



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF ENVIRONMENT AND COMMUNITY SERVICES**

CIRCULATED SCHEDULE NO. 27/15

Date to Members: 03/07/15

Member's Deadline: 09/07/15 (5.00pm)

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 **by email 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**

**PLEASE NOTE: THE CIRCULATED SCHEDULE PROCESS IS ONLY OPEN
TO THE ELECTED MEMBERS OF SOUTH GLOUCESTERSHIRE COUNCIL.**

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Environment of Community Services know within 5 working days of the date of this Schedule (e.g., if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

To refer an application(s) members are asked to email MemberReferral@southglos.gov.uk providing details of

- Application reference and site location
- Indicate whether you have discussed the application(s) with the case officer and/or area planning manager
- Indicate whether you have discussed the application(s) with ward member(s) if the site is outside of your ward
- The reason(s) for the referral

The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Development Control 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

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 and 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:

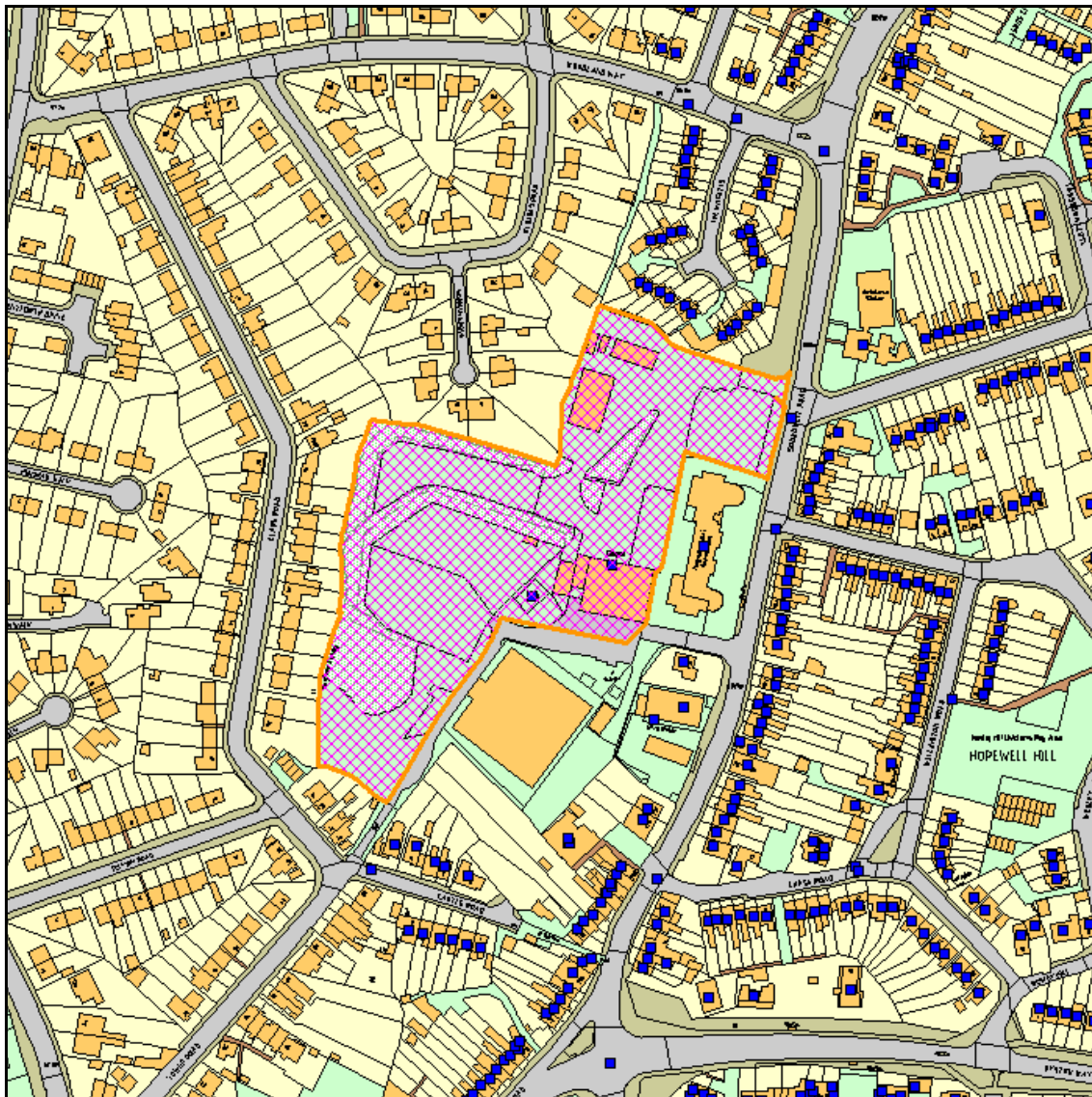
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Management Technical Support Team. Please note a copy of your referral e mail will appear on the website. **If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.**
- 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.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

CIRCULATED SCHEDULE - 3 JULY 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK11/3750/EXT	Approve with Conditions	Water Plc Soundwell Road Soundwell South Gloucestershire BS16 4QQ	Kings Chase	None
2	PK14/2638/F	Approve with Conditions	13 Horse Street Chipping Sodbury South Gloucestershire BS37 6DA	Chipping	Sodbury Town Council
3	PK15/1647/F	Approve with Conditions	37 Oakdale Court Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
4	PK15/1880/F	Approve with Conditions	Downend Day Centre Overdale Road Downend South Gloucestershire BS16 2RQ	Downend	Downend And Bromley Heath Parish Council
5	PK15/1900/F	Approve with Conditions	1 Britannia Close Downend South Gloucestershire	Emersons	Mangotsfield Rural Parish Council
6	PK15/2050/TRE	Approve with Conditions	9 Cave Close Downend South Gloucestershire BS16 6EH	Downend	Downend And Bromley Heath Parish Council
7	PK15/2169/F	Approve with Conditions	1 Hill Close Emersons Green South Gloucestershire	Emersons	Emersons Green Town Council
8	PK15/2389/F	Approve with Conditions	7 Cottington Court Hanham South Gloucestershire	Hanham	Hanham Parish Council
9	PK15/2393/TCA	No Objection	Elm Croft High Street Iron Acton South Gloucestershire BS37 9UH	Frampton Cotterell	Iron Acton Parish Council
10	PT13/1992/F	Approve with Conditions	Little Bridge Barn Pilning Street Pilning South Gloucestershire BS35 4HL	Severn	Olveston Parish Council
11	PT15/2083/TCA	No Objection	Orchard Cottage Lower Tockington Road Tockington South Gloucestershire	Severn	Olveston Parish Council
12	PT15/2090/F	Approve with Conditions	120 Apseleys Mead Bradley Stoke South Gloucestershire BS32 0BG	Bradley Stoke North	Bradley Stoke Town Council

CIRCULATED SCHEDULE NO. 27/15 – 3 JULY 2015

App No.:	PK11/3750/EXT	Applicant:	Bristol Water Plc
Site:	Bristol Water Plc Soundwell Road Soundwell South Gloucestershire BS16 4QQ	Date Reg:	7th December 2011
Proposal:	Residential development of up to 75no dwellings on 1.87 ha of land (Outline) with means of access and highway improvements to be determined. All other matters reserved. (Consent to extend time limit implementation for PK04/1724/O).	Parish:	None
Map Ref:	364593 174666	Ward:	Kings Chase
Application Category:	Major	Target Date:	2nd March 2012



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 100023410, 2008. N.T.S. PK11/3750/EXT

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from local residents, which are contrary to the officer recommendations. There is also a proposed amendment to the original S106 Agreement.

1. THE PROPOSAL

- 1.1 The application relates to the redundant Bristol Water Depot on Soundwell Road.
- 1.2 An outline planning permission PK04/1724/O for the residential development of the 1.87ha site, with means of access and highway improvements determined, with all other matters reserved; was approved subject to a S106 Agreement, on 17 Dec. 2008. Due to the economic recession and complexities of developing this site, the scheme has to date not been implemented and in order to keep the outline consent extant, this current application merely seeks to extend the time limit for implementation, for a further three year period.
- 1.3 The application relates to the same scheme as previously approved under PK04/1724/O, on the same site and has been submitted by the same applicants. None of the conditions relating to the original approval have been discharged; where necessary these conditions would be carried forward should an extension in time be granted. As the standard issues relating to this scheme have not altered in the interim, these will not be re-visited in the body of this report. For ease of reference, the original Committee report and Decision Notice for PK04/1724/O is appended to this report for reference.
- 1.4 The key issues for Members to consider are a) whether or not changes to the policy regime, that have occurred since the original permission was granted, will affect the decision and b) the acceptance or otherwise of the revised S106 contributions. These matters are discussed in detail below.
- 1.5 The current application is supported by the following documents.

Geotechnical & Ground Contamination Review
Flood Risk Assessment
Viability Statement
Remediation Budget Proposal by Vertase F.L.I. Ltd. 8th Aug 2012.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (NPPF) March 2012
The National Planning Practice Guidance (NPPG) 2014
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
L1 Landscape Protection and Enhancement

L9 Species Protection
L11 Archaeology
EP2 Flood Risk and Development
T7 Cycle Parking
T12 Transportation Development Control Policy for New Development
LC1 Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).
LC2 Provision for Education Facilities (Site Allocations and developer Contributions).

South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development.
CS5 Location of Development
CS6 Infrastructure and Developer Contributions
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS23 Community Infrastructure and Cultural Activity
CS24 Green Infrastructure, Sport and Recreation Standards.

West of England Joint Waste Core Strategy Adopted March 2011

Policy 1 – Waste Strategy

Emerging Plan

Proposed Submission : Policies, Sites & Places Plan March 2015

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland
PSP8A Settlement Boundaries
PSP8B Residential Amenity
PSP10 Development Related Transport Impact Management
PSP16 Parking Standards
PSP17 Heritage Assets and the Historic Environment
PSP19 Wider Diversity
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP21 Environmental Pollution and Impacts
PSP21A Unstable Land
PSP39 Private Amenity Space Standards

2.4 Supplementary Planning Guidance

The South Gloucestershire Council Residential Parking Standards (Adopted).
The South Gloucestershire Design Check List SPD Adopted August 2007.
Trees on Development Sites SPD Adopted Nov. 2005
Affordable Housing SPD Adopted Sept 2008

3. RELEVANT PLANNING HISTORY

- 3.1 The site has been the subject of a number of previous applications of which the following are material to the determination of this application;
- 3.2 P96/4418 Erection of 15m high telecommunication tower.
Approval 16 August 1996
- 3.3 PK/99/0457/F Erection of 2 x 4 dipoles antenna, 2 x 0.3m dishes and equipment cabin and extension to existing mast by 1.5 m.
Approved 7 July 2000
- 3.4 PK00/2306/PNI Prior notification to install 3no. panel antennae, 2no. 0.3m dishes, 1no. equipment cabin and associated cabling.
No objection 22 September 2000
- 3.5 PK00/3200/F Installation of 2no. 0.6m diameter and 1 no. 0.3 m diameter telecommunication dishes.
Approved 23 Jan 2001
- 3.6 Erection of 25 m high telecommunications tower to replace existing 19m tower.
Refused 24 December 2002
- 3.7 PK04/1724/O - Residential development on 1.87ha of land (outline) with means of access and highway improvements to be determined. All other matters reserved.
Approved S106 signed 17 Dec. 2008.
- 3.8 PK11/048/SCR - Residential Development on 1.87ha (outline) Screening Opinion.
EIA not required 2 Dec. 2011

4. CONSULTATION RESPONSES

- 4.1 Ward Members
No comments.
- 4.2 Parish/Town Council
Not a parished area.
- 4.3 Other Consultees [including internal consultees of the Council]
- 4.4 Transportation D.C.
This application is simply for an extension of time to implement the Planning Consent under PK04/1724/O and as such there are no traffic or transportation comments to raise on this application. I note that there are highway works secured against PK04/1724/O under a signed Section 106 agreement and as such these remain a condition of the Planning Consent. The updated requests are as follows:

A financial contribution of £104,978.62p towards highway safety and pedestrian improvements in the area.

A financial contribution of £9,543.51p towards improvements to public transport facilities in the area.

The provision of junction improvements including the provision of a new access road together with a 2m wide footway.

4.5 Historic Environment

No comment

4.6 Tree Officer

No comment

4.7 Urban Design Officer

This is an extension of time application for approved application PK04/1724/O. The Outline application is supported by a Concept Statement, which identifies constraints and opportunities, and provides clear principles to inform reserved matters. This is welcome. For information, the block plan appears heavily reliant on rear parking courts. Such a parking strategy can often lead to on-street, uncontrolled parking problems. The balance of on-plot, on-street and rear courtyard parking may need to be considered carefully at the detailed planning stage, but I do not consider that this would fundamentally alter the approximate location of buildings. As such I have no objection.

4.8 Landscape Officer

This is an extension of time application to approved Outline Application PK04/1724/O. There is no landscape objection. All previous conditions regarding landscape should apply, notably Condition 7, requiring the submission of detailed landscape proposals.

The landscape proposals would be secured via the Reserved Matters application.

4.9 Ecology Officer

There are no ecological constraints. No objection subject to standard informatives.

4.10 Wessex Water

No objection. Permission will be required to connect to existing Wessex Water sewers. There is no available capacity in the local public surface water network.

4.11 Environmental Protection

No objection subject a condition regarding possible contaminated land and standard informatives relating to construction sites.

4.12 Avon Wildlife Trust

No comment

4.13 The Coal Authority

No objection subject to previous condition relating to intrusive site investigations.

4.14 Environment Agency

No objection subject to a condition to secure a Surface Water Drainage Scheme.

4.15 Housing Enabling

The applicant has claimed that the site is unviable with the provision of requirements including affordable housing contained in the s.106 dated 28th November 2008, or the revised requirements including affordable housing following the application for extension in time received 25th November 2011. The Council appointed the District Valuers to assess the viability claim and advise on the total amount of s.106 contributions including affordable housing the scheme could viably support. The District Valuers provided a report dated 4th March 2013. The following affordable housing heads of terms are required on the basis of this report, and in line with policy CS18 of the Council's adopted Core Strategy Development Plan Document.

