy H6 is robust and has been tested at public inquiry. The Affordable Housing SPD has also been adopted. PPS3 and its companion document 'Delivering Affordable Housing' sets out the planning requirements for affordable housing delivery.
- 5.12 The application has been submitted in the context of the previously approved application PT03/3143/O and it is stated in the Planning Statement that there has been no change to local plan policies since that application was determined on 14th March 2008. However, the Affordable Housing SPD, approved in September 2008, confirmed the use of the SHMA upon publication (24th June 2009) as part of the needs evidence to inform affordable housing provision.
- 5.13 The applicant has offered a minimum of 15% affordable housing across the site. Policy H6 sets the target for affordable housing provision at 33.3%, to be delivered without public subsidy. The applicant does not confirm that the affordable housing is to be delivered without public subsidy but states in paragraph 6.10 of the Planning Statement that grant is to be used to assist in funding the affordable housing.
- 5.14 The affordable housing contribution is presented in the submitted Planning Statement as 25% affordable housing, of which 15% would be 'managed' and 10% HomeBuy Direct. The latter does not comply with the definition of affordable housing in PPS3 and is not recognised by the Council as affordable housing which complies with policy H6. It is low cost market housing, specifically excluded by paragraph 6.5 of the AH SPD. Any low cost market housing will be in addition to the affordable housing provision.
- 5.15 The submitted Planning Statement proposes a tenure split for the 15% affordable housing of 77% social rent and 23% shared equity. Although the viability assessment incorporates grant funding of £6,364,434, no evidence is provided to support this proposed tenure split. If a viability gap is proven, any future application to the Homes and Communities Agency (HCA) for grant

- funding would have to include explicit information on the tenure breakdown. Furthermore, the SHMA indicates a requirement for 80% social rent and 20% intermediate affordable housing (which includes shared equity). The proposed tenure split for the 15% affordable housing of 77% social rent and 23% shared equity is therefore not policy compliant.
- 5.16 The applicant has submitted a schedule in the AH Statement which purports to show how the 15% affordable housing will be delivered across the whole site. The schedule does not provide consistent or comprehensible information and shows delivery of less than half the site (Phase 1), with no information provided on affordable housing delivery for the rest of the site. No inference can be drawn as to whether any affordable housing contribution is intended for these later parcels at this stage. If the affordable housing is concentrated in certain parts of the site, rather than distributed across the site, it will not achieve the requirements of a mixed and balanced community. Although the applicant offers a return to policy compliant contributions if future viability allows (providing a viability gap is proven for this application), it does not specify whether such contributions would include the on-site provision of affordable housing.
- 5.17 For the reasons given above, the application is considered to be contrary to Policy H6 of the South Gloucestershire Local Plan, and Policy CS18 of the emerging Core Strategy.
- 5.18 Education Services
The approved S106 agreement allows for £4 935 991 (at 2008 prices) for provision of a 2 form entry school, and provision of a 2ha site provide for a primary school in an agreed location.
- 5.19 Policy LC2 is robust policy and has been tested at public inquiry. The School Standards and Framework Act of 1998 places a statutory duty on all LEA's to provide sufficient school places. To discharge this duty the Council has to undertake a planning function to ensure that the supply of school places balances the demand for them. The demand for school places in Reception for September 2009 reached an all time high, with demand projected to grow within the next 5 years. Furthermore, the Council has a duty to ensure that there is sufficient education provision to enable every 3 and 4 year old to assess a part time place.
- 5.20 The Council will need to ensure that sufficient funding to complete the building and opening of a new primary school is secured before the school commissioning process can begin. The proposed draft heads of terms may lead to a situation where pupils continue to be generated by an ongoing development, but the remaining funding for a partially completed school is withheld or withdrawn by the developer. This situation would be unacceptable. The draft Heads of Terms are therefore not acceptable.
- 5.21 According to the proposed S106 agreement, the financial contribution towards primary school provision is to be calculated on the basis of the prevailing Department for Children, Schools and Families (DCSF) cost calculations at the time of payment. DCSF cost calculations take into

account any increases in the cost of building, together with any changes in cost due to changes in the specification of Basic Need requirements. It would not now be possible to build the required school for the sum specified in 2006, which was based at December 2005 prices.

- 5.22 The proposed provision of a nursery facility and the transfer of the school site for £1 is as agreed in the existing S106 on the outline planning permission and is acceptable.
- 5.23 With regard to the proposed financial contribution to primary school provision, the draft Heads of Terms document proposes to pay £4,935,991, indexed by DFES cost indicators, with a payment schedule as agreed. DFES should be replaced by DCSF. This proposal contradicts the earlier statement in the Heads of Terms document that contributions are offered without indexation. The draft Heads of Terms document then contains the phrase '*Maximum of £1,200,000 if no school built*'. This phrase is ambiguous. For clarity, the education requirement, as agreed in the approved Section 106 agreement is that if a school is not built within the development the developer will make a maximum contribution of £1,600,000 for the purchase of off-site land in addition to the payment of £4,935,991 indexed by DCSF cost calculations.
- 5.24 For the reasons given above, the current proposals contain a number of provisions, which cannot be agreed on the basis that the Council is statutorily required to ensure that adequate arrangements are made for the provision of sufficient local educational facilities. As such the proposals are contrary to Policy LC2 of the adopted Local Plan and Policy CS6 of the emerging Core Strategy.
- 5.25 Community Services
The current provision in the approved S106 allows for £2 942 928 for provision and maintenance of off-site open space, provision of on site open space, a commuted sum of £1 213 207 towards maintenance of this on-site open space, provision of a community building on site (or contributions towards one off-site), a contribution of £241 521 towards Patchway Library, £84600 towards a community development worker, £918 towards sewer baiting and £29 920 towards dog bins.
- 5.26 The relevant local plan policies are LC1 and LC8. PPS1 and PPS3 are also relevant. It would be unreasonable to provide a housing development of this scale with inadequate provision of open space, especially since the Council has designated the area as a priority neighbourhood, with high levels of deprivation. To deliver the development with inadequate provision of open space, library services, community building and community development support would be contradictory to the aims of national planning policy.
- 5.27 The Applicant does not intend to fully comply with Policy LC8 of the South Gloucestershire Local Plan. The resulting deficit would be due to the proposed under-provision of category 1 formal open space. In addition to the proposed on-site open space, to offset the increased demand on existing category 1 open space facilities Community Services would request a financial contribution towards increasing and improving existing provision within the local vicinity.

Categories 2, 3 and informal open space are proposed to be fully provided for on site.

- 5.28 Policy LC8 of the SGLP requires a minimum total of 24sq.m. of public open space per person where there is evidence of a local shortfall to meet the needs that will arise from development. Policy LC8 also requires provision of informal open space. Informal open space is proposed over and above that which is required, partly due to the constraints of hedges, woodlands and surface water infrastructure required to enable the development to comply with the required water discharge rates.
- 5.29 It was agreed in the Section 106 for the PT03/3143/O permission that **6.3652ha** of public open space would be provided on site and adopted by the Council, and the approved S106 includes formulae that enables open space and surface water infrastructure to be adopted in phases. Paragraph 2.8 of the Public Open Space Statement in the current application notes that the amount of 6.3652Ha is not broken down to detail exactly how much of this is category 1, 2 and 3 space. Community Services consider our request for an off-site contribution is justified due to the shortfall in local provision, and the fact that without this contribution that enables expansion of local facilities to cater for the needs of the new population, the proposed development will exacerbate the current deficit and the residents needs will not be catered for.
- 5.30 The Public Open Space Statement states that the North Field master plan proposals include equipped children's play space in the form of three LAPs, two LEAPs, a MUGA and a NEAP. The size of the NEAP proposed has reduced from 1,500sq.m. (agreed in the S106 for PT03/3143/O) to 1,000sq.m. This is unacceptable and should be reverted to 1,500sq.m There is also no mention of the teen shelter agreed in that S106, and this again must be provided, on an area of not less than 2,000sq.m. of open space, or in the NEAP. A trim trail was also due to be provided and we would request its reinstatement within the current proposal to help ensure there is a variety of play opportunities.
- 5.31 The applicant would like an option to maintain the on-site open spaces privately, negating the requirement for a contribution towards future maintenance. Community Services officers raise concerns regarding this, however, the case officer considers that if suitable operational and legal agreements are put in place that maintenance of the on-site open spaces privately could conform with the requirements of Circular 05/2005.
- 5.32 However, the proposed off-site public open space contribution set out in the current proposal falls significantly below that considered necessary by Community Services, and is therefore unacceptable.
- 5.33 No provision is made for library services or a community development worker in the proposal. Policy LC1 seeks provision of community facilities in scale and kind to meet the needs of future residents, as does Policy of CS6 of the emerging Core Strategy. It is considered that library contributions and a community development worker are appropriate when assessed by Circular 05/2005, and a lack of a contribution is unacceptable.

- 5.34 Provision of public art is as the approved S106. A financial contribution of £1,100,00 is proposed towards a community building contribution (off-site).
- 5.35 The community building contribution is not set out as in the existing, approved S106, and is currently the subject of negotiations and this sum may therefore be acceptable. However, since the application is not supported by an acceptable S106 obligation, it forms part of the overall reason for refusal regarding lack of community facilities provision.
- 5.36 For the reasons set out above, the proposal is contrary to Policies LC1 and LC8 of the adopted Local Plan and Policy CS6, CS23 and CS24 of the emerging Core Strategy.
- 5.37 Transportation
The approved S106 allows for: widening part of M5, development of a principal link between the A38 and the San Andreas roundabout, £3 800 000 for off-site highway improvements in the North fringe area, £100 000 contribution towards traffic calming in the Patchway area if proven necessary, £1.2m towards a new X18 bus service, developer enter into a contract for 6 years for X75 service and £80 000 towards a car club and personal travel plans.
- 5.38 The relevant local plan policy is T12. The provisions set out above are essential infrastructure required to access development, to ensure that the development is sustainable or a Highways Agency requirement.

The Council has discharged its obligations under the approved S106 for the delivery of the land necessary for the San Andreas Link and the Applicant has secured Regional Infrastructure funding to assist in securing the Link, which is now under construction. The currently proposed heads of terms of the proposed S106 agreement therefore include amended timings for the opening of the Link.

Whilst the applicant continues to offer to contribute £3.6M (gross) towards Highway Infrastructure, and on the previously agrees phasing, the contribution is now qualified. The applicant is offering 70% of the contribution up front with the balance of 30% subject to performance targets to be agreed between the Applicant and the Council. Essentially, if the development traffic generation falls below the agreed limit, the final 30% of the contribution is waived. If, however, the traffic generation exceeds the agreed limit then the final 30% is paid. Whilst Officers have agreed the same sort of arrangement in principle on a smaller developments it is difficult to see how such a proposal might work for a development of such a disparate nature and of the scale as Northfield.

- 5.41. The applicant has set out the broad outline of an Enhanced Travel Plan Framework, which it is claimed could facilitate the calculation of the traffic generation limits. No specific structure of the traffic assessment methodology is provided, however, and without such more detailed information it is not possible to understand how the mechanism might work. Even if a satisfactory mechanism could be found for the bonded sum assessment, if there was a proven need for the extra contribution it would only be provided after the harm

had been generated, i.e., after the adverse traffic impact. By which time it might be more difficult to remedy the situation.

The applicant acknowledges the harm but proposes a series of traffic and transport improvements and contributions in order to overcome the transport objection. These proposals are exactly as agreed previously and are therefore acceptable in principle. There is insufficient detail of the amended arrangement that is proposed for the Highway Infrastructure contribution to assess it properly and there is significant reservation that such a proposal would work satisfactorily in practice. On that transport ground alone therefore the application is recommended for refusal.

Given the above the proposal is therefore contrary to Policy T12 of the adopted Local Plan and Policy CS7 and CS8 of the emerging Core Strategy.

5.44 Other matters

The provision of healthcare space is as the existing, approved S106. However, given that the recommendation is one of refusal, there is no agreed S106 obligation that covers this issue, and the proposal is therefore contrary to Policy S2 of the adopted Local Plan and Policy CS6 of the emerging Core Strategy.

5.45 The provision of a 50 bed extra care unit is earlier than the existing, approved S106. However, since the application is not supported by an acceptable S106 obligation, this must form part of a reason for refusal. This is covered by the refusal reason incorporating Policy H6 of the adopted Local Plan and Policy CS18 of the emerging Core Strategy.