- A minimum of 4% (3 dwellings) should be delivered without public subsidy. The applicant is required to seek financial assistance from the HCA, Housing Delivery Partner RP, the Council or any other public body sought to deliver up to the remaining 31% (23 dwellings).
- Should the development not complete within 2 years of the planning permission, the Council will require the applicant/developer to submit to the Council evidence of the actual GDV or to recalculate the GDV based on market values applicable at the time. Any improvement in GDV above that detailed in the viability assessment dated 4th March 2013 should be provided to the Council as a financial contribution towards the offsite provision of affordable housing. If the applicant/developer fails to comply then 35% of the total dwellings should be delivered as affordable housing without public subsidy provided on site.
- The affordable housing will be as defined by the NPPF.
- The affordable housing to be delivered without public subsidy or financial assistance will consist of 3 no 2 bed 4 person houses for Social Rent.
- The affordable housing to be delivered with financial assistance as described above should be provided with a tenure split of 80% social rent, and 20% intermediate housing or as otherwise agreed in writing with the Council, as identified by the West of England Strategic Housing Market Assessment (SHMA) 2009.
- A range of affordable unit types to meet housing need based upon the findings from the SHMA 2009 as shown below:
-

Social Rent

Percentage	Type	Min Size m2
24%	1 bed flats	46
6%	2 bed flats	67
41%	2 bed houses	75
18%	3 bed houses	85
11%	4 bed houses	106

Intermediate (Shared Ownership)

Percentage	Type	Min Size m2
44%	1 bed flats	46
17%	2 bed flats	67
19%	2 bed houses	75
19%	3 bed houses	85
1%	4 bed houses	106

- 5% of the affordable housing will meet the wheelchair accommodation standards as set out in the Council's Wheelchair Unit Design Specification.
- The Council will refer potential occupants to all first lettings and 75% of subsequent lettings as per the existing s.106 agreement.
- The affordable housing should be appropriately phased in a sustainable manner to ensure mixed and balanced communities. Triggers will be as per the existing s.106 agreement.
- The affordable housing will be distributed across the site in small clusters of no more than 6 homes per cluster in accordance with the existing s.106 agreement.
- All units are to be built in line with the same standards as the market units (if higher) and to fully comply with the latest Homes and Communities Agency (HCA) standards applicable at the time the S.106 will be signed, to include at least Level 3 of the Code for Sustainable Homes, Lifetime Homes standard, Secured by Design standard, and compliance of RP design brief as per the existing s.106 agreement.
- Delivery is preferred through a Housing Delivery Panel (HDP) RP. The HDP is set up to deliver affordable housing across the West of England to local development and management standards. The Council encourages the developer to work with a member of the HDP, and in the event of the developer choosing an Affordable Housing Provider from outside this panel then the same WoE standards will need to be adhered to and the Council will set out the detailed standards that will be required.
- It is agreed that the Council will define affordability outputs in the S.106 agreement as follows:
 - social rents to be set at target rents

- shared ownership: no more than 40% of the market value will be payable by the purchaser. The annual rent on the equity retained by the RP should be no more than 1% of the unsold equity.
- service charges will be capped at an appropriate level to ensure that the affordable housing is affordable (currently base cost £500 plus annual RPI increase) and estate charges and ground rents to be no more than £1.
- Social rented accommodation to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided.
- It is agreed that any capital receipts on intermediate housing is to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.

4.16 New Communities

The following S106 contributions have been requested by New Communities:

A contribution of £129,205.48 towards the provision and 15 year maintenance of off-site formal open space to cater for the increased usage as a result of this development.

A contribution of £145,214.06 towards the provision and 15 year maintenance of off-site equipped children's play space to cater for the increased usage as a result of this development.

A contribution of £21,407.51 towards the provision and 15 year maintenance of off-site equipped children's play space to cater for the increased usage as a result of this development.

The total open space sum of £295,827.05p would be index-linked; it is intended to spend the monies on projects at Lees Hill and Southey Park.

A contribution of £3,440.00 towards enhancements at Staple Hill Library.

These requests followed an assessment of the proposal against former Local Plan Policy LC8 with subsequent re-adjustment following the initial Viability Assessment. Whilst it is acknowledged that Policy LC8 is no longer a saved policy and that Core Strategy Policy CS24 is now the adopted policy regarding Green Infrastructure, Sport and Recreation Standards, officers are mindful of the time it has taken to reach a situation whereby the scheme would be rendered viable. Officers are also mindful that a new S106 will need to be signed by the 1st August 2015 if this scheme is not to fall under a CIL charging regime. A re-assessment under CS24 may result in an increase in the amounts requested but according to the DOV this is likely to be more than offset by the increase in the build costs and costs of remediation associated with this difficult site, since the viability assessment was carried out. Officers have therefore

taken a pragmatic approach to this matter and in order to 'draw a line' and move the matter forward, have used the original figures calculated under LC8.

4.17 Children and Young People

A total contribution of £282,582 towards the provision of 27 additional Primary School Places. There is a projected surplus of Secondary School places in the local area.

Other Representations

4.18 Local Residents

4no. letters/e-mails of objection have been received from local residents; the following is a summary of the concerns raised:

- Unclear as to the type of properties to be built.
- Impact on wildlife.
- Loss of view to First Floor Flat, 50 Clare Rd.
- Noise and disturbance during development phase.
- Coal mines on site.
- Possible structural disturbance to 35 Clare Rd.
- Inappropriate access.
- Adverse highway implications – increased traffic and on-street parking.
- Impact on schools.
- Impact on water supply.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The acceptance in principle of the residential development of this site for up to 75 dwellings, was established at the 24th May 2008 DC (East) Committee. The only issues for Members to now consider in this extension in time application, is whether or not the application is acceptable having regard to the latest policy regime and the revised S106 requests. Officers consider that it would be unreasonable not to grant an extension in time to the original outline consent unless material considerations have changed in the interim that would justify refusal.

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.3 The South Gloucestershire Local Plan: Core Strategy was adopted by the council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2012 (NPPF). The “saved” policies of the South Gloucestershire Local Plan (adopted 2006) also form part of the extant Development Plan.

5.4 Paragraph 12 of the NPPF states that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that

conflicts should be refused unless other material considerations indicate otherwise.

- 5.5 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible. Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities and this policy stance is replicated in Policy CS17 of the Core Strategy.
- 5.6 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.
- 5.7 The Proposed Submission: Policies, Sites and Places Plan March 2015 is an emerging plan. The policies within this plan are not yet adopted so only limited weight can currently be afforded to them.
- 5.8 Having considered the changes in the Policy regime since the original outline consent was granted, officers consider that there is still policy support for the proposed residential development on what is a previously developed brownfield site in a highly sustainable location within the Urban Area.
- 5.9 Saved Policy H1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 identifies the site (no.7) for housing. The site is considered to contribute to the Council's 5 year land supply in accordance with paragraph 47 of the NPPF and Policy CS15 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013. There is therefore no in-principle objection to the proposal.

S106 and CIL Matters

- 5.10 As part of this current application the S106 contributions have been re-assessed in accordance with the latest policy regime and government guidance in the NPPG.
- 5.11 As a result of the 28th Nov. 2014 update to the NPPG, the following amendments to National Policy came into force:
- Developments of 10 units or less **and** with a combined gross floorspace of no more than 1000sq.m. **will not be** required to make S106 contributions.
 - In designated rural areas a lower threshold of 5 units or less applies, where no affordable housing or tariff style contributions can be sought.
 - In designated rural areas, for developments of 6-10 units, only a cash payment is payable upon completion of units.

- 5.12 In this instance the proposal does not fall within the first threshold so is still liable for S106 contributions.
- 5.13 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. The introduction of CIL charging has however been delegated to the Director of ECS with charging to commence by 1st August 2015. To date CIL charging has not commenced.
- 5.14 Planning Obligations
The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.

In this instance, it is considered that the planning obligations relating to affordable housing, new communities, children & young people and transportation are required to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122).

- 5.15 Regulation 123 also limits to 5 (back dated to April 2010) the number of S106 agreements that can be used to fund a project or type of infrastructure, from the point at which the Council commences charging the CIL or after April 2015. CIL charging has not commenced and officers have confirmed that the contributions sought would not exceed the threshold of 5 S106 Agreements for the off-site provisions as listed.
- 5.16 The NPPF para. 205 states that:
- “Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and wherever appropriate, be sufficiently flexible to prevent planned development”*
- 5.17 In this case the revised contributions were found to be significantly higher than those originally secured under PK04/1724/O. In short the revised package was as follows:

33.3% Affordable Housing i.e. 25 units

Highways Bond and Fee - £26,850

Highway Works - £104,978

Public Transport - 9,543

Off Site POS - £353,737

Libraries - £19,718

Youth Services - £3,340

Education - £282,582

Footpath Upgrade - £50,000

Monitoring Fee - £30,822

Total Revised Contributions - £881,470

(In 2008 the S106 Agreement secured 33.3% affordable housing (75% social rented and 25% shared ownership) and £354,525 in contributions).

- 5.18 The applicant considered that this revised amount would render the scheme unviable, especially given the difficulties involved in developing this particular site most notably in relation to, demolition costs, drainage, remediation of the mine shafts and workings, infill of the reservoir and abnormal foundation costs. The applicant duly submitted a Viability Statement for assessment along with a Remediation Budget Proposal by Vertase F.L.I. Ltd. 8th Aug 2012. The Council then commissioned the Oxford District Valuer (DVO) to provide an independent assessment of the viability of the scheme.
- 5.19 Having assessed the scheme the DVO concluded that a Policy Compliant scheme would not be viable to the tune of £1,404,252. This was due to the increased S106 contributions and abnormal cost of developing the site. The DVO noted that for a scenario where no affordable housing is provided the residual land value would still be marginally below the benchmarked land value thus allowing a profit of 19.73%. Any affordable housing would therefore reduce the viability even further.
- 5.20 The DVO suggested a full review of the S106 costs and trigger dates as if these were reduced some affordable housing may be achievable.
- 5.21 A full and detailed review of the S106 contributions has since taken place, which has involved a considerable amount of time consuming negotiation during which the possibility of grant funding towards the affordable housing was explored. The review has resulted in a revised package that has been the subject of a further viability assessment by the DVO. The revised package of S106 contributions is as follows:

33.3% affordable housing provision which equates to 25 units.

Highways Bond and Fee - £26,850

Highway Works - £104,978

Public Transport - 9,543

Off Site POS - £295,627

Libraries - £3,440

Youth Services - Nil

Education - £282,582

Footpath Upgrade - £50,000

Monitoring Fee - Nil

Total Revised Contributions - £773,220

(For information purposes, the Library contribution was more appropriately assessed in relation to Staple Hill Library as opposed to Kingswood Library. On review it was concluded that no contribution was in fact required for the Youth

Service. The Monitoring Fee was dropped on the grounds that this could not be insisted on.).

- 5.22 Following the DVO's detailed research, he concluded that a Policy compliant scheme when assessed against the above revised contributions still resulted in a deficit of £830,242 and was still not therefore viable.
- 5.23 The DVO has however recommended that if the Council were prepared to proceed on the basis of the revised contribution package with a revised AH unit and tenure mix, a 20% profit margin is achievable on a benchmark land value of £1,750,00 with provision of either 3 x 2 bed affordable houses or 4 x 1 bed flats; this would be viable.
- 5.24 In addition, the DVO recommended that if the Council were prepared to proceed at an affordable housing level and with S106 contributions at less than policy requirements, that consideration is given to either an overage clause or review on the basis that the market improves. This could take the form of either an overage if sales values increase beyond an agreed level shared on a 50/50 basis on completion or a timescale is agreed for delivery which if not met would trigger an automatic viability review.
- 5.25 Officers have concluded that if this site is to be brought forward for residential development, that the recommendations of the DVO will need to be adopted and after much negotiation the applicants have now confirmed their acceptance of this solution. Housing Enabling have confirmed that an AH provision of 3 x 2 bed 4 person houses in accordance with the requirements listed at para. 4.14 above is acceptable.
- 5.26 The reason why the affordable housing contribution has been relaxed is because the scheme could not be physically built without the highways works and contributions listed at vii-ix; there is a shortage of open space in the area and the increased population generation to result from the scheme will require sufficient open space for future occupants; similarly the associated increase in school children will require primary school facilities for which there is currently a shortfall see v. The library contribution see iv, if it were dropped, is not large enough to generate more affordable housing. Other than the affordable housing there is no other scope to reduce the S106 requirements and hence make the scheme viable.
- 5.27 The revised S106 package is therefore considered to comply with the requirements of Para. 205 of the NPPF as without this the site is unlikely to be developed.
- 5.28 Other Issues
Of the issues raised by local residents that have not been addressed above:
- This is an outline application only. The siting and design of the properties would be secured under the reserved matters application.
 - There is no right to a view across land in private ownership so this is not a material consideration in the determination of this application.

- The scheme would be the subject of Building Regulation control. Any structural damage to neighbouring property would be the developers responsibility.

6. CONCLUSION

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

7. RECOMMENDATION

7.1 (1) That authority be delegated to the Director of Environment and Community Services 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 & Country Planning Act 1990 (as amended) to secure the following:

- (i) A contribution of £129,205.48 towards the provision and 15 year maintenance of off-site formal open space to cater for the increased usage as a result of this development.
- (ii) A contribution of £145,214.06 towards the provision and 15 year maintenance of off-site equipped children's play space to cater for the increased usage as a result of this development.
- (iii) A contribution of £21,407.51 towards the provision and 15 year maintenance of off-site non-equipped children's play space to cater for the increased usage as a result of this development.

The total open space sum of £295,827.05p would be index-linked; it is intended to spend the monies on projects at Lees Hill and Southey Park.

- (iv) A contribution of £3,440.00p towards enhancements at Staple Hill Library.
- (v) A contribution of £282,582.00p towards the provision of 27 additional primary school places to cater for the increased demand on education facilities as a result of the development.
- (vi) The provision of a minimum of 4% (3 dwellings) affordable housing units should be delivered without public subsidy or financial assistance and will consist of 3no. 2 bed 4 person houses for Social Rent; in accordance with the requirements listed in para. 4.14 above.