5.46 Provision of the M5 works is a matter for the Highways Agency, who are currently negotiating with the applicant, and have not objected to the application. Given that there is no acceptable S106 obligation to cover this issue, the proposal is contrary to Policy T12 and Policies CS7 and CS8 of the emerging Core Strategy. This is covered by the refusal reason relating to lack of highway infrastructure to support the scheme.

5.47 Design and Access Statement

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

5.48 However, in being deficient in the provision of affordable housing and public open space requirements it fails question 13 of the Design Checklist regarding a mix of residential types and tenures that reflect the needs of the locality, included affordable housing, and questions 17 relating to the provision of open space.

5.49 Use of Energy and Sustainability

The submitted Site Wide Design and Access Statement states that the 1st 150 dwellings would be proposed as EcoHomes Very Good, with the rest of the residential development developed to Code for Sustainable Homes Level 3. Commercial properties are proposed to meet BREEAM Very Good standards. These requirements are the same as the approved outline permission

PT03/3143/O. In the event of an approval, these requirements would be secured by condition.

5.50 Conclusions on assessment of planning application

The application is essentially a duplication of the previously approved scheme but with a reduced S106 package. The Site Wide Design and Access Statement is similar to that approved as part of the existing outline application PT03/3143/O, but with some small changes, which are acceptable. The application also includes an updated EIA. As such, there is no in principle objection to the proposal, as the physical works proposed are the same as the approved outline permission, and the proposal is considered in conformity to Policies M1 and D1 of the adopted Local Plan, and Policies CS1 and CS15 of the emerging Core Strategy.

5.51 The proposed S106 package, however, will not provide the necessary infrastructure to support the development of a sustainable community at Northfeld and is therefore not policy compliant for affordable housing, education services, community services, healthcare or transportation and would therefore result in an unsustainable new community, contrary to Policies H6, T12, LC1, LC2, LC8 and S2 of the adopted Local Plan and Policies CS6, CS7, CS8, CS18, CS23 and CS24 of the emerging Core Strategy.

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 refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That outline planning permission be REFUSED for the following reasons:

Contact Officer: Sarah Tucker
Tel. No. 01454 863780

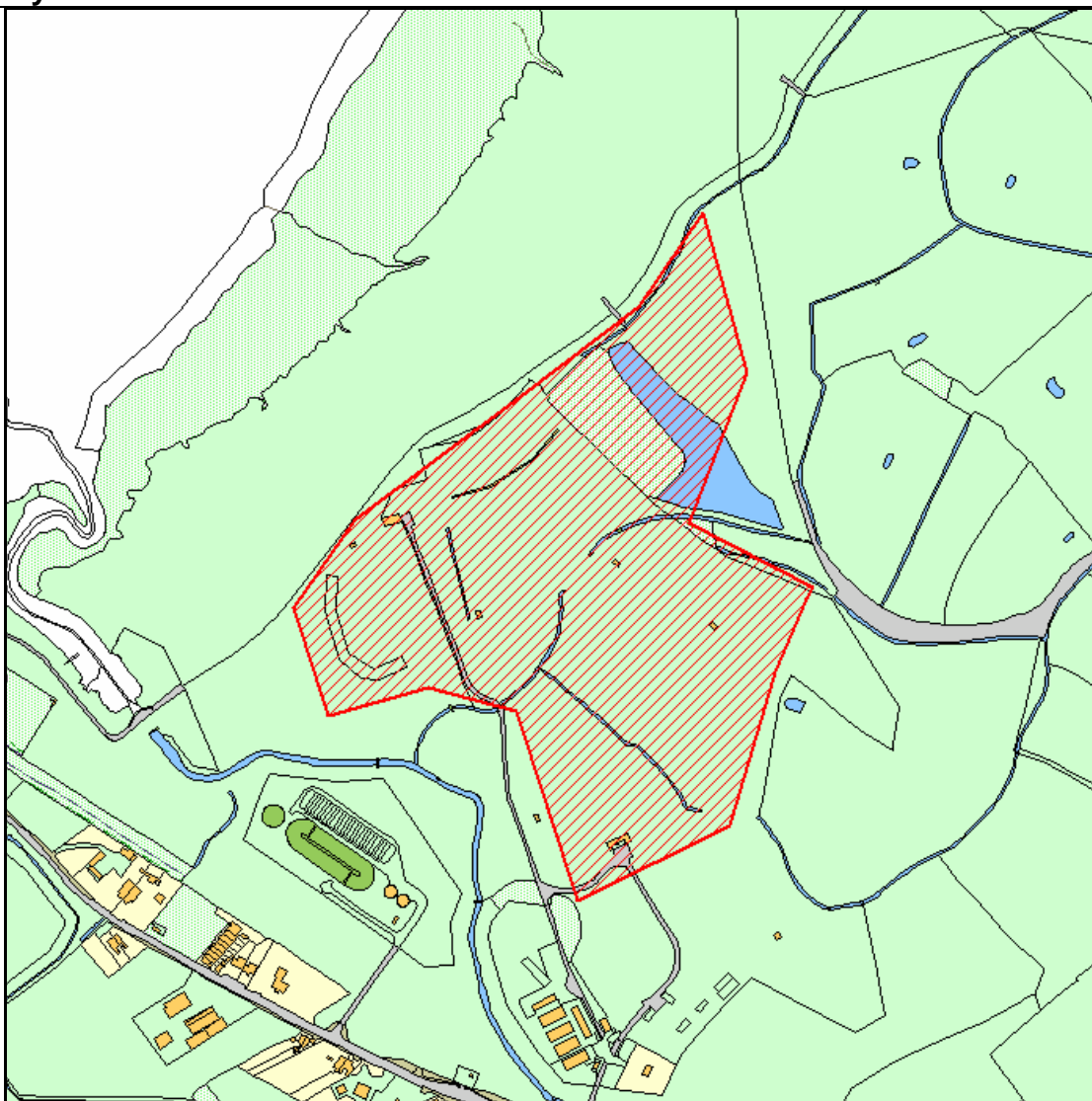
REASONS FOR REFUSAL

1. The outline application is not supported by an agreed Section 106 obligation, which requires the provision of affordable housing on site, and in this respect is contrary to Planning Policy Statement 3, Policy H6 of the South Gloucestershire Local Plan and Policy CS18 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010.

2. The outline application is not supported by an agreed S106 obligation which requires provision of a primary school site, primary school provision contribution and nursery facility to mitigate the unacceptable effects of the development and in this respect the proposal is contrary to Policy LC2 of the South Gloucestershire Local Plan and Policy CS6 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010.
3. The outline application is not supported by an agreed Section 106 obligation which requires the provision of leisure, recreation and other community facilities to mitigate the unacceptable effects of the development and in this respect the proposal is contrary to Policies LC1 and LC8 of the South Gloucestershire Local Plan and Policies CS6, CS23 and CS24 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010.
4. The outline application is not supported by an agreed Section 106 obligation to secure mitigating measures relating to highway infrastructure improvements and public transport contributions and as such is contrary to Policy T12 of the South Gloucestershire Local Plan and Policies CS7 and CS8 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010.
5. The outline application is not supported by an agreed S106 obligation which requires provision of healthcare space to mitigate the unacceptable effects of development and in this respect is contrary to Policy S2 of the South Gloucestershire Local Plan and Policy CS6 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010.

CIRCULATED SCHEDULE NO. 12/10 – 26 MARCH 2010

App No.:	PT09/6103/F	Applicant:	Mrs H Hamilton
Site:	Pilning Wetland New Passage Road Pilning Bristol South Gloucestershire	Date Reg:	11th January 2010
Proposal:	Change of use of land from agricultural land to agricultural land and wetland reserve areas.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	355045 186005	Ward:	Pilning And Severn Beach
Application Category:	Major	Target Date:	9th April 2010



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100023410, 2008.

N.T.S.

PT09/6103/F

INTRODUCTION

This application appears on the Circulated Schedule because it is a major development and representations have been received which are contrary to the Case Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission to change the use of the land from agriculture to a mixed use of agriculture and wetland reserve.
- 1.2 This development forms part of an overall proposal to create a new reserve on the former MOD site. This involves enlarging and enhancing wetland areas to attract a greater number and variety of species to this part of the Severn Estuary. The proposed Warden's Lodge is designed to provide basic living accommodation for a warden, and a viewing and interpretation area for visiting birdwatchers. The applicant states that the facilities would be made available to interested groups and that a local conservation group would be given free access to the site, but this would not extend to the general public.
- 1.3 The application site relates to an existing concrete block building, which was originally used as part of the site's former use as a MOD firing range. The site lies immediately alongside the saltmarsh/foreshore of the Severn Estuary. The Severn Estuary has been notified as a Site of Special Scientific Interest (SSSI), a Special Protection Area (SPA), a RAMSAR, and a candidate for a Special Area of Conservation (pSAC). Moreover the site is designated as Coastal Zone and Green Belt.
- 1.4 This application forms part of three concurrent planning applications on the site. The details of these are detailed in section three of this report and should be read in conjunction with this application.

2. POLICY CONTEXT

2.1 National Guidance

PPS1:	Delivering Sustainable Development
PPG2:	Green Belt
PPS7:	Rural Areas
PPS9:	Biodiversity and Geological Conservation
PPG13:	Transport
PPG16:	Archaeology
PPS25:	Development and Flood Risk
PPS25:	Supplement: Development and Coastal Change

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1:	Achieving Good Quality Design in New Development
L1:	Landscape Protection and Enhancement
L3:	Coastal Zone

L4:	Forest of Avon
L6:	Sites of International Nature Conservation Interest
L7:	Sites of National Nature Conservation Interest
L9:	Species Protection
EP2:	Flood Risk and Development
GB1:	Development in the Green Belt
T12:	Transportation Development Control Policy for New Development

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT09/6102/F Erection of extension to existing building to form wardens lodge/interpretation centre
 Resolved to approve by Development Control (West) Committee
- 3.2 PT09/6105/F Creation of new ponds and scrapes, removal of existing banks, and construction of bund area around ridge and furrow to provide new wetland habitat
 Recommended to approve by Officer.
- 3.3 PT09/077/SCR Creation of new ponds and scrapes, construction of bund area around ridge and furrow to provide new wetland habitat (Screening opinion for PT09/6105/F)
 EIA not required.
- 3.4 PT09/076/SCR Change of use of land from agricultural land to agricultural land with additional wetland areas (Screening opinion for PT09/6103/F)
 EIA not required.
- 3.5 PT09/0358/F Erection of extension to existing building to form wardens lodge/interpretation centre
 Withdrawn.
- 3.6 PT04/0191/CLE Certificate of lawfulness for an existing use of land as live firing pistol and rifle range.
 Withdrawn.

4. **CONSULTATION RESPONSES**

- 4.1 Pilning and Severn Beach Parish Council
 No objection.
- 4.2 Environment Agency
 No objection subject to condition to retain existing sea defenses.
- 4.3 Natural England

Natural England notes that the Design and Access Statement, of December 2009 describes that the ecology officer has raised concerns that there may be badger setts on site. However, we note that it is stated in the ecological survey of May 2008, that evidence of great crested newts was identified and that the numerous holes in the bank behind the sea wall were rabbit holes. Due to this differing information, we would encourage the local authority to request a further Extended Phase 1 Ecological Survey is conducted, as this will assess the potential for the presence of protected species and species of principal conservation importance within the site and its surroundings.

We also note that the site could potentially attract greater numbers of wildfowl, waders and other wetland species into the area. We would therefore encourage the local authority to request a Breeding Bird Survey to determine the varying species in and around the development site.

Furthermore, we note the mitigation measures proposed; that excavation works will be carried out in the period between March and May when the great crested newts are less likely to be present, and that the removal of structures and debris will be supervised by a licensed great crested newt worker.

4.4 Lower Severn Internal Drainage Board

No objection subject to the following informative being attached to the decision notice:

- a) General compliance the Board's Land Drainage Byelaws.
- b) An 8 metre wide strip of land to be left clear of any building or obstruction along both banks of any watercourse so that the stability of the bank or banks may not be endangered thereby, and for maintenance purposes.
- c) Details of proposed surface and sub-surface water drainage systems and proposed points of discharge to submitted to the Board for consideration and approval before any development proceeds.
- d) No local land drainage ditch to be filled in or culverted without first obtaining the Board's consent in writing.
- e) Details of any rhine crossing, access bridge, or culvert to be submitted to the Board for consideration and approval before any construction work proceeds.
- f) Adequate precautions to be taken to avoid pollution of the local land drainage system to the requirement of the Divisional Pollution Officer, Environment Agency.

4.5 Sustainable Transportation

No objection.