- (vii) A financial contribution of £104,978.62p towards highway safety and pedestrian improvements in the area, to include the provision of safe pedestrian crossing points which may include the construction of a signalised pedestrian crossing on Soundwell Road.
- (viii) A financial contribution of £9,543.51p towards improvements to public transport facilities in the area e.g improvements to accessibility to bus stops, provision of a new bus shelter and/or provision of 'Real Time Information' facilities at the existing bus stop on Soundwell Road.
- (ix) The provision of junction improvements including the provision of a new access road together with a 2m wide footway. Alteration to the existing site entrance would be necessary at its junction with Soundwell Road. The works would include provision of a new road with suitable corner radii and 2m wide footway on both sides of the access road all to be connected to the existing footway network on Soundwell Road.

The reasons for this Agreement are:

- (i) To ensure the adequate provision and maintenance of Formal Open Space facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.
- (ii) To ensure the adequate provision and maintenance of Equipped Children's Play Space within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.
- (iii) To ensure the adequate provision and maintenance of Equipped Children's Play Space within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013. .
- (iv) To ensure adequate Library provision at Staple Hill Library having regard to the increased population generated by the development, in accordance with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- (v) To ensure adequate provision of education facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- (vi) To accord with Policy CS18 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. Jan 2013.
- (vii) To improve highway infrastructure within the vicinity of the development having regard to the increased population generated by the development in

accordance with Policy T12(A) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

- (viii) To ensure the adequate provision of public transport facilities within the vicinity of the development having regard to the increased population generated by the development in accordance with Policy T12(F) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
 - (ix) To improve highway infrastructure within the vicinity of the development having regard to the increased population generated by the development in accordance with Policy T12(A) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- (2) That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.
- (3) If the S106 Agreement is not signed and sealed by the 30th July 2015 in anticipation of the introduction of CIL charging on the 1st August 2015; the application should either:
- a) Be returned to the Circulated Schedule for reconsideration; with a revised report;
- Or
- b) The application should be refused due to the failure to secure the Heads of Terms listed above under a Section 106 Agreement, for the reason listed.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

4. The details submitted pursuant to condition 2 shall be broadly in accordance with the Concept Statement for the site dated August 2005, unless otherwise agreed in writing by the Council.

Reason

To ensure a satisfactory development of the site in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013.

5. The hours of working on site during the period of demolition and construction shall be restricted to 7.30am to 6.00pm Mondays to Fridays inclusive, 8.00am to 1.00pm 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: deliveries of construction materials, the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with the requirements of the NPPF.

6. Prior to the commencement of the development hereby authorised, details of wheel-washing facilities to be provided on site shall be submitted to and approved by the Local Planning Authority. These facilities shall be provided prior to the development commencing and maintained during the period of demolition and construction. All commercial vehicles shall have their wheels washed before entering the public highway.

Reason

In the interests of highway safety and the amenity of the area in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of the NPPF. This is required to be a pre-commencement condition to cover the full period of demolition and construction.

7. The development hereby approved shall not begin until drainage proposals incorporating Sustainable Drainage Systems (SUDS) and hydrological conditions (soil permeability, watercourses, mining culverts etc.) within the development site have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall subsequently be implemented in accordance with the approved details and mining mitigation measures if any, prior to the first occupation of the dwellings hereby approved and thereafter maintained as such.

Reason

To ensure that a satisfactory means of drainage is provided and to prevent an increased risk of flooding, and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) Jan 6th 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013. This is a pre-commencement condition to ensure that the development does not prevent the implementation of the agreed drainage scheme.

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

The approved works shall subsequently be carried out in accordance with the agreed details.

Reason

To accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 6th 2006 and Policy 1 of the West of England Joint Waste Core Strategy Adopted March 2011. This is a pre-commencement condition to ensure that a waste strategy is in place prior to any demolition taking place and to ensure that all waste is either re-used on site or disposed of in a sustainable manner.

9. Prior to the commencement of the development hereby permitted, a soil survey of the site shall be undertaken and the results submitted to the Local Planning Authority. Development shall not begin until a scheme to deal with any contamination of the site has been submitted to and approved in writing by the Local Planning Authority. Development shall not commence until the measures approved in the scheme have been implemented.

Reason

To ensure that development can be constructed having regard to local ground conditions, and to accord with Policy EP6 of the South Gloucestershire Local Plan. This is a pre-commencement condition to ensure that users of the site are not subject to any form of soil contamination.

10. Any application for the approval of reserved matters in respect of siting, design or external appearance of any building pursuant to condition 2 above shall include details

of the proposed finished floor levels for each dwelling house relative to existing ground levels (including cross sections) and the works shall be carried out in accordance with the agreed details.

Reason

To protect the privacy and amenity of neighbouring occupiers. in accordance with the requirements of the NPPF.

11. The approved areas of open space within the approved scheme shall subsequently be maintained in accordance with a management scheme, submitted to and approved by the Council, prior to the first occupation of any of the approved dwellings.

Reason

In the interests of amenity and to provide for the long term maintenance of the open spaces in accordance with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013.

12. The landscape details submitted as reserved matters pursuant to condition 2, shall include a tree survey for the site indicating the precise position of the retained trees, the canopy spread and any proposed works. Any proposed works approved shall be completed in accordance with the approved details prior to development commencing on site.

To protect the existing trees on the site and to accord with Policy L1 of the South Gloucestershire Local Plan

TOWN AND COUNTRY PLANNING ACT 1990 OUTLINE PERMISSION FOR DEVELOPMENT

Mr B Porte
Turley Associates
10 Queen Square
Bristol
BS1 4NT

APP REF: PK04/1724/O
DATE VALID: 19th May 2004
DATE OF DEC: 17th December 2008
PARISH:

NOTICE OF DECISION

South Gloucestershire Council in pursuance of powers under the above mentioned Act hereby PERMIT:

APPLICATION NO: PK04/1724/O

DESCRIPTION OF DEVELOPMENT: Residential development on 1.87 ha of land (Outline) with means of access and highway improvements to be determined. All other matters reserved.

APPLICANT: Bristol Water Plc

LOCATION: Bristol Water Depot, Soundwell Road, South Gloucestershire, BS16 4QQ

In accordance with the application and accompanying plans, subject to the conditions specified below:

CONDITIONS

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

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

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

Reason. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

Reason. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

4. The details submitted pursuant to condition 2 shall be broadly in accordance with the Concept Statement for the site dated August 2005, unless otherwise agreed in writing by the Council.

Reason. To ensure a satisfactory development of the site in accordance with Policy D1 of the South Gloucestershire Local Plan

5. The hours of working on site during the period of construction shall be restricted to 8am to 6pm Monday to Friday and 8am to 1pm on Saturday.

Reason. To protect the amenities of the occupiers of nearby dwelling houses and to accord with Policy EP1 of the South Gloucestershire Local Plan

6. Prior to the commencement of the development hereby authorised, details of wheel-washing facilities to be provided on site shall be submitted to and approved by the Local Planning Authority. These facilities shall be provided prior to the development commencing and maintained during the period of construction. All commercial vehicles shall have their wheels washed before entering the public highway.

Reason. To minimise disturbance to occupiers of nearby buildings, and to accord with Policy EP1 of the South Gloucestershire Local Plan

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning authority 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; boundary treatments and areas of hardsurfacing.

Reason. To protect the character and appearance of the area to accord with Policies D1 and L1 of the South Gloucestershire Local Plan

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out during the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Council gives written consent to any variation.

Reason. To protect the character and appearance of the area to accord with Policies D1 and L1 of the South Gloucestershire Local Plan

9. Development shall not begin until drainage details incorporating best management practices and the hydrological context of the development have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details.

Reason. To ensure that a satisfactory means of drainage is provided, and to accord with Policy EP2 of the South Gloucestershire Local Plan

10. Prior to the commencement of the development a Waste Management audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:

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

Reason. To accord with the Council's adopted Waste Management Strategy, and to accord with Policy EP1 of the South Gloucestershire Local Plan

11. Before the development hereby permitted commences on the site, a soil survey of the site shall be undertaken and the results submitted to the Local Planning Authority. Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. Development shall not commence until measures approved in the scheme have been implemented.

Reason. To ensure that development can be constructed having regard to local ground conditions, and to accord with Policy EP6 of the South Gloucestershire Local Plan

12. The details submitted pursuant to conditions 2 and 7 shall include a tree survey for the site indicating the precise position of the retained trees, the canopy spread and any proposed works. Any proposed works approved shall be completed in accordance with the approved details prior to development commencing on site.

Reason. To protect the existing trees on the site and to accord with Policy L1 of the South Gloucestershire Local Plan

13. Any application for the approval of reserved matters in respect of siting, design or external appearance of any building pursuant to condition 2 above shall include details of the proposed finished floor levels for each dwelling house relative to existing ground levels (including cross sections) and the works shall be carried out in accordance with the agreed details.

Reason. To protect the privacy and amenity of neighbouring occupiers. in accordance with Policy D1 of the South Gloucestershire Local Plan

14. The approved areas of open space within the approved scheme shall subsequently be maintained in accordance with a management scheme, submitted to and approved by the Council, prior to the first occupation of any of the approved dwellings.

Reason. In the interests of amenity and to provide for the long term maintenance of the open spaces in accordance with Policy D1 of the South Gloucestershire Local Plan

15. None of the dwellings shall be occupied on the site until a scheme for the provision of public art within the development has been submitted to and agreed in writing with the Council. The agreed scheme shall subsequently be implemented within 12 months of the date of the agreed scheme or any other timescale agreed in writing with the Council.

Reason. To ensure the satisfactory provision of public art within the development and to accord with policy LC13 of the South Gloucestershire Local Plan

16. Development shall not begin until drainage details incorporating best management practices and the hydrological context of the development have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details.

Reason. To prevent pollution of the water environment and to comply with policy EP2 of South Gloucestershire Local Plan

REASON FOR GRANTING OF PLANNING PERMISSION

1. Having regard to the details of the application proposals, and the relevant provisions of the Development Plan as summarised below, it is considered that subject to compliance with the conditions attached in this permission, the proposed development would be in accordance with the Development Plan.

South Gloucestershire Local Plan
Policies D1, H1, H6, T12, and T8

This informative is intended only to be a summary of the reasons for the granting of planning permission. For further details on the decision, please see the application report under the above reference.

ADDITIONAL INFORMATION

1. This permission is to be read in conjunction with the AGREEMENT AND UNDERTAKING dated 28th November 2008 in pursuance of Section 106 of the Town & Country Planning Act 1990, as amended by Section 12 of the Planning & Compensation Act 1991.
2. This permission shall not be construed as granting rights to carry out works on, or over,.
3. The development authorised by this Decision Notice affects a public highway and you should contact the Transportation Network Manager, PO Box 1775, Broad Lane, Engine Common, Yate BS37 5PN, before commencing any work.

4. Applicants should note that it is an offence to allow mud, filth, dirt or anything to be deposited on the highway or to deposit anything whatsoever so as to damage the highway under Sections 131, 148 and 161 of the Highways Act 1980.
5. The Wildlife and Countryside Act 1981 makes it a criminal offence to damage or destroy the nest of any wild bird whilst that nest is in use or being built. Established working practice avoids works to any hedgerow, tree or other vegetation where birds may reasonably be expected to make their nest (such as scrub) between 1 March and 31 August in any year. Care should be taken outside of this exclusion period as variations in climate may extend the nesting season.
6. This decision relates only to the plans identified below:
 - BTPL39568/01, received by the Council on 3rd August 2005
 - 060903 SHEET 1OF 2, received by the Council on 10th May 2004
 - BTPL39568/02, received by the Council on 3rd August 2005
 - NPA/646/001/A, received by the Council on 5th August 2005
 - 2004-527-04, received by the Council on 3rd August 2005
 - BTPL 39568/03, received by the Council on 3rd August 2005
 - BTPL 39568/04, received by the Council on 3rd August 2005
 - Concept Statement - August 2005, received by the Council on 3rd August 2005
 - Drainage and Infrastructure report April 2004, received by the Council on 19th May 2004
 - Transport Assessment Report April 2004, received by the Council on 19th May 2004
 - Aboriginal Assessment December 2003, received by the Council on 19th May 2004
 - Ecology Report - May 2004, received by the Council on 19th May 2004
 - Landscape Report - May 2004, received by the Council on 19th May 2004
 - geotechnical and Ground Contamination Review October 2003

PLEASE NOTE: The development hereby permitted must be implemented in accordance with the plans hereby approved and any conditions specified above. The conditions may specify that works are to be carried out or details are required to be submitted for further approval, before all or part of the development is otherwise commenced. If the permission is commenced without these requirements being fully met, or in any other manner, the development may be unauthorised and the permission invalidated.



MAJOR SITES TEAM MANAGER

DATE: 17th December 2008

DEVELOPMENT CONTROL (EAST) COMMITTEE

App No.:	PK04/1724/O	Applicant:	Bristol Water Plc
Site:	Bristol Water Depot Soundwell Road South Gloucestershire BS16 4QQ	Date Reg:	24th May 2004
Proposal:	Residential development on 1.87 ha of land (Outline) with means of access and highway improvements to be determined. All other matters reserved.	Parish:	
Map Ref:	64568 74671	Ward:	Kings Chase

INTRODUCTION

This application was originally placed upon the Circulated Schedule as it is a major application. It was subsequently referred to a meeting of the Development Control (East) Committee at the request of Councillor Bridge to allow members to fully understand and assess the range of section 106 contributions proposed.

At the DC East meeting held on the 19th January 2006 it was resolved as follows:

“That consideration of the application be deferred and that the report addresses issues relating to the Community Services and Public Transport contributions and includes information relating to the community planning exercise and details of a possible density condition.”

Since this DC East meeting a further public exhibition has taken place, together with an analysis of the results, and assessment of the Concept Statement in a report to the Executive Member for Planning on 27th October. In addition, the package of Section 106 contributions and works has been presented to Executive Briefing on 13th November.

These above issues and the requirements of the resolution of the 19th January Committee are considered in paragraphs 1.4, 1.5, 5.9, 5.11, 5.14 -5.18, 5.23 – 5.26 and 5.28 below.