4.6 Local Residents

26 letters have been received in response to this application. The responses are summarised below: -

Objection (7 letters):

- Poor vehicular access
- Lack of parking

- The site does not need to be monitored or protected
- The site should be left alone
- Green Belt
- Flood risk
- The development would not enhance the site.
- The applicant is ill informed as to the frequency of motorbikes, quad bikes, dog walking, hunting in the area

Support (19 letters):

- A wildlife haven for both the wildlife and the visitors to the area.
- It will be something for the residents of South Gloucestershire to be proud of.
- Benefit local wildlife.
- This new lodge is needed to help protect the birds of the estuary.
- Boost local economy.
- Development would monitor and safeguard the newly created habitats

5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission to change the use of the land from agricultural to a mixed use comprising of agriculture and a wetland reserve. The main issues to assess in the determination of this application are:

- (1) Is this use an 'appropriate development' within the Green Belt?
- (2) Is this use an 'appropriate development' within the Coastal Zone?
- (3) Is the impact on landscape character acceptable?
- (4) Is the impact on ecology acceptable?
- (5) Is the impact on flood risk acceptable?
- (6) Is the impact on residential amenity acceptable?
- (7) Is the impact on archaeology acceptable?
- (8) Are the transportation effects of the proposal acceptable?

5.2 Green Belt

The application site lies within an area which is designated as Green Belt. Policy GB1 of the adopted local plan mirrors national policy within PPG2 that sets a general presumption against inappropriate development within Green Belts. The change of use of land in such area will only be allowed where '*it would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purpose of including land within it*'.

5.3 It is considered the proposed use would not have a materially greater impact than the existing agricultural use of the site. This is because the proposed

nature reserve site and the existing agriculture uses would compliment each other. It should also be acknowledged that the proposed nature reserve use would not be available to the general public, and therefore would have a low intensity use. It is recommended that this is secured via condition. Moreover the proposed use would be supported by the guidance within PPG2 that identifies that in appropriate circumstances Green Belts are expected to play positive roles in retaining and enhancing landscapes, improving damaged and derelict land, and securing nature conservation interests. On this basis it is concluded that the proposed change of use would be appropriate development within the Green Belt.

5.4 Coastal Zone

The coast has been identified under Policy L3 of the Local Plan as an important national resource. New development within undeveloped coastal zone will only be permitted where the proposal requires a coastal location and cannot be accommodated elsewhere. In this instance it is considered that the proposed wetland reserve requires a coastal location. Therefore it is considered appropriate to site the proposed development in this location.

5.5 Design/Landscape

The operational development that forms part of the overall proposal for the site is considered under the concurrent planning applications PT09/6102/F and PT09/6105/F. This application shall consider the landscape consideration of the proposed nature reserve use.

5.6 The application site is situated in an established estuarine environment, which has existing areas of wetland. Moreover the landscape also includes wide areas of agricultural land. On this basis, it is considered that the proposed mixed use would compliment each other and would not harm the character and distinctiveness of the landscape.

5.7 Ecology

It is considered that the proposed change of use that would facilitate the enhancement and enlargement of the wetland area to attract greater numbers and variety of species to this part of the Severn Estuary. This is deemed to be a positive improvement to biodiversity in the local area.

5.8 Flood Risk

The application site lies within Flood Zone 3a and 3b, these zones have the highest probability of flooding. PPS25 advocates a Sequential Test approach that seeks to push the most vulnerable land uses to areas with the lowest probability of flooding.

5.9 It is considered that the proposed change of use to a nature reserve would represent a 'water-compatible' development and therefore would have a low vulnerability to flooding. On this basis it is considered that the proposed development would be an appropriate use within Flood Zone 3a and 3b, and therefore the proposal would satisfy the Sequential Test.

- 5.10 Residential Amenity
The application site is significant detached and isolated from residential properties. On this basis there would be no harm to residential amenity as a result of this development.
- 5.11 Archaeology
This change of use application does not include any operation development. It is therefore considered that the proposed development would not harm the archaeological potential of the site.
- 5.12 Transportation
It is acknowledged that a number of representations have been made with regard to access and parking. The applicant has made it clear within their submission that the proposed nature reserve would only be made available to interested groups and that a local conservation group would be given free access to the site, but this would not extend to the general public. It is recommended that a condition be attached to ensure that the site does not intensify to allow unfettered access to the general public.
- 5.13 The Council's Transport Engineer has assessed the proposed use on the above basis. They are satisfied that the proposed access and parking arrangement are appropriate for the intensity of the use proposes. On this basis it is concluded that the proposed development would not give rise to unacceptable transportation effects.
- 5.14 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.
- 5.15 Use of Energy and Sustainability
The proposed development would facilitate enhancements to the wetlands habitat.
- 5.16 Improvements Achieved to the Scheme
None.
- 5.17 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- a) The proposed change of use represent appropriate development within the Green Belt and would not harm its openness. The proposed development therefore accords with PPG2 and Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - b) The proposed change of use would facilitate the enhancements to the wetland habitat of the site. A wetland habitat requires a coastal location and therefore could not be accommodated elsewhere. The proposed development therefore accords with Policy L3 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - c) The impact of the proposed change of use on the ecology of the application site, and the nearby; Special Protection Area (SPA); Special Area of Conservation (SAC); Ramsar site; Site of Special Scientific Interest (SSSI); and Site of Nature Conservation Interest have been fully considered in this application. It was concluded, that the proposals would not directly or indirectly have an adverse effect on nationally or international protected species. Furthermore the proposals would not prejudice any of the nearby nature conservation designations. The proposed development would therefore accord with Policy L6, L7, and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - d) The proposed change of use would constitute a water-compatible development that would be appropriate within Flood Zone's 3a and 3b. Moreover the submitted Flood Risk Assessment has demonstrated that the development would not increase flood risk. The proposed development would therefore accord with PPS25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - e) The impact of the proposed change of use on the residential amenity of nearby occupiers has been fully considered in this application. It was concluded that the proposed development would not give rise to material levels of noise and disturbance. The proposed development would therefore accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - f) The impact of the proposed change of use on the archaeology of the application site has been fully considered in this application. It was concluded that the proposed development would not prejudice the high archaeological potential of the site. The proposed development would therefore accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

g) The transportation effects of the proposed change of use have been fully considered in this application. It was concluded that the development would not have a significant impact on the local highway network. The proposed development would therefore accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

7. RECOMMENDATION

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

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

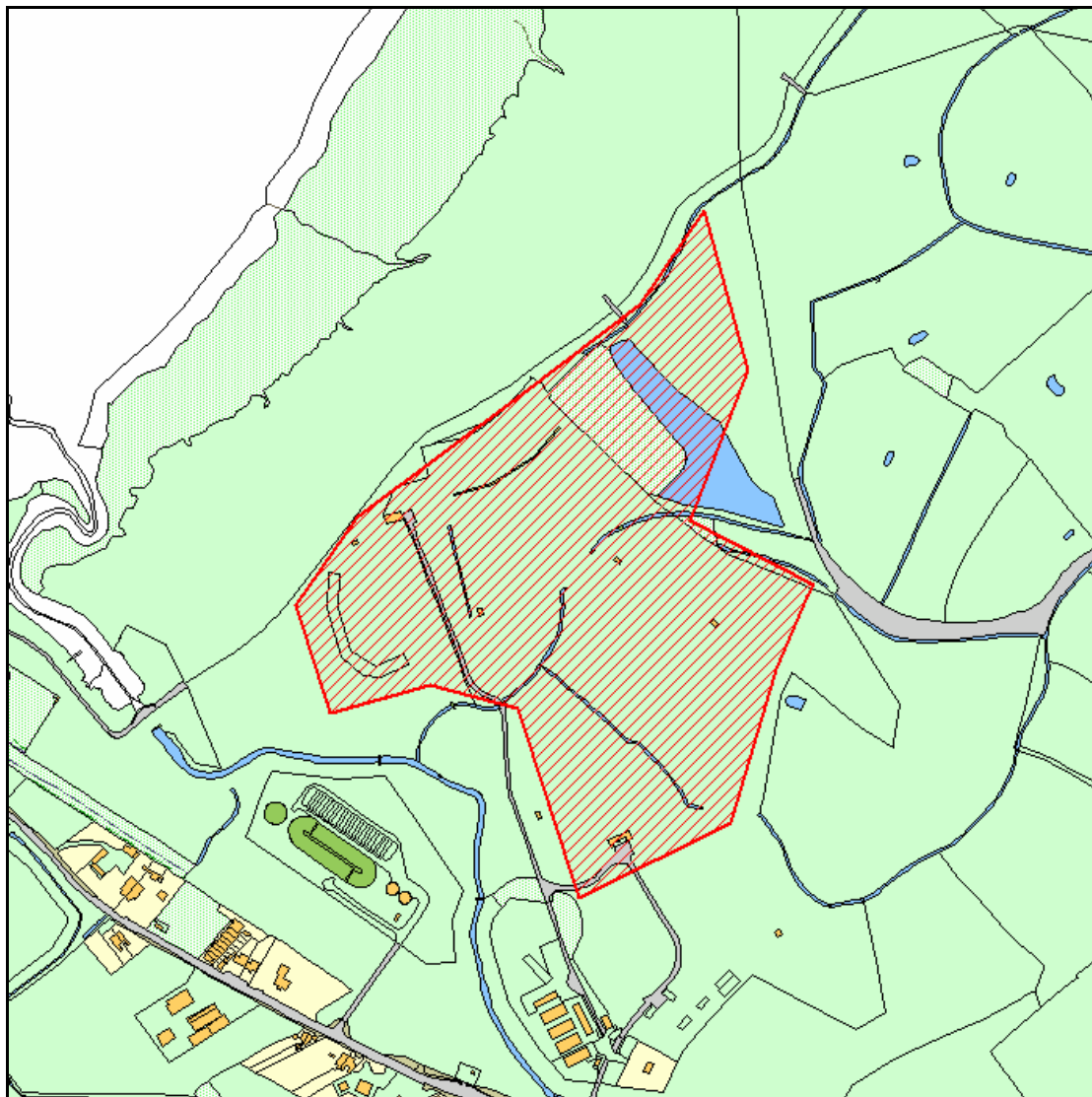
2. The nature reserve use hereby approved shall at no point have unfettered public access without the express written consent of the Local Planning Authority.

Reason

To allow the Local Planning Authority to fully assess any effects to transportation and the Green Belt, and to accord to PPG2 and Policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 12/10 – 26 MARCH 2010

App No.:	PT09/6105/F	Applicant:	Mrs H Hamilton
Site:	Pilning Wetlands New Passage Road Pilning Bristol South Gloucestershire	Date Reg:	11th January 2010
Proposal:	Creation of new ponds and scrapes, removal of existing banks, and construction of bund area around ridge and furrow to provide new wetland habitat	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	355045 186005	Ward:	Pilning And Severn Beach
Application Category:	Major	Target Date:	9th April 2010



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 100023410, 2008. **N.T.S.** **PT09/6105/F**

INTRODUCTION

This application appears on the Circulated Schedule because it is a major development and representations have been received which are contrary to the Case Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for various engineering operations in order to enlarge and enhance wetland areas. These works include: -
- (1) creation of new ponds and scrapes.
 - (2) construction of bund around ridge and furrow
 - (3) ancillary works, such the removal of scrub, removal of bunding, and widening of drainage ditches.
- 1.2 This development forms part of an overall proposal to create a new reserve on the former MOD site. This involves enlarging and enhancing wetland areas to attract a greater number and variety of species to this part of the Severn Estuary. The proposed Warden's Lodge is designed to provide basic living accommodation for a warden, and a viewing and interpretation area for visiting birdwatchers. The applicant states that the facilities would be made available to interested groups and that a local conservation group would be given free access to the site, but this would not extend to the general public.
- 1.3 The application site relates to an existing concrete block building, which was originally used as part of the site's former use as a MOD firing range. The site lies immediately alongside the saltmarsh/foreshore of the Severn Estuary. The Severn Estuary has been notified as a Site of Special Scientific Interest (SSSI), a Special Protection Area (SPA), a RAMSAR, and a candidate for a Special Area of Conservation (pSAC). Moreover the site is designated as Coastal Zone and Green Belt.
- 1.4 This application forms part of three concurrent planning applications on the site. The details of these are detailed in section three of this report and should be read in conjunction with this application.

2. POLICY CONTEXT

- 2.1 National Guidance
- | | |
|--------|--|
| PPS1: | Delivering Sustainable Development |
| PPG2: | Green Belt |
| PPS7: | Rural Areas |
| PPS9: | Biodiversity and Geological Conservation |
| PPG13: | Transport |
| PPG16: | Archaeology |
| PPS25: | Development and Flood Risk |
| PPS25: | Supplement: Development and Coastal Change |

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1:	Achieving Good Quality Design in New Development
L1:	Landscape Protection and Enhancement
L3:	Coastal Zone
L4:	Forest of Avon
L6:	Sites of International Nature Conservation Interest
L7:	Sites of National Nature Conservation Interest
L9:	Species Protection
EP2:	Flood Risk and Development
GB1:	Development in the Green Belt
T12:	Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

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

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|---------------|--|
| 3.1 | PT09/6102/F | Erection of extension to existing building to form wardens lodge/interpretation centre
Resolved to approve by Development Control (West) Committee |
| 3.2 | PT09/6105/F | Creation of new ponds and scrapes, removal of existing banks, and construction of bund area around ridge and furrow to provide new wetland habitat
Recommended to approve by Officer. |
| 3.3 | PT09/077/SCR | Creation of new ponds and scrapes, construction of bund area around ridge and furrow to provide new wetland habitat (Screening opinion for PT09/6105/F)
EIA not required. |
| 3.4 | PT09/076/SCR | Change of use of land from agricultural land to agricultural land with additional wetland areas (Screening opinion for PT09/6103/F)
EIA not required. |
| 3.5 | PT09/0358/F | Erection of extension to existing building to form wardens lodge/interpretation centre
Withdrawn. |
| 3.6 | PT04/0191/CLE | Certificate of lawfulness for an existing use of land as live firing pistol and rifle range.
Withdrawn. |

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish Council

No objection.

4.2 Environment Agency

No objection subject to the existing flood defence being maintained.

4.3 Natural England

Natural England notes that the Design and Access Statement, of December 2009 describes that the ecology officer has raised concerns that there may be badger setts on site. However, we note that it is stated in the ecological survey of May 2008, that evidence of great crested newts was identified and that the numerous holes in the bank behind the sea wall were rabbit holes. Due to this differing information, we would encourage the local authority to request a further Extended Phase 1 Ecological Survey is conducted, as this will assess the potential for the presence of protected species and species of principal conservation importance within the site and its surroundings.

We also note that the site could potentially attract greater numbers of wildfowl, waders and other wetland species into the area. We would therefore encourage the local authority to request a Breeding Bird Survey to determine the varying species in and around the development site.

Furthermore, we note the mitigation measures proposed; that excavation works will be carried out in the period between March and May when the great crested newts are less likely to be present, and that the removal of structures and debris will be supervised by a licensed great crested newt worker.

4.4 Lower Severn Internal Drainage Board

No objection subject to the following informative being attached to the decision notice:

- a) General compliance the Board's Land Drainage Byelaws.
- b) An 8 metre wide strip of land to be left clear of any building or obstruction along both banks of any watercourse so that the stability of the bank or banks may not be endangered thereby, and for maintenance purposes.
- c) Details of proposed surface and sub-surface water drainage systems and proposed points of discharge to submitted to the Board for consideration and approval before any development proceeds.
- d) No local land drainage ditch to be filled in or culverted without first obtaining the Board's consent in writing.
- e) Details of any rhine crossing, access bridge, or culvert to be submitted to the Board for consideration and approval before any construction work proceeds.
- f) Adequate precautions to be taken to avoid pollution of the local land drainage system to the requirement of the Divisional Pollution Officer, Environment Agency.

4.5 Sustainable Transportation

No objection.

4.6 Local Residents

30 letters have been received in response to this application. The responses are summarised below: -

Objection (7 letters) :

- Poor vehicular access
- Lack of parking
- The site does not need to be monitored or protected
- The site should be left alone
- Green Belt
- Flood risk
- The development would not enhance the site.
- The applicant is ill informed as to the frequency of motorbikes, quad bikes, dog walking, hunting in the area

Support (23 letters):

- A wildlife haven for both the wildlife and the visitors to the area.
- It will be something for the residents of South Gloucestershire to be proud of.
- Benefit local wildlife.
- This new lodge is needed to help protect the birds of the estuary.
- Boost local economy.
- Development would monitor and safeguard the newly created habitats

5. ANALYSIS OF PROPOSAL

5.1 The applicant seeks planning permission for various engineering operations in order to enlarge and enhance wetland areas. The main issues to assess in the determination of this application are:

- (1) Are the engineering operations 'appropriate development' within the Green Belt?
- (2) Are the engineering operations 'appropriate development' within the Coastal Zone?
- (3) Is the impact on landscape character acceptable?
- (4) Is the impact on ecology acceptable?
- (5) Is the impact on flood risk acceptable?
- (6) Is the impact on residential amenity acceptable?
- (7) Is the impact on archaeology acceptable?
- (8) Are the transportation effects of the proposal acceptable?

5.2 Green Belt

The application site lies within an area which is designated as Green Belt. Policy GB1 of the adopted local plan mirrors national policy within PPG2 that sets a general presumption against inappropriate development within Green Belts. The change of use of land in such area will only be allowed where ‘ *it would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purpose of including land within it*’.

- 5.3 The proposed works would significantly reduce the height of the existing firing range, and any new bunds would be under 1.5m in height. On this basis it is considered that the proposed engineering operations would not have a materially greater impact on the openness of the Green Belt in this location. Moreover the proposed use would be supported by the guidance within PPG2 that identifies that in appropriate circumstances Green Belts are expected to play positive roles in retaining and enhancing landscapes, improving damaged and derelict land, and securing nature conservation interests. On this basis it is concluded that the proposed engineering works would be appropriate development within the Green Belt.

5.4 Coastal Zone

The coast has been identified under Policy L3 of the Local Plan as an important national resource. New development within undeveloped coastal zone will only be permitted where the proposal requires a coastal location and cannot be accommodated elsewhere. In this instance it is considered that the proposed engineering operations to facilitate a wetland reserve requires a coastal location. Therefore it is considered appropriate to site the proposed development in this location.

5.5 Design/Landscape

The proposed engineering operations would involve the creation of new ponds and scrapes, the removal of existing banks, the widening of existing ditches, and creation of new bunds around ridge and furrows. These proposals seek to re-create traditional wetland habitats associated with the estuary location.

- 5.6 The Council Landscape Architect has reviewed the proposed development. It is considered that these engineering operations would retain the unique landscape character and distinctiveness of the locality. However there are some concerns with regard to the ‘new clay bund’ and the ‘wind pump’ mentioned in the application. The principle of the bund would be acceptable, however the details regarding its shape are unclear, on this basis it is considered reasonable to attach a condition to require a section drawing to be submitted and agreed prior to the commencement of the development.

- 5.7 However the proposed ‘wind pump’ is somewhat more complicated. This aspect of the proposal was not included within the description of the development and no details were provided with the application. On request the applicant has confirmed that the wind pump would be the 1.8m Poldaw windpump. According to the manufacturer's website this piece of equipment would be 6m height. Given the size of the windpump and its location within the

Green Belt, it is likely to be deemed inappropriate development, and thus would require a case of 'very special circumstances'. On this basis, it is recommended that a condition is attached to omit the wind pump from the scheme at this stage. The applicant shall be advised to submit a new planning application with the necessary details and justification.

5.8 Ecology

The Council's Ecologist has identified that the application site is subject to the following ecological issues:

- The site's proximity to a Special Protection Area (SPA), a Special Area of Conservation (SAC), a Ramsar site, a site of Special Scientific Interest (SSSI), and a Site of Nature Conservation Interest.
- The impact of the proposed development on Great Crested Newts and Badgers.

5.9 In order to address these issues the applicant has submitted surveys relating to Great Crested Newt's and Badger's, and also a report from the Wildfowl and Wetland Trust (WWT).

5.10 It is considered that the proposed engineering works would facilitate the enhancement and enlargement of the wetland area to attract greater numbers and variety of species to this part of the Severn Estuary. This is deemed to be a positive improvement to biodiversity.

5.11 The Council's Ecologist has assessed the information submitted with the application and has concluded that the proposed development would not have a direct effect on any of the designated sites through a direct loss of habitat, or would adversely affect Great Crested Newts and Badgers. Notwithstanding this it is considered that the development has the potential to indirectly impact the designated sites through noise during the construction phase. On this basis, it is recommended that the construction be timed for spring/summer months during the wildfowl's seasonal absence, this would be secured via condition. It is acknowledge that Natural England requested further studies to be undertaken, notwithstanding this request the Council's Ecologist was satisfied with the information submitted.

5.12 Flood Risk

This application is relates to the engineering works only. It is considered that these works would represent a 'water-compatible' development and therefore would be an appropriate use within Flood Zone 3a and 3b.

5.13 The Environment Agency has been consulted as part of this application and they have raised no objection. However there was some concern that the site plan showed a proposed sea defence and a breach in the sea wall. The applicant have confirmed that these relate to the Environment Agency's future plans to realign the sea defence and do not form part of this application. It is therefore recommended that a condition is attached to ensure the height, alignment and structural stability of the existing flood defence embankment

- are maintained at all times during the construction phase and upon completion of the works.
- 5.14 Residential Amenity
The application site is significant detached and isolated from residential properties. On this basis there would be no harm to residential amenity as a result of this development.
- 5.15 Archaeology
The application site is situated in an area with high archaeological potential. In order to address this point the applicant has submitted an assessment of the archaeology on the site with their application. The Council Archaeologist has reviewed this assessment and there is no objection to the principle of the development. Nevertheless it is recommended that a qualified archaeologist is employed to record any archaeological deposits and structures uncovered during the work. This shall be secured via condition.
- 5.16 Transportation
It is acknowledged that a number of representations have been made with regard to access and parking. It is considered that these comments relate to the use of the site as a nature reserve. On this basis these issues shall be addressed in the assessment of the change of use application (PT09/6103/F). This application shall deal solely with the engineering operations arising from the engineering operations.
- 5.17 It is acknowledged that the proposed works would involve the movement of soil around, and potentially off of the site. The Council's Transport Engineer has assessed the potential transportation effect of such works. The Engineer concluded that a level of HGV construction traffic would be anticipated, however given the scale of the development the Engineer did not envisage a significant impact on the local highway network. Although it was identified that the applicant should take precautions against mud being deposited on the highway, which remains an offence under the highways act. It is recommended that the application submit and agree a scheme to overcome this issue prior to the commencement of development.
- 5.18 Design and Access Statement
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.
- 5.19 Use of Energy and Sustainability
Improvements to biodiversity are considered considerable.
- 5.20 Improvements Achieved to the Scheme
The proposed development would facilitate enhancements to the wetlands habitat.
- 5.21 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and

05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- a) The proposed engineering operations represent appropriate development within the Green Belt and would not harm its openness. The proposed development therefore accords with PPG2 and Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - b) The proposed engineering operations would facilitate the enhancements to the wetland habitat of the site. A wetland habitat requires a coastal location and therefore could not be accommodated elsewhere. The proposed development therefore accords with Policy L3 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - c) The impact of the proposed engineering operations on the ecology of the application site, and the nearby; Special Protection Area (SPA); Special Area of Conservation (SAC); Ramsar site; Site of Special Scientific Interest (SSSI); and Site of Nature Conservation Interest have been fully considered in this application. It was concluded, that subject to conditions, the proposals would not directly or indirectly have an adverse effect on nationally or international protected species. Furthermore the proposals would not prejudice any of the nearby nature conservation designations. The proposed development would therefore accord with Policy L6, L7, and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - d) The proposed engineering operations would constitute a water-compatible development that would be appropriate within Flood Zone's 3a and 3b. Moreover the submitted Flood Risk Assessment has demonstrated that the development would not increase flood risk. The proposed development would therefore accord with PPS25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - e) The impact of the proposed engineering operations on the residential amenity of nearby occupiers has been fully considered in this application. It was concluded that the proposed development would not give rise to material levels of noise and disturbance. The proposed development would therefore accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

- f) The impact of the proposed engineering operations on the archaeology of the application site has been fully considered in this application. It was concluded that the proposed development would not prejudice the high archaeological potential of the site. The proposed development would therefore accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.
- g) The transportation effects of the proposed engineering operations have been fully considered in this application. It was concluded that the development would not have a significant impact on the local highway network. The proposed development would therefore accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. No development shall take place until a section drawing of the clay bund (as shown on Area 16 of Drawing Titled: Initial Detailed Design – Site Plan dated 15 December 2009) has been submitted to, and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details. For the avoidance of any doubt, the section drawing shall show the height and the profile of the bund around the ridge and furrow.