1. THE PROPOSAL

- 1.1 This application proposes residential development on 1.87 hectares of land at the Bristol Waterworks Depot, Soundwell Road Kingswood. The application has been submitted in outline with all matters reserved for subsequent approval except the proposed means of access. The proposed access details indicate the provision of signals at the junction of Soundwell Road and Lansdown Road from where access would be gained to serve the proposed housing development. There is a Tree Preservation Order covering a number of individual trees along the boundary of the site and a group of trees in the southern section of the site.
- 1.2 Although the application has been submitted in outline, the supporting details include a concept statement, landscape report, an indicative site layout geotechnical report and transport assessment. The proposals include the

demolition of the existing buildings on the site and where possible the retention of the existing trees.

- 1.3 A community planning exercise in the form of a stakeholder workshop was undertaken on the 30th September 2003. Local residents were invited to attend, including those with properties adjoining the site, as well as local Councillors from both South Gloucestershire and Bristol City Council. 59 households were invited in total, 13 Councillors and 11 officers. Of these 21 households, 1 Councillor and 7 Officers attended the exercise. The outcome of the workshop exercise identified the following issues only some of which are relevant to the determination of the outline application:

1) *To ensure that the boundary treatment of the site is appropriate to ensure that:*

- a) privacy to existing properties is retained
- b) there is no overlooking
- c) security to existing properties is considered
- d) the change in levels is addressed
- e) a landscape buffer is provide
- f) back gardens back onto each other, and
- g) the slope and trees are retained for screening

2) *Achieve a safe access and ensure that:*

- a) main vehicular access is via Soundwell Road/Lansdown Road
- b) No vehicular access from Clare Road/Tower Road
- c) Prefer no pedestrian access from Clare Road/Tower Road
- d) A traffic calming scheme to be considered for Soundwell Road
- e) To consider subsidence caused by heavy vehicles during construction

3) *Other issues raised:*

- a) ground stability needs to be addressed due to mining
- b) proximity of new dwelling to old needs to be addressed
- c) new dwellings will require schools, medical facilities, recreational facilities etc
- d) effect on local property prices needs to be considered
- e) building heights need to be considered
- f) trees should be retained were possible
- g) there should be a mix of house types
- h) location and height of telecoms mast needs to be considered
- i) disturbance of neighbours due to the relocation of the pumping station

- 1.4 Following the Planning Committee meeting in January the applicant's agents have undertaken further consultation work to promote and advertise the submitted Concept Plan document. No new issues have were raised from the 5 additional letters received from local residents as a result of this exercise.

- 1.5 In addition, since the application was last considered by DC East, a further exhibition of the Concept Statement took place on 18th October. Twenty two members of the public attended and made comments, and one Councillor attended. The key points raised by those who responded to the consultation exercise formed the basis of a report to the Executive Member for Planning. The report required the Executive Member to take a view on whether or not the Concept Statement submitted with the application should be approved by

South Gloucestershire Council. It was presented on 27th October and the report is 'implementable' on 27th November. Hence any decision of the DC East Committee is subject to the expiration of this date.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering sustainable development
PPG3	Housing
PPG13	Transport
PPG25	Flooding
Circular 6/98	Affordable housing
Circular 05/2005	Planning Obligations

Development Plans

2.2 Joint Replacement Structure Plan

Policy 1	Sustainable development
Policy 2	Locational strategy
Policy 33	New Housing allocations
Policy 34	Priority sites for Housing
Policy 35	Provision of a range of housing
Policy 47	Encouraging alternatives to the car

2.3 South Gloucestershire Local Plan (Adopted 2006)

D1	Design
H1	Residential allocated sites
H6	Affordable housing
T12	Transportation development control policy for new development
T7	Cycle parking
T8	Car Parking standards
LC1	Provision of leisure and community facilities
LC2	Provision of education facilities
LC8	Open space and children's play in new development
EP1	Environmental Protection
EP2	Flood risk and development
LC13	Public Art

3. RELEVANT PLANNING HISTORY

- 3.1 The site has been the subject of a number of previous applications of which the following are material to the determination of this application;
- 3.2 P96/4418 Erection of 15m high telecommunication tower.
Approval 16 August 1996
- 3.3 PK/99/0457/F Erection of 2 x 4 dipoles antenna, 2 x 0.3m dishes and equipment cabin and extension to existing mast by 1.5 m.
Approved 7 July 2000
- 3.4 PK00/2306/PNI Prior notification to install 3no. panel antennae, 2no. 0.3m dishes, 1no. equipment cabin and associated cabling.
No objection 22 September 2000

- 3.5 PK00/3200/F Installation of 2no. 0.6m diameter and 1 no. 0.3 m diameter telecommunication dishes.
Approved 23 Jan 2001
- 3.6 Erection of 25 m high telecommunications tower to replace existing 19m tower.
Refused 24 December 2002

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
The site does not lie with a Parish or Town Council
- 4.2 Environmental Services
No objection subject to a contaminated land survey and conditions controlling construction activities.
- 4.3 Technical Services
No objection subject to provision of sustainable drainage.
- 4.4 Education Department
There is a projected surplus capacity at both primary and secondary schools in the area.
- 4.5 Wessex Water
No objection
- 4.6 Environment Agency
No objection subject to conditions.
- 4.7 Chief Executive and Corporate Services Dept.
No objection subject to contributions to youth service, waste management, library service, public art, dog bins and open space.
- 4.8 Local residents
18 letters have been received making some or all of the following comments;
- a. The woodland should be protected
 - b. Concerned at the loss of trees
 - c. Object to the public amenity area and potential nuisance
 - d. Overlooking and loss of privacy
 - e. Insufficient parking
 - f. Retention of telecommunications tower.
 - g. There is a badger sett which will be affected
 - h. The new houses will have small gardens
 - i. Object to the three houses in the isolated lower position on grounds of loss of privacy
 - j. if open up back entrance it would be dangerous
 - k. Loss of open space
 - l. Devaluation of property

5. ANALYSIS OF PROPOSAL

Principle of the development

- 5.1 The site is located within the existing built up area of Kingswood. The application site represents previously developed land located within the existing urban area. In accordance with the guidance set out in PPG3 and policies 2 and 34 of the JRSP and policy H1 of the SGLP new residential development is acceptable in principle. The site is allocated for housing in the South Gloucestershire Local Plan under policy H1 A (Site 8). The supporting statement advises;
- 5.2 "8.86 This site is currently used by Bristol Water Plc and its contractors. It is currently under-used and with the exception of the operational covered reservoir, pumping station and telecommunications mast, it is envisaged that 1.6 hectares will become surplus to requirements in phases over 5 year period 2001 to 2006.
- 5.3 8.86B Residential development should help to meet housing needs particularly for affordable housing (30% of units). Given its location within the urban area of Kingswood it is envisaged that it will accommodate 65 dwellings on a net area of 1.3 ha (i.e. at a net density of 50 dwellings per hectare); subject to further detailed site appraisal. This is a prominent hilltop site within the wider landscape and particular attention will need to be paid to the design of the buildings and the retention and enhancement of the group of mature trees which make a significant contribution to local amenity and long distance views.
- 5.4 8.86C The Council will only consider allowing development to proceed in phase with the release of land by the occupiers on conditions that it is planned comprehensively from the outset, and that each phase makes a proportionate contribution to the overall provision for affordable housing. Development will also be subject to taking a precautionary approach to considering the health effects of the existing telecommunications mast (see Policy EP1)"
- 5.5 There is therefore no objection in principle to the proposed redevelopment of the site for housing subject to the scheme satisfying the other relevant policies contained in the plan.

Design and Layout

- 5.6 The site is currently occupied by a mixture of buildings including offices, a reservoir, a storage depot and associated car parking areas. The site is surrounded by residential properties. The site is located in an elevated position within the urban area. The site comprises a series of generally level terraces with varied gradient ramps linking each terrace. A steep embankment forms a significant western edge of the site towards the boundary. There is existing vegetation on the site including a number of mature trees on the western and northern boundary and a group of mature trees to the south which are covered by a Tree Preservation Order. Part of the site is already redundant in

- operational terms. The remaining southern part of the site is to be retained for operational purposes.
- 5.7 In a pre-application discussion, officers requested that a Community Planning exercise be undertaken to establish the local issues that needed to be considered in the redevelopment proposals. The Community Planning exercise was carried out on 30th September 2003 as outlined in section 1.3 of this report. The submitted details reflect some of the issues raised. Although the majority of the issues are correctly to be assessed at reserved matters stage as they relate to the boundary treatments, layout and landscaping issues.
- 5.8 The illustrative layout plan shows a scheme for 75 dwellings, which equates to a density of 41 dwellings per hectare. The main features of the illustrative layout include;
- Provision of vehicular access from Soundwell Road
 - Protection and retention of all trees of merit including the group at the southern end of the site.
 - Introduction of a landmark feature at entrance to Soundwell Road
 - Mix of design of residential units including flats, terraces, semi-detached and detached properties.
 - Provision of frontage development, incorporating a feature square and home zone.
 - Enhancement of boundary treatments
 - Private car parking hidden from view to reduce car dominance within the layout.
 - Integration of the existing mast into the scheme.
- 5.9 Whilst the density of the development is not established by the layout plan as submitted, it is noted that the resolution of the last DC East Committee was that officers should consider a density condition. Officers consider however that as density relates only to the number of units irrespective of whether they are 1-bed flats or 4 – bed dwellings, a density figure is usually not particularly useful in restricting either volume of built development or number of future occupants. Furthermore, given that any Section 106 Agreement will now require the level of contributions provided to increase in direct proportion to the number of units proposed at reserved matters stage, it is your officer's opinion that a restriction on the density would not be reasonable or necessary in this instance.
- 5.10 During the negotiations on the application Officers discussed the relocation of the existing telecommunications tower from the site. However no suitable alternative site has been identified and the approach adopted in the concept statement is to integrate the existing mast into the design principles and layout of the scheme although officers will be encouraging the mast operators to engage in active negotiation to secure the relocation of the mast which they have signalled a willingness to undertake.
- 5.11 With regard to the draft South Gloucestershire Design Checklist (SPD) published in September 2006, it is considered that the proposal complies with the first section of the checklist – 'Beginning the design process'. This requires an appraisal of the site which has informed the preparation of a conceptual design. In addition, the community have been consulted and participated in the early stages of the design process. With regard to the remainder of the design checklist, it is considered that these are more appropriately considered at the reserved matters stage, in view of the fact that all matters are reserved except means of access.

Landscape

- 5.12 The layout concept for the development seeks to create a development that respects and enhances the character and distinctiveness of the area, including the protection of all the trees of merit within the site, particularly the group of trees in the south-western part of the site. The supporting details to the application include a tree location plan and landscape report. The landscape principles seek to retain and enhance the group of trees and incorporate buffer planting along the edge of the development with the existing residential properties to the west. Although some trees will be lost as a consequence of the development this is considered acceptable. The principles of the illustrative layout are accepted together with the contents of the tree report. Nevertheless, to secure the retention and enhancement of the retained vegetation, a condition is recommended to take account of the eventual approved layout of the development.

Affordable Housing

- 5.13 Circular 6/98 advises that the provision of affordable housing is a material consideration in the determination of planning applications. PPG 3 and Policy 35 of the JRSP require a range of housing, including affordable housing. Policy H6 of the SGLP seeks provision for 33.3% of dwellings on allocated sites. The site falls within the threshold for the size for the provision of affordable housing. The applicant has indicated a willingness to enter into a section 106 Agreement to provide 33.3% affordable housing on the site in accordance with policy H1A and H6. In addition agreement has been reached to provide 75% rented and 25% shared ownership. On this basis there would be no objection to the proposal.

Education

- 5.14 Policy LC2 of the SGLP requires the provision of developer's contributions to local education provision where it is inadequate to meet the projected needs from proposed new residential development. The Director of Education indicates that there is spare capacity in the local secondary and primary schools and no contributions are therefore necessary in respect of this proposal.

Leisure and Community Facilities

- 5.15 Community Service Officers have requested:
- A financial contribution of £172,000 towards off-site open space provision/improvements.
 - A financial contribution of £2,712 towards improvements to youth service facilities. (Members should note that this request came before CYP controlled this aspect of the service).
 - A financial contribution of £2,082 towards improvements to library services.

The applicant has agreed to these contributions.

- 5.16 Policy LC1 of the SCLP requires new residential development to make adequate provision for leisure, recreation and other community facilities to meet the projected needs arising from future occupiers. Policy LC8 seeks the provision for open space and children's play in conjunction with new residential development. The concept plan associated with the application includes some open space within the development, around the existing group of mature trees. In addition, however off-site enhancement of existing facilities is required. The following justification has been provided by Community Services:
- 5.17 Our intention for public open space was to ensure that the full NPFA requirements are delivered either on-site or off-site for this development in the Kingswood area. Topic paper 9 appended to the local plan clearly identifies a quantitative shortfall in outdoor sport formal provision and children's playspace. To meet the requirements of the new community, for a development of this size, in a such dense urban situation where there is already a paucity of open space, means that we can only enhance existing provision by improving the qualitative element, to increase capacity, thus catering for the increased population. It is clear that the most sustainable solution is to increase capacity at the nearest formal outdoor sport area and children's play space.
- 5.18 We have identified that the Soundwell Playing Field and Play Facility could have their capacity increased. However, community consultation with the team that plays there at present, has indicated that the quality of the current provision dictates that the facility is "deteriorating, and it is not possible, on occasions, to play at all due to poor drainage and playing surface. We are in fact, having to find other locations for the team to play. We have made an assessment of what is required, in accordance with NPFA minimum standards, to meet the needs of increased population as a result of new development in the area, and have identified the following:

Capital

- Drainage system and connections - £40K
- Cricket square - £20K
- Topsoil and seeding - £10K
- Play facilities and associated landscaping - £40K

Obviously contributions from several proposed developments will need to be pooled together to deliver this package of works.

Maintenance

Maintenance costs for outdoor sport, pavilion and children's play space - £94,000 to deliver maintenance of the enhanced facilities. The maintenance costs are based on a 15 year period.