Reason

To ensure the proposed bund respects the landscape character and distinctiveness of the site and locality, and to accord with Policy D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006

3. No development shall take place until a Great Crested Newt mitigation strategy has been submitted to, and approved by the Local Planning Authority. Development shall be implemented in accordance with the approved details. For the avoidance of any

doubt, the strategy shall ensure that the Great Crested Newts on site are safeguarded during development (construction phase); and that all works fully accord with the legislative requirements of the Habitat Regulations 1994.

Reason

To ensure the biodiversity of the application site is protected, and to accord with Policy L6, L7, and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No development shall take place until a timetable for the construction of the engineering works hereby approved has been submitted to, and approved by the Local Planning Authority. Development shall be implemented in accordance with the approved details. For the avoidance of any doubt, the timetable shall schedule any construction works for the spring/summer months during the wildfowl's seasonal absence.

Reason

To ensure the biodiversity of the application site is protected, and to accord with Policy L6, L7, and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall take place until details of how mud, dust or other debris shall be prevented from being deposited onto the public highway have been submitted to, and approved in writing by the Local Planning Authority. Development shall be implemented and in accordance with the approved details. For the avoidance of any doubt, no mud, dust or other debris shall be deposited on the highway. No vehicle shall leave the site unless its wheels and chassis are clean.

Reason

To prevent materials from being deposited on the highway, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Notwithstanding the submitted details, the height, alignment and structural stability of the existing flood defence embankment (as shown on Drawing Titled: Initial Detailed Design – Site Plan dated 15 December 2009) must be maintained at all times during the construction phase and upon completion of the works.

Reason

To ensure the works do not compromise the function and integrity of the flood defence, and to accord with PPS25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted January 2006).

7. Notwithstanding the submitted details, the proposed “wind pump” (as shown on Drawing Titled: Initial Detailed Design - Site Plan dated 15 December 2009) shall be omitted from the approved development and shall not be implemented without the express written approval of the Local Planning Authority.

Reason

The submitted application did not include sufficient detail to assess the impact of the proposed development on the Green Belt and the surrounding landscape. As such the proposed “wind pump” did not accord with Policy GB1, D1, and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work.

Reason

To ensure that the high archaeological potential of the site is preserve, and to accord to Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

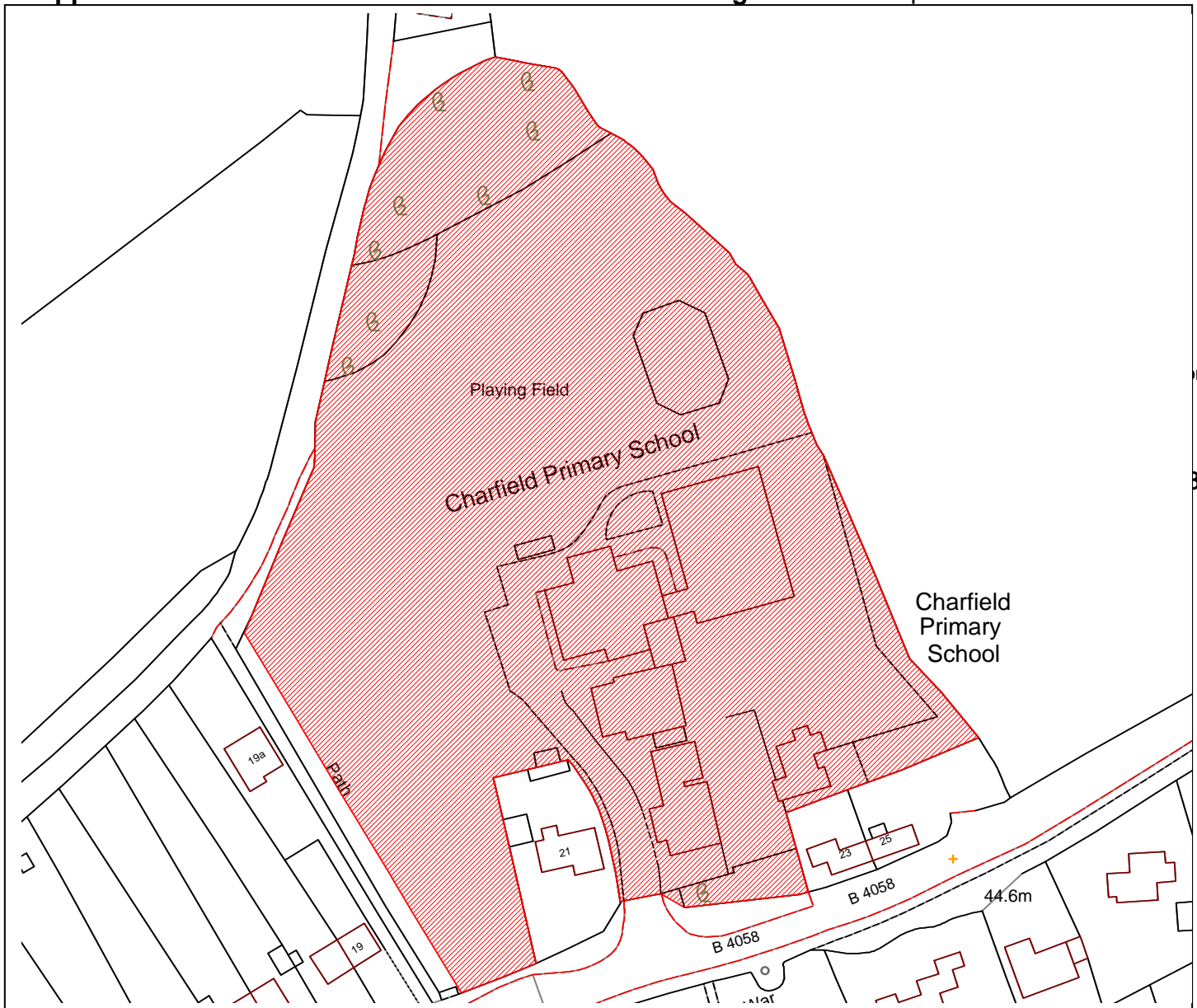
9. Notwithstanding the submitted details, the proposed “flood defence bank” (as shown on Drawing Titled: Initial Detailed Design - Site Plan dated 15 December 2009) shall be omitted from the approved development and shall not be implemented without the express written approval of the Local Planning Authority.

Reason

The submitted application did not include sufficient detail to assess the impact of the proposed development on Flood Risk, the Green Belt and the surrounding landscape. As such the proposed development did not accord with Policy EP2, GB1, D1, and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 12/10 – 26 MARCH 2010

App No.:	PT10/0121/R3F	Applicant:	Charfield Cp School
Site:	Charfield Cp School Wotton Road Charfield Wotton Under Edge South Gloucestershire	Date Reg:	2nd February 2010
Proposal:	Construction of outdoor play area.	Parish:	Charfield Parish Council
Map Ref:	371971 192197	Ward:	Charfield
Application	Minor	Target	9th April 2010



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N.T.S. **PT10/0121/R3F**

INTRODUCTION

This application appears on the Circulated Schedule as the application is considered to be a 'Regulation 3' application on behalf of the Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the construction of an outdoor play area.
- 1.2 The application site comprises Charfield Primary School situated on the Northern side of Wotton Road. The site borders the Charfield settlement boundary.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
L1 Landscape Protection and Enhancement
LC4 Proposals for Education and Community Facilities within the Existing Urban Area and Defined Settlement Boundaries
T12 Transportation Development Control Policy for New Development
EP1 Environmental Pollution
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RECENT PLANNING HISTORY

- 3.1 PT09/6110/R3F, erection of shed to store children's play resources, 05/03/10, approval.

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
No objection
- 4.2 Tree Officer
No objection
- 4.3 Transportation DC
No objection
- 4.4 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Given the proximity of the site to the Charfield settlement boundary, it is considered that the main thrust of Policy LC4 is applicable. Policy LC4 allows for proposals for the development, improvement or expansion of educational or community facilities within the boundaries of settlements subject to transportation, residential amenity and environmental considerations. Planning Policy D1 requires that a good standard of design is achieved in new development.

5.2 Design/Visual Amenity

This application seeks planning permission for the construction of an outdoor play area to be used by Pre-School children, which would be located within the grounds of Charfield Primary School. The play area would be sited in the southeastern corner of the site, replacing an existing grass/tarmac play area and secured by an existing low-level picket fence. The proposed play area, rectangular in shape and covering an area of approximately 138 square metres, would comprise various landscape features including a rockery; a grass mound; a raised planting area and a tarmac and gravel path, which would extend centrally and form an end loop. The main structures within the play area would comprise a timber shelter and Wendy House; both would be modest in scale. The proposed site is visually contained by existing built form and vegetation, therefore the proposed development would primarily be viewed within the context of the school site. 2no. Silver Birch trees are proposed to be planted and it is considered that this would sufficiently enhance the visual amenity of the site. Given the above, it is considered that the proposal would not have an adverse impact on the character of the site or the surrounding landscape.

5.3 Transportation

The play area is situated well clear of the nearest adopted highway. In addition, no changes would be made to the existing access or parking arrangements as a result of the development. On this basis and given the nature of the proposal, it is considered that it would not generate significantly more traffic or off-street parking. The site is readily accessible by walking and cycling.

5.4 Residential Amenity

Whilst the play area would be located within close proximity to residential properties to the south, it is considered that the proposal would not be significantly more harmful than the existing situation in terms of noise generation given that the site already functions as a play area. A 1.3 metres approx stone wall with a chain-link fence above is situated along the boundary therefore, it is considered that there would be no significant loss of privacy to the detriment of the neighbouring occupiers residential amenity. The structures proposed on the site would be modest in size and situated at a sufficient distance from the neighbouring properties to not have a significant adverse overbearing impact.

5.5 Environmental Considerations

Two large trees are situated on the eastern flank boundary within close proximity to the application site. The Council arboriculturalist has not objected to the proposed development, therefore, the proposal is considered to be acceptable on this basis.

5.5 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.

5.6 Use of Energy and Sustainability

N/A

5.7 Improvements Achieved to the Scheme

N/A

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 for the following reasons:

- The proposed development would be well screened by existing built form and vegetation and would not have a significant adverse impact on the character of the site or surrounding countryside – Policies D1 and L1 of the South Gloucestershire Local Plan (adopted) January 2006 and the Design Checklist (adopted).
- The proposed development would not be significantly more harmful than the existing situation in terms of residential amenity – Policies LC4 and EP1 of the South Gloucestershire Local Plan (adopted) January 2006.

- There are no objections from the Council Transportation Officer or Arboriculturalist, therefore, the proposal is considered to be acceptable in terms of Transportation and Environmental impacts – Policies – LC4, L1 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the following condition.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