5 Year Programme

- Pavilion Rebuild - £450-500K
- Informal Teenage space, rebound wall and shelter - £25K "

- 5.19 In addition the Director of Community Services has identified a need for enhancements to the library service, youth and public art as a result of the development. The applicants have indicated a willingness to make a financial contribution to meet the identified needs including £2,082 towards improvements to the library service and £2,712 towards the youth service. These would need to be the subject of a Section 106 Agreement. The provision

of public art within the development is proposed to be delivered by planning condition. On this basis the proposal would satisfy policies LC1, LC8 and LC13 of the SGLP.

Transportation

- 5.20 Although the application has been submitted in outline the details of the access are not reserved for future consideration. The site has three existing vehicular accesses, two of which would be retained by Bristol Water for their operational needs.
- 5.21 Policy 47 of the JRSP seeks to improve alternative modes of travel to the car, including public transport, walking and cycling in planning new developments. Policy T12 of the SGLP requires new developments to make adequate, safe and appropriate provision for transportation demands created by the development and to minimise the adverse impact of motorised traffic.
- 5.22 There is no objection in transportation terms to the principle of the form of residential development proposed. The access to be used to serve the residential development is the one which is broadly opposite Lansdown Road. There are deficiencies with this access to serve the proposed development, however, it is proposed to upgrade this access to accommodate satisfactory corner radii at the entrance to allow easy access and egress by vehicles. The adjoining footway would also be improved and these works would be controlled by a Section 106 Agreement.
- 5.23 In addition to these access improvements the applicants are willing to make a financial contribution of £88,000 towards future highway improvements, particularly aimed at pedestrian and safety measures in the area. The Traffic Management section has expressed a view that their preferred solution for this junction is provision of a traffic signal facility at Soundwell Road junction with Lansdown Road. In addition the applicant has agreed a contribution of £8,000 towards upgrading of the bus stop nearest the site in order to improve alternative modes of travel to the car in accordance with policy 47.
- 5.24 For members' information, the following bus services supported by SGC are relevant to the site:

A. Soundwell Road (bus stop outside the site)

Weekday early morning : Service 4 (Hanham – Kingswood- Downend – Frenchay- Bristol). Three journeys before the commercial service starts.

Weekday evenings: service 4 (Bristol – Frenchay- Downend- Kingswood- Hanham- Longwell Green, Aspects). Hourly between 19.00 and 23.00

Sunday and Bank Holidays : Service 4 (Bristol- Frenchay- Downend – Kingswood – Hanham – Longwell Green, Aspects) Hourly between 08.00 and 23.00

Annual cost to SGC = £49,018 (2005/06 prices)

Throughout the day, between 0720 and 1900, the service runs without revenue support at approximately 20 minute frequency.

B. Syston Way (bus stops about 600m from centre of the site)

Weekday evenings: Service 7(Staple Hill – Soundwell – Bristol). Three journeys in the evening period.

Throughout the day, including early morning services, the service runs without revenue support at approximately 15 minute frequency

Saturdays: Service 7(Staple Hill – Soundwell – Bristol). Two journeys in the early morning and three journeys in the evening.

Sundays and Bank Holidays; Service 7 (Staple Hill- Soundwell- Bristol). Half hourly between 09.30 and 23.30

Annual cost to SGC = £19,268 (2005/06 prices)

- 5.25 Members should note therefore that for most of the time the above bus services run without Council subsidy. Indeed Service 7 runs with less support than when the application was first submitted in 2004. This is due to increased patronage which has led to a more viable service since 2004

Other sustainable criteria

- 5.26 The development is in close proximity to a range of leisure and recreational facilities and within 800 metres of Kingswood Town Centre and there are some local shops within closer proximity. In addition the primary school, and local college are within close walking distance. The nearest SGC secondary school is within approximately 2km walking distance. The walking distances to these essential facilities comply with RPG10 criteria and with other national guidance.
- 5.27 On this basis officers are satisfied that the agreed £8,000 for public transport improvements – in the form of a bus shelter and raised pavement – is acceptable.

Section 106 Requirements

- 5.28 Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligation 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. Having regard to the above advice the provision of affordable housing, community and leisure facilities and transportation improvements are appropriately the subject of a section 106 Agreement and would satisfy the tests set out in circular 05/2005.
- 5.29 Further, members should note that at the Executive Briefing meeting on 13th November 2006, the package of Section 106 contributions/works were agreed, subject to the final decision of DC East.

6. CONCLUSION

- 6.1 In accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

- 6.2 The development of the site for housing is supported by the adopted South Gloucestershire Local Plan and the provisions of the Joint Replacement Structure Local. There is therefore no objection in principle to the proposal subject to conditions and the applicant first voluntarily entering into a section 106 agreement relating to the above matters.

7. RECOMMENDATION

- 7.1 That subject to the final agreement of the Executive Member for PT&SE relating to the submitted Concept Statement , and

subject to the applicant first voluntarily entering into a Section 106 Agreement under the Town and Country planning Act 1990, as amended in respect of the following, the Director of Planning be given delegated authority to grant planning permission;

- A financial contribution of £88,000 towards highway safety and pedestrian improvements in the area.
- A financial contribution of £8,000 towards improvements to public transport facilities in the area
- Provision of junction improvements including provision of new access road together with 2m wide footway at the Soundwell Road junction
- A financial contribution of £172,000 towards off-site open space provision/improvements
- A financial contribution of £2,082 towards improvements to library services
- A financial contribution of £2,712 towards improvements to youth service facilities
- The provision of 33.33% of the total number of dwellings be affordable. Of these 75% will be for rent and 25% shared ownership

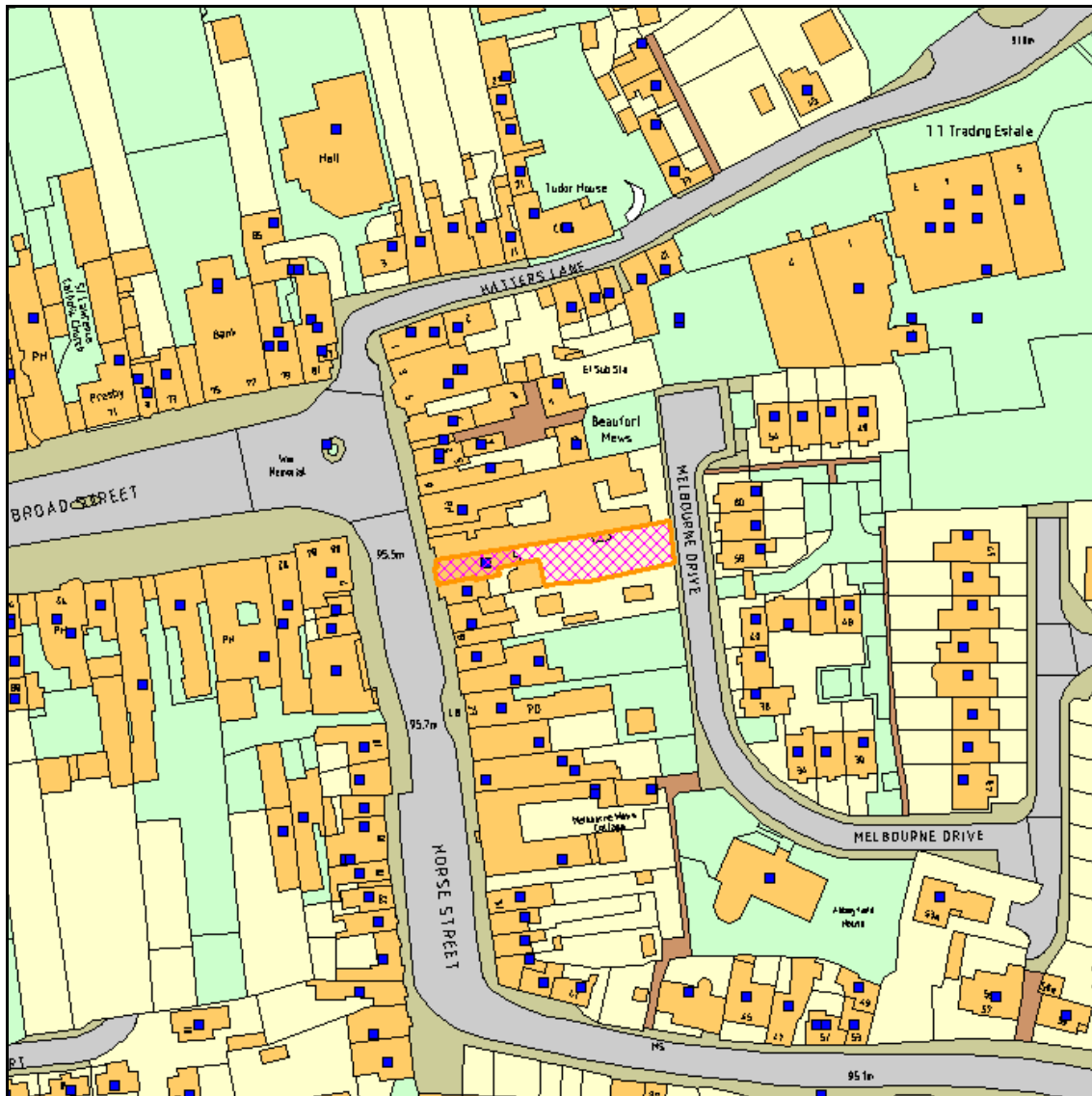
- 7.2 The Head of Legal Services be given Authority to prepare and seal the above agreement and to include the following clause 'The level of contributions have been calculated on the basis that 75 properties will be constructed on the application land. In the event it is proposed that more than 75 properties will be constructed on the application land the owner/developer will pay to the council an amended level of contribution'.

Background Papers **PK04/1724/O**

Contact Officer: **Mark Davies**
Tel. No. **01454 864969**

CIRCULATED SCHEDULE NO. 27/15 - 3 JULY 2015

App No.:	PK14/2638/F	Applicant:	Mr Austin Shock
Site:	13 Horse Street Chipping Sodbury Bristol South Gloucestershire BS37 6DA	Date Reg:	17th July 2014
Proposal:	Erection of double garage with accommodation over to form residential annexe.	Parish:	Sodbury Town Council
Map Ref:	372953 182211	Ward:	Chipping Sodbury
Application Category:	Householder	Target Date:	5th September 2014



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of an objection from a local resident; the concerns being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to an area to the rear of a Grade II Listed dwelling lying on the eastern side of Horse Street, within the Chipping Sodbury Conservation Area. Permission is sought to erect a double garage with a residential annexe above.
- 1.2 Number 13 itself, is a terraced property fronting onto the High Street. The site area which is at the end of the garden under consideration would have originally formed part of a longer Burgage plot but at present has been reduced to 50 metres in length. The site currently is used for parking and can accommodate two cars (however there is an extant permission on part of the plot for a garage – see section 3 below).
- 1.3 The application site is located within the settlement boundary for Chipping Sodbury.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Planning (Listed Buildings and Conservation Areas) Act 1990

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS30 Yate and Chipping Sodbury

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L11 Archaeology
L12 Conservation Areas
L13 Listed Buildings
T12 Transportation
H4 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007
Chipping Sodbury Conservation Area (Adopted) February 2009

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/3522/F Approve with Conditions 19/02/2013
Erection of detached garage and 2m high timber gate.

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No objection
- 4.2 Archaeology Officer
No comment
- 4.3 Conservation Officer
Seek amendments and conditions
- 4.4 Drainage Officer
No comment
- 4.5 Transport Officer
No objection subject to condition

Other Representations

- 4.6 Local Residents
One comment of objection has been received which raises the following points
–
- development in close proximity to outbuildings and cellars
 - development will add to parking pressures on Melbourne Road
 - development will lead to increase in complaints regarding the pub business
 - excavation may impact on listed building
 - garage could be incorporated into annex at some point and form a house
 - lead to overlooking

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of a double garage and annex and at a dwelling in Chipping Sodbury.
- 5.2 Principle of Development
The application site is located within the settlement boundary of Chipping Sodbury and is therefore considered to be, in general, a sustainable location for development. Policy H4 of the Local Plan would allow for the extension or alteration of an existing dwelling subject to an assessment of design, amenity and transport. In addition to this, the proposal must accord with the relevant policies in relation to the listed building and conservation area. The proposal should also function as an annex.

- 5.3 Use as an Annex
Before addressing the impacts of the proposal, how the proposal would function as an annex must first be assessed. To be an annex, the development must have both a functional and physical reliance on the main dwelling.
- 5.4 In terms of the physical relationship, the development is situated in the end part of the property and provide parking for the whole of the site. This is considered to result in a physical relationship between the proposed building and the existing dwelling.
- 5.5 The shared facilities also provide a functional relationship. Although the annex contains all the primary elements of living accommodation, it is considered that it has a functional relationship to the main dwelling in terms of the provision of garden space, parking, and access.
- 5.6 It is therefore considered that the proposal would function as an annex. A condition should be attached to any planning permission granted to restrict the use of the annex to ancillary accommodation to no.13 as the use of the annex as an independent dwelling would require further assessment of the provision of parking and amenity space.
- 5.7 Design and Heritage
It is proposed to erect a two-storey building with a similar form to the adjacent traditional outbuilding. This would have two gable ends facing Melbourne Drive which would be finished in rubble stone with a clay pantile roof. It is considered that the design of the proposed building is appropriate.
- 5.8 The conservation officer raises two issues with the proposal. These are the width of the gate opening and the provision of a pedestrian access door at ground level.
- 5.9 The previous planning permission for the erection of a double garage, PK12/3522/F, would have seen a garage inserted into the boundary wall and a separate pedestrian gate. Whilst it is noted that the loss of the wall would have some impact on character, the position of the building – in effect over the opening – would not create any new or elongated views. It is therefore considered that the loss, although undesirable, is necessary to facilitate the development and is therefore acceptable. The pedestrian access is not considered to be a significant issue and is therefore acceptable.
- 5.10 Overall it is considered that the design is acceptable subject to the suggested conditions and the proposal would not have an adverse impact on the setting of the listed building and would preserve the character and appearance of the conservation area.
- 5.11 Residential Amenity
Development should not be permitted that has a prejudicial impact on residential amenity. This assessment should include all nearby occupiers and the amenities of the application site.