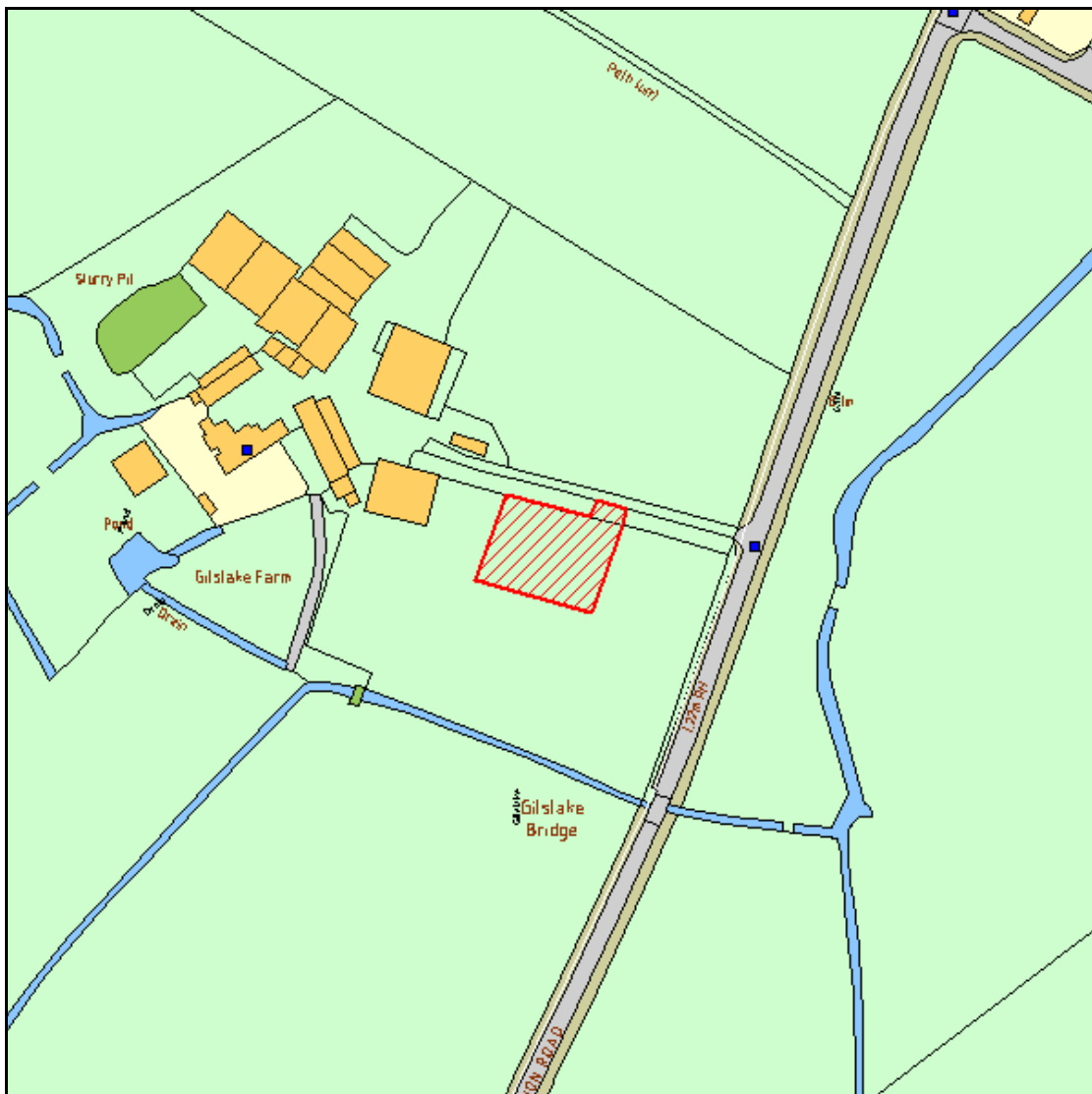
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 12/10 – 26 MARCH 2010

App No.:	PT10/0195/F	Applicant:	Mr And Mrs Cheacker
Site:	Gilslake Farm Station Road Pilning Bristol South Gloucestershire	Date Reg:	11th February 2010
Proposal:	Erection of 1no. detached agricultural dwelling with new access and associated works	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	356555 183861	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	6th April 2010



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N.T.S.

PT10/0195/F

INTRODUCTION

This application appears on the Circulated Schedule because the Pilning & Severn Beach Parish Council has raised concerns that are contrary to the Case Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of 1no. detached agricultural dwelling.
- 1.2 This application follows an outline planning application (PT09/0586/O) that granted consent for the erection of an agricultural workers dwelling with access and layout to be determined and all other matters reserved. This application cannot be considered as a Reserved Matters application as the layout of the dwelling has been amended from a rectangle to a L-shape.
- 1.3 The proposed agricultural workers dwelling is required in connection with Gilslake Farm. This is owned and occupied, extends to about 54ha, and includes a existing farmhouse and agricultural buildings. A further 45ha is taken on an annual basis predominantly for silage production. The farm is a well-established agricultural business, which consists of a beef suckler herd of 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.
- 1.4 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.
- 1.5 The proposed dwelling would front onto Station Road and would be two storey in scale. 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.
- 1.6 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.

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
- L9: Species Protection
- L11: Archaeology
- EP2: Flood Risk and Development
- T12: Transportation Development Control Policy in New Development

2.4 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 PT09/0586/O Erection of agricultural workers dwelling (outline) with access and layout to be determined. All other matters reserved.
Approved

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish

The Parish is somewhat concerned over building in Green Belt areas. There are flooding issues to consider, natural drainage being poor in the vicinity.

Providing the building is sympathetic with surrounding structures and South Gloucestershire Council considers development to be in keeping with the expressed aims the Parish Council has no further comment to make on this application.

4.2 Sustainable Transport

No objection.

4.3 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the erection of agricultural workers dwelling in the countryside. The main issues to assess in this application are: -

- (1) How relevant is the extant outline planning permission?
- (2) Is the principle of the proposed agricultural workers dwelling acceptable in accordance with Policy H3 of the Local Plan and PPS7?
- (3) Is the proposed agricultural workers dwelling appropriate development within the Green Belt.
- (4) Is the flood risk of the proposed agricultural workers dwelling acceptable?
- (5) Is the impact of the proposed agricultural workers dwelling on visual amenity acceptable?
- (6) Are the transportation effects of the proposed agricultural workers dwelling on visual amenity acceptable?
- (7) Is the impact of the proposed agricultural workers dwelling on residential amenity acceptable?
- (8) Is the impact of the proposed agricultural workers dwelling on archaeology acceptable?
- (9) Is the impact of the proposed agricultural workers dwelling on ecology acceptable?
- (10) Does the development overcome the outstanding enforcement investigation on the site?

5.2 Planning History

On the 19th August 2009 outline planning permission was granted for an agricultural workers dwelling. This consent established that the principle of the proposed development was indeed acceptable, and agreed the access and layout arrangements. However in this application the applicant has decided to slightly amend the layout of the dwelling. On this basis a full planning application was required instead of a Reserved Members application. Nevertheless the extant outline planning application still carries weight for the purposes of this application.

5.3 Principle of Agricultural Workers Dwelling

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 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.

5.4 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. Under the outline planning application the LPA commissioned a consultant to provide an agricultural planning appraisal which assessed the development with regard to the following criteria: -

- i. There is a clearly established existing functional need;
- 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;
- 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;
- 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
- v. Other normal planning requirements are satisfied.

5.5 Under the outline planning application the consultant established that the above criteria had been satisfied, and thus the principle of the agricultural workers dwelling was acceptable in accordance with Policy H3 of the Local Plan and PPS7. This advice was sought in the summer of 2009 and there have been no material change in policy or circumstances since then. On this basis, it is reasonable to conclude that this previous advice remains sound and applicable to this application.

5.6 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.

5.7 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.

5.8 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: -

5.9 ***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.

5.10 ***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: -

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.

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.

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. Moreover the Council's Drainage Engineer has confirmed that the proposed drainage arrangements are acceptable subject to condition for Sustainable Drainage Systems.

5.11 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.

5.12 Visual Amenity

The proposed dwelling would be situated to the south-east of the existing farmstead, in an almost identical location to the approved outline planning application. On this basis it is considered that the proposed development would remain to have an acceptable layout, that responds well with the existing collection of farm buildings.

With regard to appearance and scale, the proposed development would roughly accord with the parameters that were set within the Design and Access Statement submitted with the extant outline planning permission. For instance the dwellings eaves would not exceed 5.5m above FFL (Finished Floor Level) and the ridge height would not exceed 7.5m FFL. It is considered that this scale and massing would relate well with the adjacent building on the site, and thus considered to be acceptable.

5.13 In terms of materials the proposed dwelling would have a nature stone frontage, rendered side and rear elevations, and a slate roof. It is considered that these are good quality materials that would contribute to the character and distinctiveness of site and locality. On this basis, the proposed appearance of the dwelling is considered to be acceptable.

5.14 In terms of landscape, the approved outline consent included indicative landscape proposals. These showed 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 considered that these proposals would accord with the character and distinctiveness of the locality. Nevertheless in the event of consent being granted it is recommended that a condition requiring the submission and approval of a full landscape scheme be attached. In addition the existing hedgerow alongside the access track should be protected during construction.

- 5.15 Transportation
The access to the site remains unchanged from the approved outline planning permission. Moreover the Council Transport Engineer has raised no objection to this application. On this basis it is concluded that the proposed development would not result in unacceptable transportation effects.
- 5.16 Residential Amenity
The application site is situated in an isolated and detached location. As such there would be no harm to residential amenity.
- 5.17 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 Council's 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.
- 5.18 Ecology
The application site forms part of an agricultural field adjoining the access drive to Gilslake Farm near the village of Pilning. The application site is not covered by (or adjoin) any statutory or non-statutory nature conservation designations. There are no ecological constraints to granting planning permission.
- 5.19 Outstanding Enforcement
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. It is noted that the applicant has been living on the site whilst working on the farm. Moreover the mobile home would be permitted development whilst the new dwelling is being constructed. On this basis it would not be expedient to take enforcement action. Nevertheless it is recommended that a condition be attached to remove the mobile home from the site once the new dwelling is occupied.
- 5.20 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.
- 5.21 Use of Energy and Sustainability
Built to Building Regulation standards.
- 5.22 Improvements Achieved to the Scheme
None.

5.23 Section 106 Requirements

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

6. CONCLUSION

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

- a) The proposed agricultural dwelling would satisfy the tests of the Annex A of PPS7. It is therefore concluded that the proposed development would be appropriate residential development within the countryside. The proposed development therefore accords to PPS7 and H3 of the South Gloucestershire Local Plan (adopted) January 2006.
- b) The proposed agricultural dwelling would fall within definition of appropriate development within the Green Belt. This is because the proposal would fall within the 'Agriculture and Forestry' category of development. The proposed development therefore accords to PPG2 and GB1 of the South Gloucestershire Local Plan (adopted) January 2006.
- c) The proposed agricultural dwelling would be situated within Flood Zone 3a. This application has concluded that the applicant has demonstrated that the proposal would pass both the Sequential and Exceptions test advocated by PPS25. Moreover the Environment Agency has confirmed that the flood risk of the development would be acceptable subject to conditions. The proposed development therefore accords to PPS25 and EP2 of the South Gloucestershire Local Plan (adopted) January 2006.
- d) The impact of the proposed agricultural dwelling on visual amenity has been fully considered under this application. It was concluded that the proposed development had a good standard of site planning and design. This was because the development would respect the character and appearance of the site and locality. The proposed development therefore accords to D1 and L1 of the South Gloucestershire Local Plan (adopted) January 2006.
- e) The transportation effects of the proposed agricultural dwelling have been fully considered under this application. It was concluded that the proposal would have acceptable access and parking arrangement. The proposed development therefore accords to T12 of the South Gloucestershire Local Plan (adopted) January 2006.

- f) The impact of the proposed agricultural dwelling on residential amenity has been fully considered under this application. It was concluded that the proposed development would be in an isolated location and would not result in an overbearing effect or a loss of privacy. The proposed development therefore accords to D1 of the South Gloucestershire Local Plan (adopted) January 2006.
- g) The impact of the proposed agricultural dwelling on archaeology has been fully considered under this application. The submitted pre-determination archaeology study demonstrated that the development would not affect the archaeology potential of the site. The proposed development therefore accords to L11 of the South Gloucestershire Local Plan (adopted) January 2006.
- h) The impact of the proposed agricultural dwelling on ecology has been fully considered under this application. It was concluded that the site had no statutory or non-statutory nature conservation designations, and there are no ecological constraints to granting planning permission. The proposed development therefore accords to L9 of the South Gloucestershire Local Plan (adopted) January 2006.

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

7. **RECOMMENDATION**

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

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. 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 .

3. Following the first occupation of the dwelling hereby approved, the existing mobile home, situated immediately to the north west of the application site (shown on Drg. No. 271-04) shall not be occupied. Within three months from the date of first occupation the mobile home shall be removed from the site in entirety and the land shall be returned to its former condition. The applicant shall inform the Local Planning Authority in writing within 2 weeks of the dwelling's first occupation.

Reason

To ensure the removal of an unauthorised residential development within the countryside, Green Belt and Flood Zone 3a, and to accord to Policy H3, GB1, and EP2 of the South Gloucestershire Local Plan (adopted)

4. 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.

5. 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

6. 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.

7. 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.

8. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be

retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

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

CIRCULATED SCHEDULE NO. 12/10 – 26 MARCH 2010

App No.:	PT10/0228/F	Applicant:	Mr N Rogers
Site:	5 Woodend Road Coalpit Heath Bristol South Gloucestershire BS36 2LN	Date Reg:	15th February 2010
Proposal:	Change of use of part of ground floor from bakery shop and cafe (class A1 and A3) to business use (class B1) as defined in the Town and Country Planning (Use Classes) Order 2005.	Parish:	Frampton Cotterell Parish Council
Map Ref:	367474 180951	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	6th April 2010



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N.T.S.

PT10/0228/F

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of representations from Frampton Cotterell Parish Council that are contrary to the Case Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the change of use from the bakery shop and café (Class A1 and A3) to a business use (Class B1: Office).
- 1.2 The application site relates to vacant retail situated within a recent housing development. The site is situated within a well-established residential area in Coalpit Heath.
- 1.3 This application follows the recent planning decision to change the use of the building to a cafe unit (Class A3). It is understood that the applicant has marketed the unit for over 12 months as a retail shop and a café, and has been unsuccessful. The applicant now seeks permission to change the use of the unit to a business use (Class B1: Office).