- 5.12 It is not considered that the proposal would have a prejudicial impact on the residential amenities of the application site. The annex and the house will function as one residential unit and there is sufficient amenity space for both elements.
- 5.13 The placement of the first floor windows means that it is unlikely that the windows on the elevation facing the rear of the properties on Horse Street would have a prejudicial impact on privacy – these windows serve a staircase and the kitchen area. It is also considered that the development would not impact on the amenities of the neighbouring occupiers. This area is already overlooked and forms part of the public realm.
- 5.14 Transport and Parking
The proposal has been assessed by the transport officer. The transport officer raises no objection to the proposal in terms of the off-street parking provision but does have concerns regarding the retention of parking spaces. To manage this a condition is suggested that prevents the conversion of the garages into anything other than garaging and ancillary domestic storage. A further condition restricting the use of the annex to being ancillary in nature is suggested as use as an independent dwelling would require further analysis on the transportation impacts.
- 5.15 The space between the front of the building and the garden wall is long enough to enable a vehicle to park. The garages are substandard and therefore only 50% of the garage space counts towards parking provision. Counting one of the garages and the forecourt, the development provides three parking spaces. This level of parking provision accords with the Residential Parking Standard SPD.
- 5.16 It is therefore considered that the proposal would provide adequate off-street parking and would not lead to additional on-street parking in the vicinity of the site.
- 5.17 Other Matters
It has been stated that the proposal may damage the adjacent listed building, particularly the cellars and chilling equipment for the pub. Any damage during construction would be a civil matter and the design of the proposal may need to accord with Building Regulations.
- 5.18 It has also been stated that the proposal would result in more complaints regarding the pub business on the adjacent site. Placing additional residential units in this location is not considered likely to increase the number of noise complaints, and little weight is given to policy EP4. Noise nuisance has its own statutory complaints procedure and are therefore given very little weight in determining this planning application.

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 Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended that planning permission is GRANTED subject to the conditions listed below.

Contact Officer: Griff Bunce
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. Prior to the commencement of development a representative sample panel of stone facing walling, of at least one metre square, shall be erected on site and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed panel, which shall be retained on site for consistency until completion.

Reason

In order that the works serve to preserve the character and appearance of the conservation area and setting of the listed buildings, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006, the Chipping Sodbury Conservation Area Advice Note (Adopted) March 2004, and the provisions of the National Planning Policy Framework.

This detail is required prior to commencement to avoid remedial works.

3. Notwithstanding previously submitted details, prior to the commencement of development the following details, including materials and finishes, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Details shall be submitted at a scale of 1:5 and shall include sections.
- a) all new external doors (including gates)
 - b) all new windows
 - c) eaves

Reason

In order that the works serve to preserve the character and appearance of the conservation area and setting of the listed buildings, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006, the Chipping Sodbury Conservation Area Advice Note (Adopted) March 2004, and the provisions of the National Planning Policy Framework.

This detail is required prior to commencement to avoid remedial works.

4. Prior to the commencement of development, a representative sample of the clay roofing tiles shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved details.

Reason

In order that the works serve to preserve the character and appearance of the conservation area and setting of the listed buildings, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006, the Chipping Sodbury Conservation Area Advice Note (Adopted) March 2004, and the provisions of the National Planning Policy Framework.

This detail is required prior to commencement to avoid remedial works.

5. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 13 Horse Street.

Reason

The development has been permitted on the particular circumstances of the case and the development would be unsuitable for use as a separate residential dwelling because further consideration would be required against Policies CS1, CS8, CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policies L12, L13 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

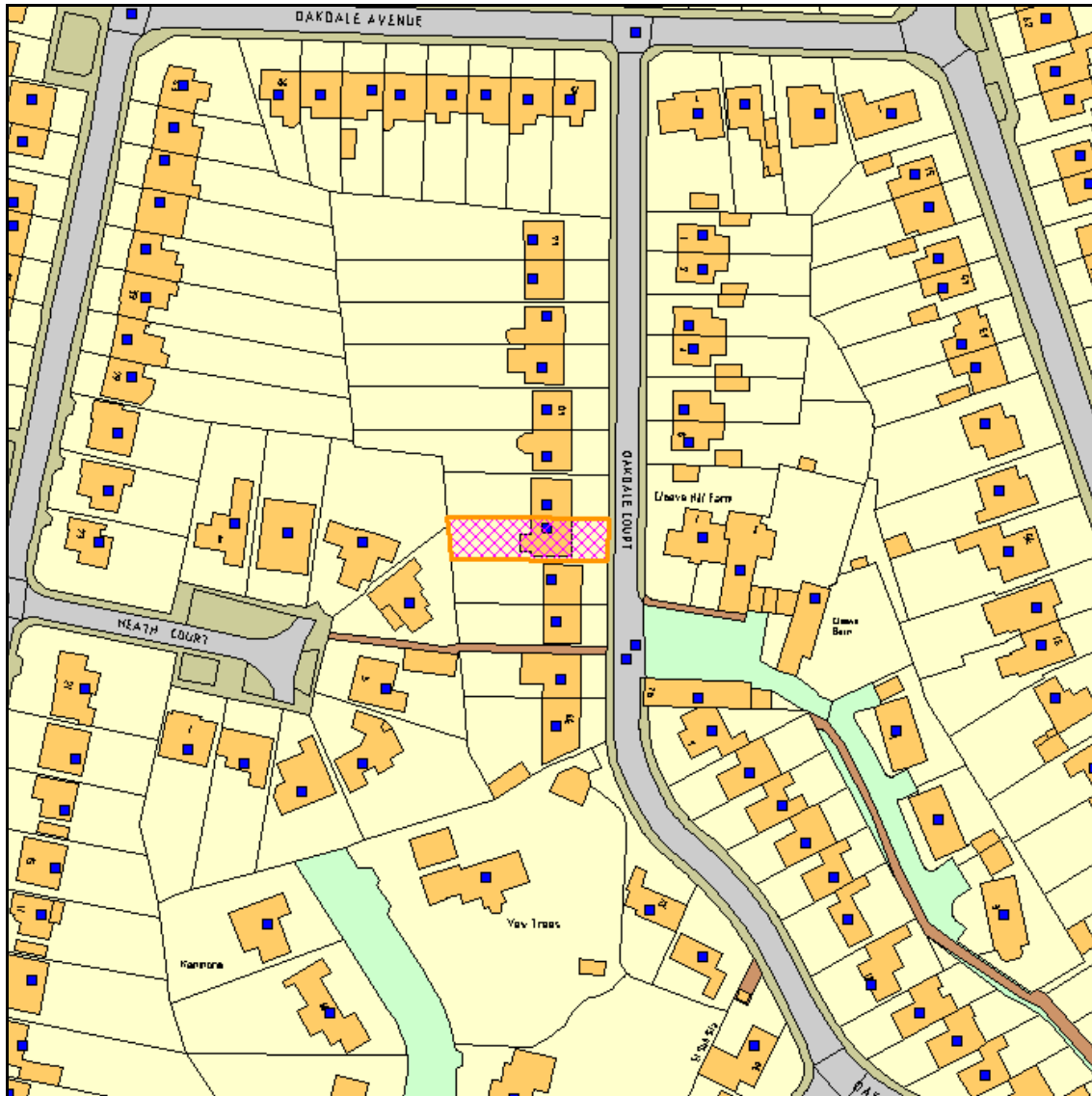
6. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the garages hereby permitted shall be used for no other purpose than the garaging of private motor vehicles and ancillary domestic storage.

Reason

The development has been permitted on the particular circumstances of the case and the use of the garages for any other purpose may affect the provision of adequate off-street parking and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

CIRCULATED SCHEDULE NO. 27/15 – 3 JULY 2015

App No.:	PK15/1647/F	Applicant:	Mr Steve Donne
Site:	37 Oakdale Court Downend Bristol South Gloucestershire BS16 6DU	Date Reg:	29th April 2015
Proposal:	Erection of extension to roof to form additional living accommodation	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364981 177456	Ward:	Downend
Application Category:	Householder	Target Date:	19th June 2015



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 100023410, 2008. **N.T.S.** **PK15/1647/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure following objections received from the Parish Council which are contrary to the recommendation detailed in this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for installation of a rear dormer window and a side dormer window at a semi-detached property in Downend.
- 1.2 Permission is sought for the roof alterations to form a loft conversion, consisting of a fourth bedroom and an en suite bathroom.
- 1.3 The site is opposite Cleeve Hill Farm, a grade II listed building.
- 1.4 Amendments were received on 12th June 2015 at the officers request to address design concerns by changing the size and style of the openings. A period of re-consultation was undertaken, as the Parish Council had objected to the design.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

T12 Transportation
H4 Development within Existing Residential Curtilages
L13 Listed Buildings

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS8 Improving Accessibility
CS9 Heritage

2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/2198/F Approve with conditions 03/10/2014
Partial demolition of existing garage. Erection of two storey side extension to form additional living accommodation.
This planning permission has not been implemented but is still extant.

- 3.2 PK01/2747/F Approve with conditions 06/11/2001
Erection of single storey front and rear extensions and two storey side extension to provide extended garage and kitchen, with additional bedroom accommodation above. Installation of rear dormer window.
This planning permission has not been implemented and has now expired.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
Concerns regarding the full length windows to the rear and side being out of keeping.

4.2 Other Consultees

Sustainable Transport

No objection, subject to two parking spaces being secured by condition.

Lead Local Flood Authority

No comment.

Other Representations

- 4.3 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives. Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Policies CS9 and L13 seek to preserve or enhance heritage assets. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Design and Impact on the Listed Building

The application site relates to a two-storey post war semi which is finished with a brick base, and render at first floor level. It has a hipped tiled roof with a pitched feature above rounded bay windows, which are white UPVC. The property has a wooden door within a brick archway, and an attached flat roof garage with a parapet wall.

There is an existing lean-to extension to the rear. The listed building situated on the opposite side of the road, Cleeve Hill Farm, is already surrounded by post-war development, some of which have dormer windows already installed to the side and rear. It is therefore considered that this development will have minimal impact on the setting of the listed building, and would have less of an impact than the previously approved two storey side extension under application reference PK14/2198/F. This planning permission is still extant and in the event of an approval, a condition will ensure that in the interests of clarity, only one extant permission would be implemented and not parts of both proposals.

5.3 The proposal involves the installation of two pitched dormer windows, one to the side, and one to the rear. As submitted, the plans showed a large feature window on the side dormer with an arched top, which was out of keeping with the surrounding properties and drew unnecessary attention away from the listed building. This has now been replaced with a simple window, and the rear Juliet balcony has been replaced with a large window for residential amenity reasons detailed elsewhere in this report. A condition will ensure that the materials match the appearance of the existing dwelling. Overall the proposed design is considered to be in keeping with the existing character of the dwelling and the locality. Appropriate materials have been selected and the layout of the development is suitable to the site and the density of the surrounding area, and it is in accordance with policies CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

5.4 Residential Amenity

Residential amenity should not be harmed as a result of development. Amenity should be considered in terms of the application site and all nearby occupiers. The proposed development will have little impact on the amenity of the application site, as it does not affect the footprint of the property and so does not reduce the garden area available. Whilst the capacity of the dwelling is to increase to four bedrooms, the private amenity space available is considered to be adequate.

5.5 A large side facing window is proposed, however this serves only a stairway and is not a principal room. The rear Juliet balcony provided opportunities for occupiers to lean out at a great height and view neighbouring gardens, so it was requested that this balcony be replaced with a window, which provides only indirect views into neighbouring properties. Amended plans to show this were received, and so the development is considered to accord with policy H4 of the Local Plan (adopted) January 2006.

5.6 Transport

The proposal adds an additional bedroom to the dwelling, meaning that it is a four-bedroom property, whilst also removing the parking capacity of the garage by putting a WC in it. The Council's Transport Officer has been consulted, who has no objection subject to a condition ensuring that two off-street parking spaces are implemented prior to occupation of the loft conversion. There is no transportation objection to the proposal.

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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended to **GRANT** planning permission subject to the conditions listed on the decision notice.

Contact Officer: Trudy Gallagher
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 CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

3. Two off-street parking spaces measuring 2.4 metres by 4.8 metres shall be implemented within the site boundary prior to the occupation of the loft conversion hereby approved.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Residential Parking Standards SPD (Adopted) December 2013.

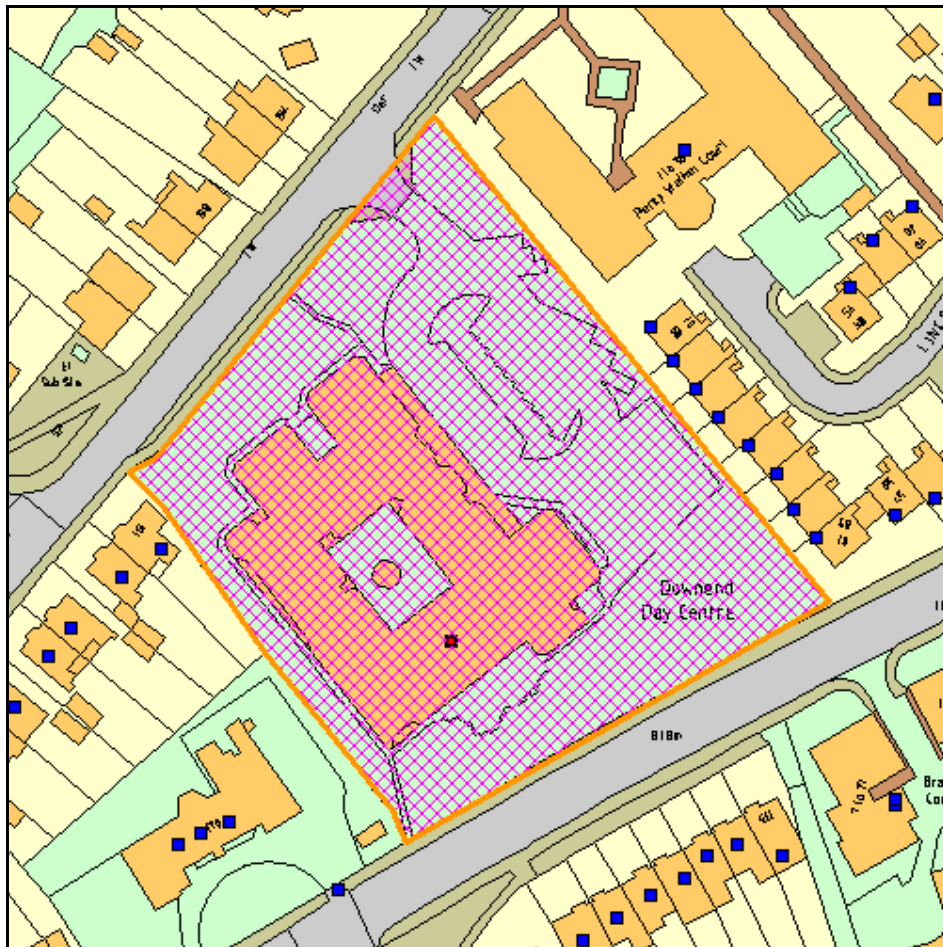
4. The proposal approved by this decision notice is an alternative to planning application reference PK14/2198/F and one cannot be implemented in conjunction with the other.