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development

PPS4: Planning for Sustainable Economic Growth

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

RT11: Retention of Local Shops, Parades, Village Shops, and Public Houses

E3: Proposals for Employment Development within the Urban Area

T12: Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/3121/F Demolition of existing building to facilitate erection of 1 no. shop (to be used under Use Class A1 as defined in the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005) and 4 no. apartments with associated works.
Approved on 28th February 2008
- 3.2 PT09/5518/F Change of Use from retail premises (Class Use A1 to Bakery Shop and Café (Class Use A3) (as defined in the Town and Country Planning (Use Classes) Order 2005.

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
Objection - The Parish Council feels this should remain a local retail outlet.
- 4.2 Sustainable Transportation
No objection.
- 4.3 Local Residents
None

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the change of use of the existing café/shop to a business use (Class B1: Office). The main issues to address in this report are:

- (1) Is the principle of the change of use of an existing retail premises acceptable?
- (2) Is the principle of an employment use within the Frampton Cotterell settlement boundary acceptable?
- (3) Would the proposal have unacceptable environmental effects?
- (4) Are the transportation effects of the proposal acceptable?
- (5) Would the proposal adversely affect the character of the area?
- (6) Would the proposal unacceptably prejudice residential amenity?

5.2 Loss of Retail Premises

The principle of the proposed development shall be determined in accordance with Policy RT11 of the South Gloucestershire Local Plan (Adopted) 2007. This policy is most relevant because it applies to local shopping parades which are located within defined settlement boundaries. The Local Plan states ‘ *these centres provide an essential and valuable service to the community, particularly to those who do not have access to the car. Additionally, the ease of walking and cycling to local centres and shops minimise the need to use car*’. Policy RT11 therefore does not permit the change of use of retail premises within local shopping parades unless one of the following criteria is complied with: -

- 5.2 **A. The proposed use would not result in an over concentration of non-shop uses in a village centre or local centre or be detrimental to the vitality, viability, retail and social function of that centre; or**

It is not essential that this criterion is complied with, please see criterion B.

5.3 **B. There are satisfactory alternative retail facilities available in the locality; or**

The application relates to a new retail unit within a recently completed residential development. It is understood that prior to this development there was originally a bakery (Class A3) on the application. This unit is situated within 200m of a post office and a local supermarket, which provides a wide range of services for local residents. In view of these retail premises, the loss of one retail unit to an office use (Class A3) would not be to the detriment of the locality as there are satisfactory alternative retail facilities in close proximity to the application site. Moreover the development would not preclude the unit returning to a retail unit if the market allowed, subject to the necessary planning permission.

5.4 **C. It can be demonstrated that the premises would be incapable of supporting a retail use.**

It is not essential that this criterion is complied with, please see criterion B.

5.5 In view of above, it is considered that the loss of the existing retail unit would be acceptable. The subsequent sections of this report shall assess whether the principle of a new business would be acceptable.

5.6 Employment Use

Policy E3 of the Local Plan allows for new employment uses within the boundaries of settlements, provided that: -

A. Development would not have unacceptable environment effect; and

B. Adequate provision is made for servicing and delivery requirements and development would not give rise to unacceptable levels of vehicular traffic, especially heavy goods vehicles, or on-street parking, to the detriment of the amenities of the surrounding areas and highway safety; and

C. Development would not prejudice existing residential amenities; and

D. The character of the area or settlement is not adversely affected; and

E. The maximum density compatible with the site's location, its accessibility and its surroundings is achieved

5.7 In view of the above, it is considered that the principle of the proposed business use would be acceptable subject to the development satisfying the individual criteria. The subsequent sections of this report shall address these issues.

5.8 Environmental

Given the nature and scale of the proposed B1 office, it is considered that the use would not give rise to unacceptable environmental effects.

5.9 Transportation

To assess this issue, the Council's Transportation Officer was consulted as a part of this application. It was concluded that the proposed business use would generate less traffic and thus would require less parking than the existing use. Moreover the proposed office lies in a relatively sustainable location although there is some on-site parking available. On this basis it is considered that the development would accord to policies T8 and T12 of the adopted Local Plan.

5.10 Residential Amenity

It is considered that the proposed use would be much less intensive than the existing retail uses. On this basis, the proposed business use is less likely to result in disturbance to nearby residents and therefore is considered acceptable.

5.11 Visual Amenity

The proposed development would not involve any external alterations to the existing shop front. Any advertisements would be subject to the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

5.12 Design and Access Statement

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

5.13 Use of Energy and Sustainability

Built to Building Regulations.

5.14 Improvements Achieved to the Scheme

None

5.15 Section 106 Requirements

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

6. CONCLUSION

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

a) There are satisfactory alternative retail facilities in close proximity to the application site. The proposed development therefore accords to Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006.

- b) The principle of a new employment uses within the Frampton Cotterell settlement boundary accords with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - c) The environmental effects of the proposed development have been fully considered in this application. It was concluded that the proposal would not result in any adverse effect. The proposed development therefore accords to Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - d) The transportation effects of the proposed development have been fully considered in this application. It was concluded that the proposal would have satisfactory parking and access. The proposed development therefore accords to Policy E6 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - e) The impact of the proposed development on the character of the area has been fully considered in this application. It was concluded that the proposal would not prejudice the established character of the area. The proposed development therefore accords to Policy E6 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - f) The impact of the proposed development on the amenity of nearby residents has been fully considered in this application. It was concluded that the proposal would not unacceptably prejudice residential amenity. The proposed development therefore accords to Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

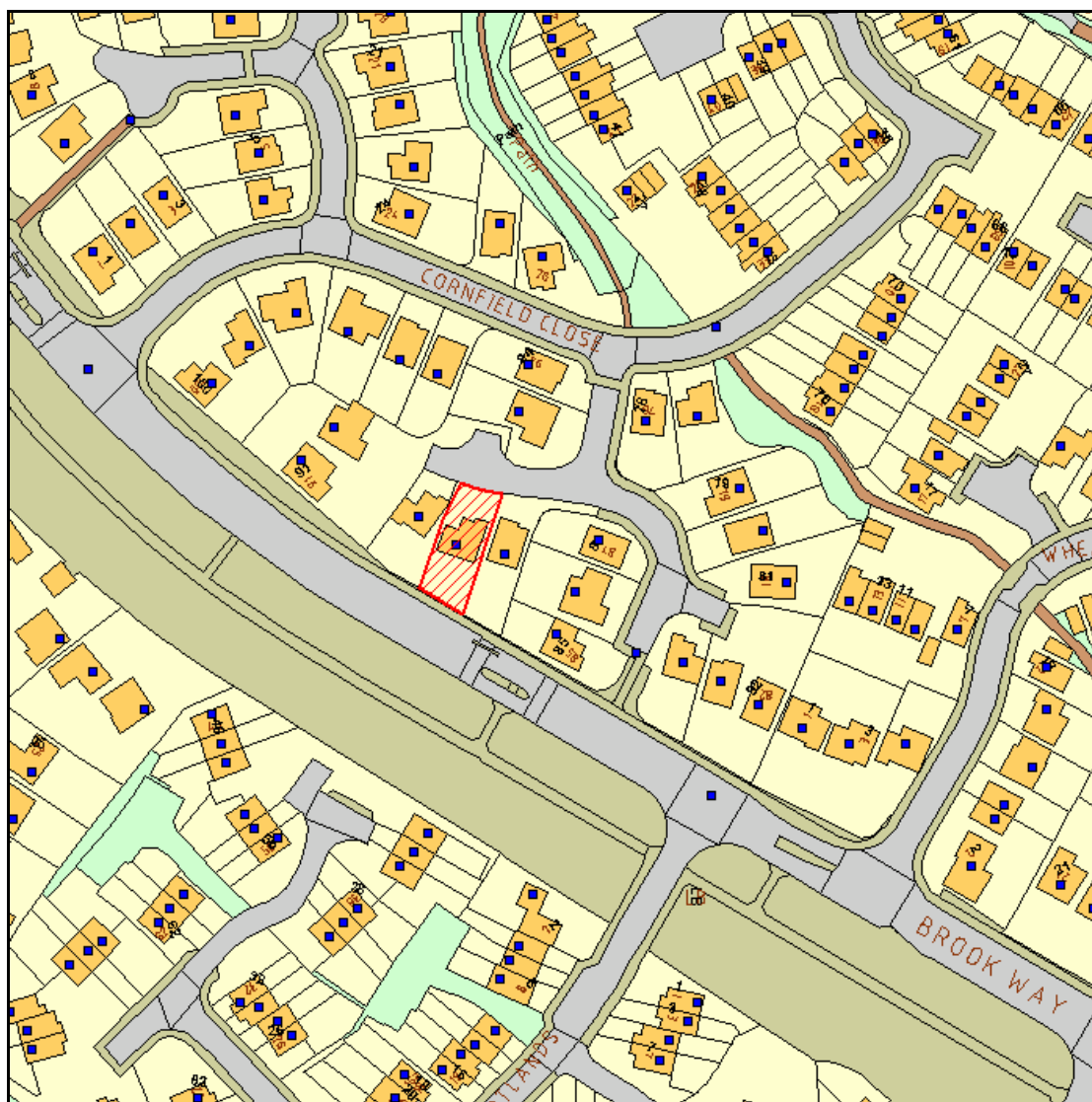
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 12/10 – 26 MARCH 2010

App No.:	PT10/0239/F	Applicant:	Mr P Graham
Site:	89 Cornfield Close Bradley Stoke Bristol South Gloucestershire BS32 9DR	Date Reg:	23rd February 2010
Proposal:	Erection of front porch.	Parish:	Bradley Stoke Town Council
Map Ref:	361395 182254	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Householder	Target Date:	15th April 2010



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100023410, 2008.

N.T.S.

PT10/0239/F

INTRODUCTION

This application is being circulated to Members because the recommendation of the officer is contrary to a representation made by a local resident.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a front porch. The proposed front porch would measure approximately 2.5 metres in width and 2 metres in depth with a ridge height of approximately 3 metres falling to circa 2.5 metres at the eaves. It would include 2 windows on the front north facing elevation with an access door moved from this northeast facing elevation to the side (west facing) elevation. The other side (east facing) elevation would be windowless.
- 1.2 The application site relates to a two-storey modern detached dwelling set in residential curtilage backing on to Brook Way in the well-established residential area of Bradley Stoke.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Design
H4: Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT05/3194/F Installation of dormer in rear elevation to facilitate loft conversion and erection of single storey rear extension. **Approved.** 19 December 2005.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection
- 4.3 Local Residents
1 letter received from a local resident objecting to the development on the following grounds:
a) overbearing impact;
b) loss of light from street lighting;
c) detrimental to visual amenity of property and locality.
These concerns will be addressed in the relevant sections in the report below.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposed development consists of a single storey front porch in a domestic curtilage. Policy H4 permits development within existing residential curtilages. As such the proposal is acceptable in principle subject to the following considerations.

5.2 Residential Amenity

The proposed single storey front porch would involve altering the location of the main access door from the front to the side (west facing). It would also involve inserting 2 windows on the front north facing elevation; one measuring circa 0.7 metres in height and 0.3 metres in width and one adjacent to this measuring approximately 0.6 metres in width and 1 metre in height. The application site faces a side elevation of the dwelling opposite (No.93 Cornfield Close) and is it considered that inter-visibility between habitable rooms would not occur. There are no evident specific boundary treatments to the front of the host property however there is a modest lawned area that is lined with mature shrubs to the front and to the east, separating the application site from No. 88 Cornfield Close. A driveway approximately 2.5 metres in width separates No. 90 Cornfield Close from the host property.

The neighbouring occupiers of No.88 Cornfield Close have expressed concerns about the proposed development resulting in an overbearing impact upon their property and a loss of light from the streetlight. Notwithstanding this it is considered that there would not be any material reduction in the amount of daylight afforded to the property. The applicants have indicated that they would be installing a security light, which would provide some light. It is considered that any reduction in overall street lighting caused by the proposed porch would be negligible as such it is not considered that this is a sufficient basis for a refusal of the application.

The proposal would extend the front of the existing dwelling by approximately 2 metres. Nevertheless the side elevation would be windowless and the proposal is minor in nature consisting of a small-scale single storey. The proposed development would extend the front of the existing property to be almost in line with the front of the neighbouring dwellings. It would not protrude in front of this building line and does not exceed the width of the existing dwelling. As such the space between the properties would remain as existing.

On this basis it is not considered that the proposal would result in a detrimental impact on or cause material harm to the residential amenity of the neighbouring occupiers. Sufficient space would remain to serve the main dwelling and the proposal does not give rise to any transportation issues. Accordingly the proposal meets criteria contained in policy H4 of the South Gloucestershire Local Plan adopted 2006.

5.3 Design/Visual Amenity

The existing property is constructed of red brick with grey concrete slate effect roof tiles and white uPVC doors and windows. The proposed development

would be constructed of materials to match the existing and would include a replacement security light.

A local resident objected to the proposal on the basis that the porch would be detrimental to the visual amenity of the property and the area. Whilst it is appreciated that the proposed development would alter the front elevation of the application site, the materials would match those of the existing property so the extension would appear a subtle addition. Moreover, similar development is apparent on neighbouring dwellings and throughout the locality.

Cornfield Close demonstrates a variety of architectural styles and a mixture of materials, as such it is considered there is no specific design or characterisation which one would need to rigidly adhere to.

Accordingly it is considered that the proposal would not result in a detrimental impact to the visual amenity of the locality or the existing property. It is considered that the proposal would be in keeping with the character of the existing dwelling and the street scene. As such it is not contrary to Policy D1 of the South Gloucestershire Local Plan adopted 2006 and meets criteria contained in the South Gloucestershire Design Checklist (Adopted) August 2007

5.5 Design and Access Statement

A Design and Access Statement was not necessary for this application.

5.6 Use of Energy and Sustainability

Would be in accordance with Building regulations

5.7 Improvements Achieved to the Scheme

None required

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 Inter-visibility between habitable rooms would not occur and there would not be any material reduction in the amount of daylight afforded to adjacent properties. Given that the side elevation would be windowless and the proposal is minor in nature consisting of a small-scale single storey it is not considered that the

proposal would have an overbearing impact on neighbouring occupiers especially given that the proposed development would not protrude in front of the established building line nor exceed the width of the existing dwelling. Accordingly the proposal meets criteria contained in policy H4 of the South Gloucestershire Local Plan adopted 2006.

- 6.3 Cornfield Close demonstrates a variety of architectural styles and a mixture of materials. The materials used in the construction of the proposal would match those of the existing property and similar development is apparent on neighbouring dwellings and in the locality.

Accordingly it is considered that the proposal would not result in a detrimental impact to the visual amenity of the locality or the existing property. It is considered that the proposal would be in keeping with the character of the existing dwelling and the street scene. As such it accords with Policy D1 of the South Gloucestershire Local Plan adopted 2006 and meets criteria contained in the South Gloucestershire Design Checklist (Adopted) August 2007

- 6.4 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: Genevieve Tuffnell
Tel. No. 01454 863438

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).

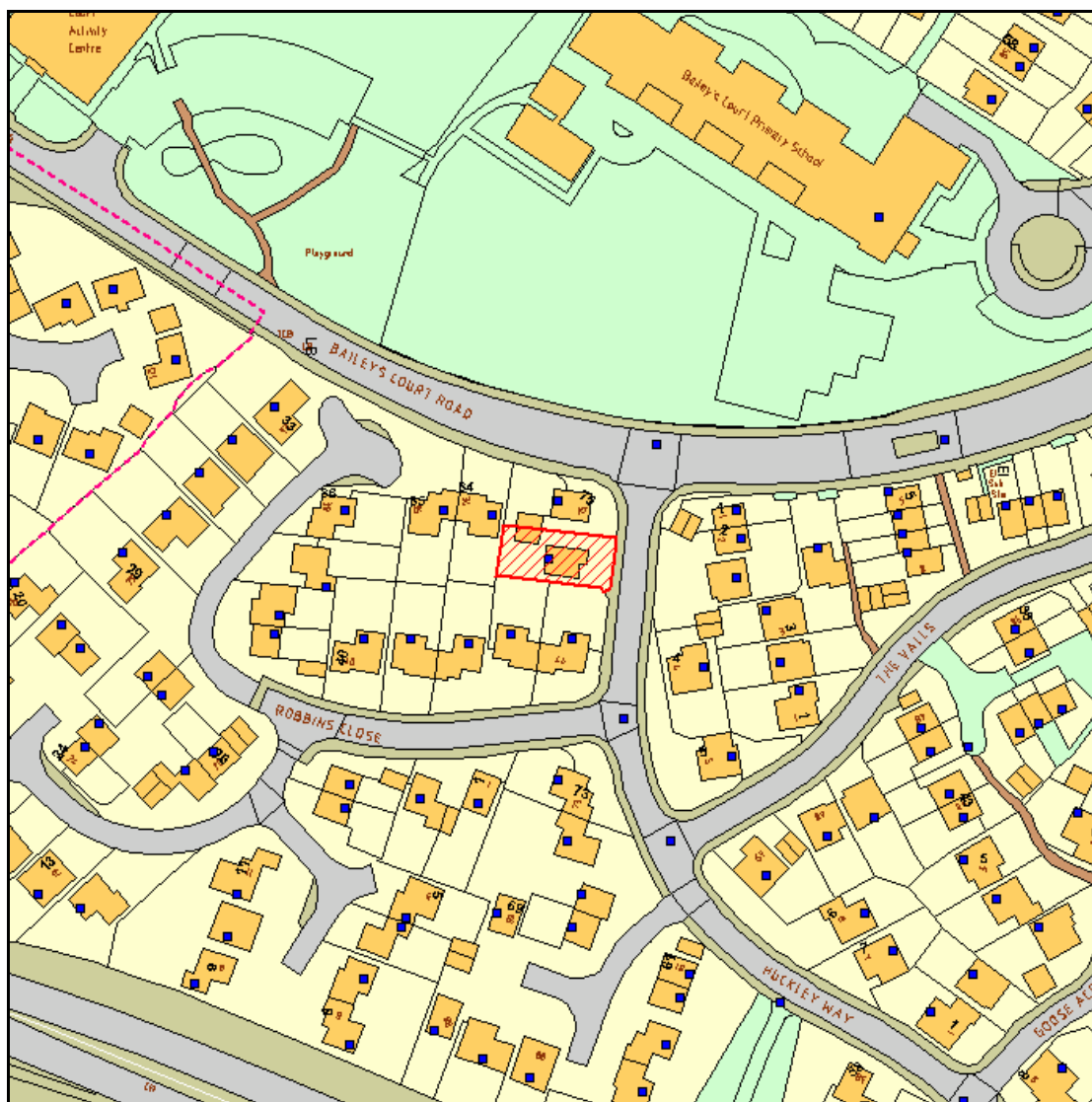
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 12/10 – 26 MARCH 2010

App No.:	PT10/0297/F	Applicant:	Mr J Underhill
Site:	Syrosika 74 Huckley Way Bradley Stoke Bristol South Gloucestershire	Date Reg:	15th February 2010
Proposal:	Erection of two storey and single storey side and rear extension and conversion of existing garage to from additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	362794 180668	Ward:	Bradley Stoke South
Application Category:	Householder	Target Date:	7th April 2010



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100023410, 2008.

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PT10/0297/F

INTRODUCTION

This application appears on the Circulated Schedule List because an objection has been received from the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two-storey side extension, which would link to an existing detached garage at ground floor level and the conversion of the existing garage to provide a children's play room.
- 1.2 The application site comprises a two-storey detached property situated on the western side of Huckley Way within the established residential area of Bradley Stoke.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Residential Development within Existing Residential Curtilages
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Objection – over development of the site. Proposals not in-keeping with surrounding area.
- 4.2 Transportation DC
No objection
- 4.3 Local Residents
One letter has been received from a neighbouring occupier, which raises the following concerns:
 - The notice of this proposal was also sent to Plot 75, which is rented out; this may not have been forwarded to the owner by the occupier. This proposal impacts on that adjacent property.

- We have environmental concerns regarding the effect of keeping Chickens and Ducks in the small garden adjacent to a children's play room.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning Policy D1 requires that development achieves a good standard of design. Policy H4 allows for the principle of residential extensions subject to design, residential amenity and transportation considerations.

5.2 Design/Visual Amenity

This application seeks planning permission for the erection of a two-storey side extension, which would link to an existing detached garage at ground floor level and form an integral garage and additional living accommodation. Permission is also sought for the conversion of the existing garage to provide a children's playroom. The application site comprises a two-storey detached property situated on the western side of Huckley Way adjacent to the Baileys Court Road Junction. The existing property is characterised by a projecting front gable, which spans half the width of the dwelling. The extension would be located on the northern side of the property and extend the full width of the boundary.

Given the existing spacing between the host and neighbouring properties, and the prominent location of the properties adjacent to the road junction, the Officer requested that the extension be set back at first floor level to retain a sense of the spacing between the dwellings. The agent acceded to this request and amended plans have been received. The amendments demonstrate that the extension would be set back from the existing projecting gable by approximately 0.2 metres at ground floor level and 2.1 metres at first floor level. The ridge apex would be approximately 0.1 metres lower than the existing ridge apex. To the rear the extension would be set flush with the existing rear elevation at first floor level and form a 1.5 metre projecting link at ground floor level. The pitch of the lean-to roof proposed over the link extension and ground floor front extension would match the pitch of the existing roof. The Parish Council objected on the basis that the proposal represented an over development of the site and the Officer requested that the link to the garage be removed to reduce the massing of the extension. The agent has not acceded with this request but has amended the link to include a conservatory style roof to visually separate the garage and dwelling. It is considered that on balance, the amendments would reduce the massing of the extension sufficiently and maintain an element of space between the host and neighbouring dwellings. The position of the first floor window and sky light on the front elevation has been amended to be more in-keeping with the position of the existing fenestration. The proposed materials are considered to be acceptable and will be conditioned to match the existing dwelling.

- 5.3 Given the above, on balance, it is considered that the proposal complies with Policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006 and the Design Checklist SPD (adopted).

5.4 Residential Amenity

The host dwelling is flanked by no.75 Huckley Way to the north, whilst the side boundary of the application site forms the rear boundary of nos. 43 and 44 Robbins Close. The majority of the extension would be contained within the front and rear building lines of existing built form. Whilst the extension would move the building approximately 2.8 metres closer to the neighbouring property, it is considered that it would not be significantly more overbearing than the existing situation. The link extension measuring approximately 1.6 metres in length would be the only part of the proposal that would overhang the neighbouring property given that the host detached garage is already in-situ and is attached to a neighbouring garage of the same size. It is considered that the conservatory style lean-to roof, would be less overbearing and create less shadow. No side windows are proposed in the northern elevation of the host dwelling, therefore, it is considered that the proposal would not have a significant adverse impact on the neighbouring occupiers in terms of loss of daylight or privacy.

Given that the neighbouring properties located to the south of the application site would be approximately 18 metres from the extension, it is considered that they would not be significantly adversely impacted by the proposal in terms of loss of privacy or daylight. It is considered that the additional glazing proposed in the front and rear elevations would not introduce any new privacy issues.

5.5 Transportation

There is no objection from the Council Transportation Officer. The proposed garage is shorter than standard, therefore, it is more likely to be used for household storage than car storage. A single parking space however, would remain available on the drive and on-street parking is available in the locality. Bradley Stoke is also relatively sustainable with shops, employment and public transport within walking or cycling distance.

5.6 Further Matters

The environmental concerns raised by the neighbouring occupier have been passed onto the Council Environmental Health team, but this would not raise intrinsic objections on planning grounds. The Council has consulted in accordance with the Statement of Community Involvement document adopted (2008) and the current occupiers or owner of the neighbouring property have had the opportunity to comment on the proposal.

5.7 Design and Access Statement

A design and access statement is not required.

5.8 Use of Energy and Sustainability

The proposal would comply with building regulation specifications.

5.9 Improvements Achieved to the Scheme

Increase in setback and reduction in ridge height to ensure an element of spacing is retained in the streetscene. Amendment to the positioning of the fenestration.

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 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 for the following reasons:

- The amended plans received demonstrate that the proposed extension would be sufficiently in-keeping with the character of the existing dwelling in terms of design, scale, form, siting and materials and would not have a significant adverse impact on the character of the surrounding area – Policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006 and the Design Checklist (adopted).
- The proposed extension would not adversely harm the amenities of the neighbouring occupiers through loss of privacy or natural light – Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.
- Sufficient off street parking would remain to serve the host dwelling and it is not envisaged that the proposal would increase vehicular trips significantly – Policy T12 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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 Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.