Reason

In the interests of clarity and to prevent overdevelopment of the site and to ensure adequate parking facilities, in accordance with policies CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 27/15 – 3 JULY 2015

App No.:	PK15/1880/F	Applicant:	South Gloucestershire council
Site:	Downend Day Centre Overndale Road Downend South Gloucestershire BS16 2RQ	Date Reg:	19th May 2015
Proposal:	Conversion of Day centre to School (Class D1) to include internal and external alterations, new car park layout, all weather games pitch and associated works.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364339 176411	Ward:	Downend
Application Category:	Minor	Target Date:	10th July 2015



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule in accordance with procedure as the application is made by South Gloucestershire Council itself and a letter has been received raising some concerns.

1. THE PROPOSAL

1.1 The applicant seeks consent for the conversion of the building (formerly a day care centre for the elderly) to a school. The school will be where pupils are referred to from other schools in the district.

1.2 Alterations are largely internal to subdivide the facility to take primary and secondary school children. Changes externally to the building do not include any extensions or increase to the height of the building but will include the following:

North East elevation – additional windows, entrance canopy re-roofed
South-West, South-East and North-West elevation – Enlargement of a number of existing windows

The site will be secured with green coated fencing with a height of between 1.8m and 2.4m with a 2.4 metre fence on the south-west boundary. At the north-east boundary of the site enclosed with a 3 metre fence. There will be 33 car parking spaces (an increase of 11 over the current level, space for a goods vehicle and 10 cycle parking spaces.

1.3 The operating hours will be 0700 to 1900 hours

1.4 In support of the application a detailed educational justification for the proposal has been submitted (this includes the responses received following the local consultation that took place prior to the submission of the application). The justification includes:

- Details of the function of the unit which will be to deliver teaching, pastoral and therapeutic support for children and young people who are unable to attend a mainstream school and may require a more tailored or specialist curriculum. The unit supports children for no longer than is necessary and until such time as students are ready to return to their mainstream setting. The unit will work with students from Reception (age 4) to Year 11 (age 16) and provides support for young people with a range of complex medical or SEMHD needs, including those that have been permanently excluded (PEX) from school, those unable to attend mainstream school due to medical needs and those under the care of medical professionals.
- Education will be provided for up to 85 to 90 pupils across four specialised areas: primary, secondary, for those with medical needs and a base for those teaching education at home.

- The service that will be provided is managed as one service but is currently based on different sites in Filton, Mangotsfield, Severnside and Richmond Road. All the buildings and sites are considered to be poor and not fit for purpose or capable of expansion and thus after a long process, the Downend Day Centre has been chosen as the most cost effective and deliverable option,

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

L1 Landscape Protection and Enhancement

L13 Listed Buildings

T7 Cycle Parking

T10 Travel Plans

T12 Transportation Development Control Policy

LC2 Provision for Education Facilities

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS23 Community Infrastructure and Cultural Activity

CS29 East Fringe

2.3 Supplementary Planning Guidance

Design Checklist 2007

Trees on Development Sites 2005

3. RELEVANT PLANNING HISTORY

3.1 K1869 Outline Application for a day care centre for physically handicapped elderly and blind persons (Approved)

K1869/AP as above – reserved matters (approved)

There have been a number of additions to the building but none is particularly relevant to the current proposal.

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council

No objection

Other Consultees

Sustainable Transport

No objection subject to conditions to secure the parking provision prior to the first occupation and the provision of the footway.

Landscape Officer

I confirm that the proposed tree and shrub planting shown on the Landscape Proposals Planting Details (Corscadden Associates, dwg.no.249/2015/.19 Rev A is acceptable and provides a sufficient level of landscape mitigation. I defer to our tree officer with regard to protection of the existing trees to be retained on site and any no dig construction required. Please note – all tree protection should be in place PRIOR to any site clearance works and a suitably worded condition should be added accordingly. A landscape compliance condition should also be added to the planning permission.

Tree Officer

No objection subject to an amendment to the planting plan to include two replacement trees (can be conditioned) and conditions to ensure that works are undertaken in conjunction with the submitted and approved tree report and that an arboricultural watching brief is present for the installation of the no-dig footpath to ensure that no damage occurs to the retained trees.

Conservation Officer

No objection

Avon and Somerset Police

Having viewed the information as submitted we find the design to be in order and complies appropriately with the crime prevention through environmental design principles.

Drainage Engineers

No objection subject to a condition being applied to the decision notice to secure details of sustainable urban drainage.

Other Representations

4.3 Local Residents

One letter has been received that neither supports or objects to the proposed development. The comments can be summarised as follows:

- The conversion will be a positive outcome for many children struggling in mainstream schools.

- Concerned about privacy and noise – what hours will the school operate and when would the building work take place.
- Financial support is requested for blinds to protect privacy

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The development involves the a change from an existing D1 (Non-Residential Institution) Use to another but that does not require consent. What is being considered through this application are the works required to facilitate the conversion of the building.

Policy CS23 of the Core Strategy is supportive of activity that provides towards additional, extended or enhanced community and cultural infrastructure and this facility for a new school to accommodate pupils referred from other locations would be such a use. The proposal is fully in accord with the objectives of Policy CS23 in so far as it would also be replacing units situated in other locations that are substandard and failing to meet the needs of this important group especially as the site is situated within the urban area and can be assessed by a variety of transport modes.

Policy LC4 of the South Gloucestershire Local Plan (saved policy) is also supportive of such proposals subject to the following criteria:

a) The proposal is located on a site which is or will be highly accessible on foot and bicycle

The site is in such a location and there is the potential for accessing the site in this way albeit it is likely that most access would be by car or bus and there are bus routes in the vicinity

b) The proposal would not unacceptably prejudice residential amenities

The proposed development does not involve any extension to the building itself with changes being to windows which given that the building is single storey and the site is surrounded in any case with substantial boundary treatments will not give rise to any adverse impact upon the residential amenity of neighbouring occupiers.

There would be some additional parking and thus some additional vehicle movements but it is not considered that this would have a significant impact upon neighbouring occupiers. Concern has been raised that the proposal would result in a loss of privacy to a neighbouring occupier in Lincombe Road and additional noise and disturbance both as a result of the use and during any construction works.

The above concerns are noted but it should be noted that fencing behind a hedge will be along this boundary which even though there is a slight drop in land levels with the games area marginally higher would preclude overlooking of neighbouring properties (this would be in addition to a 3 metre meshed

screen around the multi use games area itself). An outdoor games area is shown in this location (there will be no lighting). This would have the potential to cause noise and disturbance but this would be limited to the school day. It is considered appropriate to apply a condition to ensure that this area is only used during school hours the school is open from 0700 to 1900 but the hours of use for the games area will be limited to 0800 to 1900 Monday to Friday). Although only limited construction is proposed it is also considered appropriate given the proximity of neighbouring properties to limit the construction hours. A request was made that a financial contribution be made towards the cost of blinds however given the above assessment this is not deemed necessary and cannot be secured through the planning process. Subject to these conditions the proposal is considered acceptable in terms of the impact upon residential amenity

c) The proposal would not have an unacceptable environmental or transportation effect.

This is discussed in detail within the report below (5.3 and 5.4)

The development would not give rise to unacceptable levels of on street parking to the detriment of the amenities of the surrounding area and highway safety.

This assessment is made in detail below (section 5.4)

The proposed development is considered acceptable in principle subject to the following considerations

5.2 Listed Building

The application site lies within the setting of 170 Downend Road which is a Grade II Listed Building and as such Policy L13 of the South Gloucestershire Local Plan (Saved Policy), CS9 of the adopted Core Strategy and NPPF requires that new development protects that heritage asset. The boundary treatment between the application site and the curtilage of the listed building comprises of close-boarded fencing and high levels of planting (which include mature Sycamore specimens). The inter-visibility between the sites is therefore not considered to be significant. The alterations to the site and building are not significant and the games area would be on the opposite side of the site. The proposal is considered acceptable in these terms.

5.3 Landscape/Trees

Trees

The site is covered with a variety of trees which the Council Tree Officer notes are of moderate quality but ones that contribute to the landscape particularly along the Downend Road. A full tree report has been submitted and the removal of 3 trees within category B and 4 within category C are proposed, principally at the site of the new multi-use games area. In addition a footpath is proposed at the northern side of the site which is within the root protection zone

of a number of trees. It is proposed to plant 18 new trees as replacements (a ratio of 3 to 1) There is no objection to the proposal subject to conditions to secure an amendment to the planting scheme to ensure the planting scheme includes 2 replacement trees that are long lived such as oak or lime, a condition to secure a watching brief for the no-dig footpath and a condition to ensure that all works take place fully in accord with the submitted tree report.

Landscape

Aside from the impact upon the trees there is some additional planting proposed and a condition will be attached to the decision notice to ensure that all work takes place in accordance with the submitted landscape proposals planting details.

5.4 Transportation

Policy CS8 of the Core Strategy seeks to promote sustainable travel options providing the users of new development with a range of travel options rather than the private car. Policy T12 of the South Gloucestershire Local Plan (saved policy) requires that development makes adequate, safe and appropriate provision for the transportation demands that it will create.

The building will cater for around 80 children. The existing access is to be retained.

Traffic

The applicant has submitted a transport statement with their submission which has been assessed by officers. It is forecast that the level of traffic generated by the site in the morning and evening peaks would be lower than when the building was previously used a day care centre. Some staff would have to travel to/from the site for home tutoring as not all pupils would attend the facilities all day therefore there would be vehicle movements to/from site during the day. However it is considered that the level of vehicle trips associated with this would not be significant and would not impact on the local road network.

Access

Vehicular access to the site would remain largely unchanged although it is proposed to set back the existing entrance gate to improve safety. A new section footway is proposed to adjacent to the southern side of the vehicle access connecting with the existing footway on Overndale Road.

Parking

There are currently 22 car parking spaces on site and it is proposed to reconfigure the existing car park and to provide a total of 33 parking space including two disabled spaces. There is further space on site for a mini bus. It is considered that the provision of car parking on site means that no overspill parking on to local roads is anticipated to occur. Furthermore while it is not essential to provide a drop-off area within the site - in recognition of the fact

that the proposed use differs from a standard school use then, the reconfigured car park would provide for drop-off facility on site in order to meet the various needs of some pupils attending this school. In line with the SG Council cycle policy T7, the proposal also includes provision for cycle-stand on site. Additionally and as part of mitigating measures, the applicant has submitted a travel plan that will be updated annually.

Subject to conditions to secure the travel plan, the parking and the new footway there is no transportation objection to the proposed development.

5.5 Residential Amenity

The impact of the proposal upon the residential amenity of neighbouring occupiers is assessed in 5.1 of the report above

5.6 Drainage

Drainage Engineers note that the development area is subject to overland flow or flood routing in the event of high intensity rainfall. The developer therefore must consider whether appropriate surface water drainage is being provided. Therefore while there is no objection in principle to the development a condition will be attached to the decision notice to secure a sustainable urban drainage scheme.

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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 Planning permission is granted subject to the following conditions

Contact Officer: David Stockdale
Tel. No. 01454 866622

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

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policy) and Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2013. .

3. The footway that lies on the south side of the vehicle entrance to the site and links to the building entrance as shown on Drawing 041 (Block Plan) hereby approved shall be completed prior to the first use of the building.

Reason:

In the interests of pedestrian safety and to accord with Policy T12 of the South Gloucestershire Local Plan 2006 (saved policy) and Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2013

4. The measures set out in the Travel Plan (Peter Evans Partnership April 2015) shall be implemented in accordance with the timetable set out in Section 6.0 (Action Plan) of the report

Reason

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

5. The development shall take place fully in accordance with the submitted tree report (Silverback Arboricultural Consultancy Ltd received 30th April 2015).and an arboricultural watching brief shall be present for the installation of the no-dig footpath.

Reason:

In order to protect the trees and the visual amenity of the area and to accord with Policy L1 of the South Gloucestershire Local Plan 2006 (saved policy) and Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013.

6. Notwithstanding the details shown on the Plant Schedule and Planting Details (2015/19A) hereby approved, prior to the commencement of the development details of two replacement trees (long lived, significant tree species such as small leaved lime or English Oak) shall be submitted to and approved in writing by the Local Planning

Authority. The development shall be implemented in accordance with the approved details.

Reason:

In the interests of the visual amenity of the area and to accord with Policy L1 of the South Gloucestershire Local Plan 2006 (saved policy) and Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013.

This is the subject of a pre-commencement condition as the information is required before the development begins in order to prevent future remedial action .

7. 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 CS9 of the South Gloucestershire Local Plan Core Strategy 2013

A pre-commencement condition is required in order to avoid the need for remedial action in the future.

8. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 hours Monday to Friday and 0800 to 1300 hours Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013

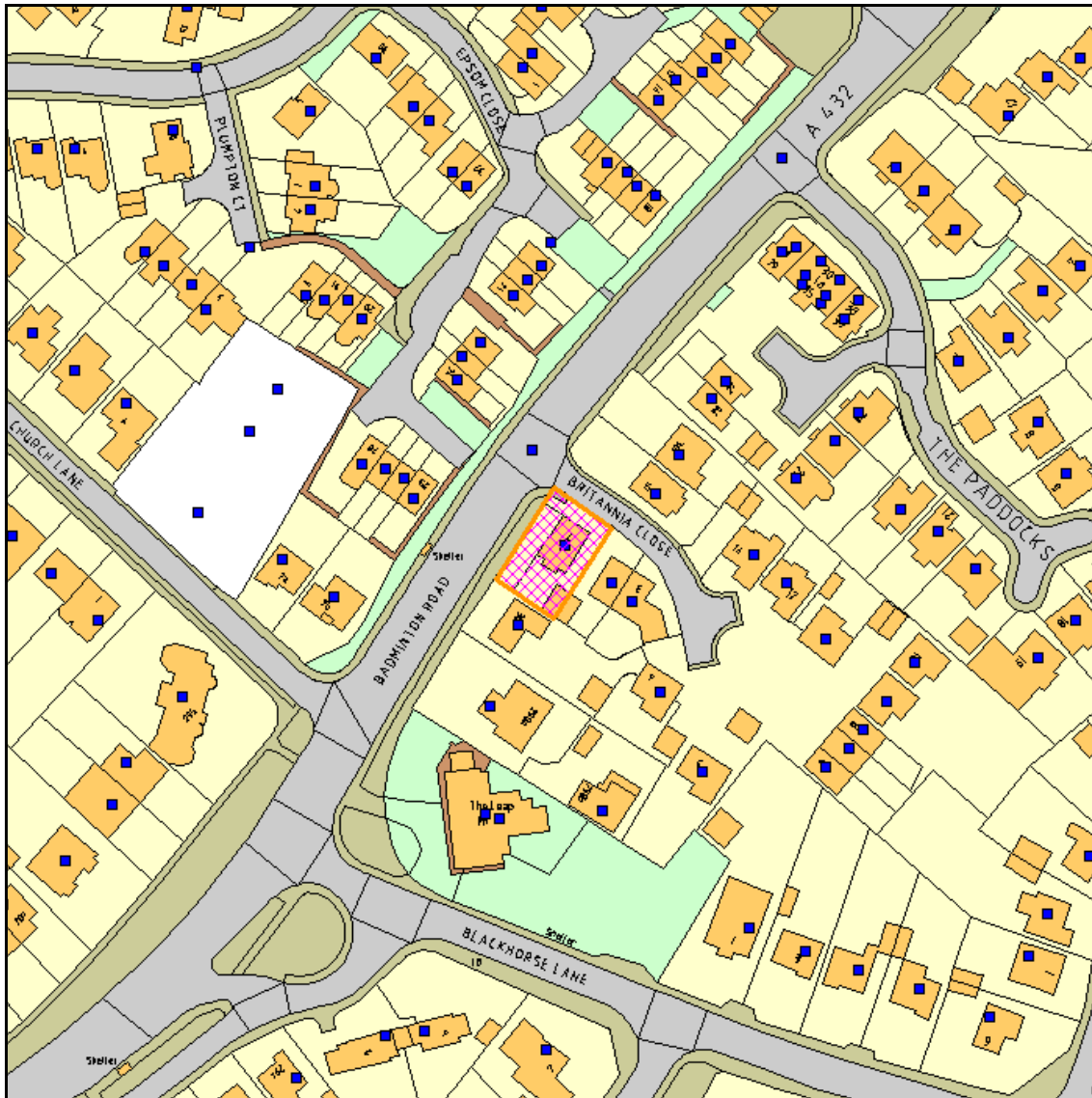
9. The use of the multi-use games area hereby approved and shown on Drawing No. 041 shall not take place outside of the following hours: 0800 to 1900 hours Monday to Friday.

Reason:

In order to protect the amenity of neighbouring residential occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013

CIRCULATED SCHEDULE NO. 27/15 – 3 JULY 2015

App No.:	PK15/1900/F	Applicant:	Mr Andrew Nash
Site:	1 Britannia Close Downend Bristol South Gloucestershire BS36 1AR	Date Reg:	18th May 2015
Proposal:	Erection of 1.9 metre high boundary fencing (retrospective)	Parish:	Mangotsfield Rural Parish Council
Map Ref:	365958 178115	Ward:	Emersons Green
Application Category:	Householder	Target Date:	1st July 2015



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1. THE PROPOSAL

- 1.1 This application seeks full retrospective planning permission for retention of a 1.9 metre boundary fence to the front elevation of No. 1 Britannia Close, Downend.
- 1.2 The application site is a two – storey detached dwelling and is situated on the corner plot of a cul-de-sac, adjacent to Badminton Road.
- 1.3 The property itself is a modern detached dwellinghouse set on a cul-de- sac containing properties of similar scale and design.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Residential Development within Existing Residential Curtilages,
Including Extensions and New Dwellings
D1 Design

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development
- 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/0018/F retention of 1.9 metre boundary fence (retrospective).

Application returned invalid.

4. CONSULTATION RESPONSES

- 4.1 Emersons Green Town Council

No objection.

4.2 Other Consultees

Sustainable Transport

No transportation objection. However concerns were expressed that when the shrubs (located to the front of the fence) have matured, these could affect visibility.

Lead Local Flood Authority

No comment.

Other Representations

4.3 Local Residents

1 letter of objection was received with the following concerns:

- Highway Safety through proximity of the fence to a T – Junction:

The consultee is concerned that a new parking space has been created which may present safety issues given its close proximity to the junction entering onto Badminton Road. However it must be noted that the area of hardstanding to the front elevation of the property is currently not a vehicular access and should be considered as a separate entity to this planning application.

- Visual amenity/ character

Furthermore, the consultee expressed concern that the prevailing development style in respect to the perimeter fencing in front of the principal elevation facing onto Badminton Road is not in keeping with the nearby properties on Badminton Road.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

5.2 The proposal falls within the applicant's residential curtilage and serves a function of shielding the applicant's area of hardstanding to the front elevation of the property and additionally offers privacy to rear garden of the applicant's property, adjacent to Badminton Road.

5.3 Policy CS1 of the South Gloucestershire Core Strategy requires that applicants demonstrate that the proposal respects and enhances the character of which the proposal is situated.

5.4 Policy H4 of the South Gloucestershire Local plan allows for the principal of development within residential curtilage providing it is keeping with the character of the area in which it is situated and the proposal does not have a detrimental impact on the amenities of neighbouring dwellings and future

occupiers. Consideration is placed on massing, scale, proportions and overall design.

- 5.5 Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact upon highway safety and amenity in the locality of the site.
- 5.6 Therefore, in light of the above, the application stands to be assessed under the above listed policies and all other material considerations.

Design and Visual Amenity

- 5.7 Policy CS1 of South Gloucestershire Council Core Strategy and Policy H4 of South Gloucestershire Council Local Plan require that proposals respect and enhance the character and distinctiveness in terms of their siting, form, scale, massing and material consideration.
- 5.8 The 1.9 metre boundary fence, located to the front elevation of the host dwelling is acceptable in design terms. The proposal has a functional benefit of shielding the hardstanding to the front elevation of the property and offering privacy to the rear garden of the applicant's property, side facing onto Badminton Road. It can be considered that a minimum of 1.6 metres would be required of a fence to appropriately serve its function. Therefore, the height of 1.9 metres is not unacceptable.
- 5.9 The fence comprises of a wooden feather-board, closed edge design. Its exterior has been painted green in colour by the applicant. It would appear that the applicant is attempting replicate a side boundary fence separating the curtilage of No.15 Britannia Close and No. 302 Badminton Road.
- 5.10 The design of the fence can be considered to be a practical choice given its strong and robust nature, however it can still be considered to provide a clean line and tidy appearance to the exterior of the dwellinghouse.
- 5.11 Concern was placed on the proposal being too prominent given its height and design, however the applicant has sought to plant hedgerow to the front of the fence that when matured, will reach 2.1 metres in height. This will obscure the fence from Badminton Road when fully grown and furthermore will improve the aesthetics the proposal.
- 5.12 The properties within Britannia Close are cohesive in design. A single brick type is used and many of the dwellings within the cul-de-sac are rendered to reflect one another. Therefore, weight should be provided to new developments that do not adversely affect the locality in which they are placed. It can be considered that the siting of the fence on the edge of the cul-de-sac, adjacent to Badminton Road does not have a detrimental impact on the character of the area. The incorporation of the fence, while not subservient in visual terms, does not represent a prominent feature of Britannia Close given its siting.

5.13 In addition, the application site, given its proximity to Badminton Road stands to additionally be assessed against those properties facing onto Badminton Road. Existing properties facing onto Badminton Road, near the application site, feature fencing of a similar scale to the front elevation. The most prominent examples would include No.15 Britannia Close and No. 302 Badminton Road. While the orientation of the applicants garden has altered from a front garden to a garden now lateral in arrangement, design is in keeping with those nearby properties facing onto Badminton Road. Therefore, based on an assessment of the locality, greater weight should be provided for the applicants' site adhering to those properties facing onto Badminton Road.

5.14 Residential Amenity

5.15 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new residential development would allow a reasonable level of privacy and residential amenity for its new occupants.

5.16 The proposal by reason of its scale and siting would not have an adverse impact on the existing amenities of neighbouring occupiers.

5.17 Highways

5.18 Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact upon highway safety and amenity in the locality of the site.

5.19 Concern was raised that the shrubs planted to shield the fence, when matured, would affect visibility for those manoeuvring onto Badminton Road. However, given the proximity of these shrubs in relation to Badminton road, it can be considered that there would be no material impact in highway safety terms.

5.20 Therefore, the proposal by reason of its scale and siting is in accordance with the development plan and is acceptable.

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 design of the proposal is considered to be acceptable and in keeping with the character and design of the host property. Furthermore, it is considered that the proposal does not contribute negatively to its context. The proposal is therefore considered to accord with Planning Policies D1 (Achieving Good Quality Design in New Development), Policy H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

- 6.5 The proposal is acceptable in highway safety terms. The proposal is therefore in accordance with Policy T12 (Transportation Development Control Policy for New Development) 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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

- 7.1 That the application is **APPROVED** with a condition.

Contact Officer: Sam Garland
Tel. No. 01454 863587

CONDITIONS

1. The Prunis Lusitanica hedge, shown on the plan hereby approved as Revised Site Plan shall thereafter be maintained.

Reason

To protect the character and appearance of the development in accordance with policies H4, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 27/15 – 3 JULY 2015

App No.:	PK15/2050/TRE	Applicant:	Mr Richard Hewson
Site:	9 Cave Close Downend Bristol South Gloucestershire BS16 6EH	Date Reg:	15th May 2015
Proposal:	Works to fell 1no. Sycamore tree covered by Tree Preservation Order SGTPO06/00 dated 12/04/2001	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364857 176928	Ward:	Downend
Application Category:		Target Date:	7th July 2015



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 100023410, 2008. N.T.S. PK15/2050/TRE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule as a objection has been received from a member of the public.

1. THE PROPOSAL

- 1.1 Works to fell 1no. Sycamore tree covered by Tree Preservation Order SGTPO06/00 dated 12/04/2001
- 1.2 The tree is in the rear garden of no.9 Cave Close, Downend, South Gloucestershire, BS16 6EH.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. The Town and Country Planning Act 1990
 - ii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. RELEVANT PLANNING HISTORY

- 3.1 PK05/1868/TRE, Site Address: 11 and 14 Cave Close Downend Bristol South Gloucestershire BS16 6EY, Decision: COND, Date of Decision: 09-AUG-05. Proposal: Works to reduce 1 no. Horse Chestnut tree (G1), 3 no. Sycamore trees (G1, T5 and T9) by 30% and fell 1 no. Oak tree in rear garden of no.14 Cave Grove covered by South Gloucestershire Tree Preservation Order SGTPO6/00.
- 3.2 PK09/5642/TRE, Site Address: 9 Cave Close, Downend, South Gloucestershire, BS16 6EH, Decision: SPLT, Date of Decision: 04-DEC-09. Proposal: Works to 1 no. Sycamore Tree by reducing and thinning crown by 20% and crown lift by 10% covered by Tree Preservation Order SGTPO6/00 dated 12th April 2001.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council has no objection to the proposal

Other Representations

- 4.3 Local Residents

One objection has been submitted from a resident in Bitton regarding nesting birds.

5. ANALYSIS OF PROPOSAL

- 5.1 Works to fell 1no. Sycamore tree covered by Tree Preservation Order SGTPO06/00 dated 12/04/2001

5.2 Principle of Development

The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.

5.3 Consideration of Proposal

The tree is in the rear garden of the property and is not visible from the front of the houses and is largely obscured from the south by the hedgerow that runs along the backs of the properties.

5.4 The tree has been reduced previously and has produced vigorous and bushy regrowth as a result of this earlier work. If the tree were to be retained there would be a need for on-going maintenance on a cyclical basis.

It is not illegal to prune trees during the nesting season. It is however, illegal to disturb active nests at any time of the year. An informative containing this information is included on all decision notices.

6. RECOMMENDATION

6.1 That consent is GRANTED subject to the conditions on the Decision Notice.

Contact Officer: Simon Penfold
Tel. No. 01454 868997

CONDITIONS

1. A replacement tree, the species, size and location of which is to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

Reason

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

CIRCULATED SCHEDULE NO. 27/15 – 3 JULY 2015

App No.:	PK15/2169/F	Applicant:	Mr And Mrs G Davies
Site:	1 Hill Close Emersons Green Bristol South Gloucestershire BS16 7HH	Date Reg:	27th May 2015
Proposal:	Erection of 2no. semi-detached dwellings with parking and associated works. (Re-submission of PK14/4876/F to reduce number of dwellings).	Parish:	Emersons Green Town Council
Map Ref:	366775 177657	Ward:	Emersons Green
Application Category:	Minor	Target Date:	13th July 2015



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 100023410, 2008. N.T.S. PK15/2169/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is to appear on circulated schedule due to the receipt of an objection from Emersons Green Town Council, contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of 2no. semi-detached with parking and associated works (Re-submission of PK14/4876/F to reduce number of dwellings). This application follows the recent refusal of PK14/4876/F which proposed 3no. terraced dwellings in the same location.
- 1.2 The proposed dwellings would be arranged in a terrace of 2no. two storey dwellings, with 2no. bedrooms, associated parking spaces and rear gardens. The dwellings would be set back from the nearest neighbouring terraced dwellings No. 1-3 to the east.
- 1.3 The application site is located within a modern cul de sac where dwellings are arranged in short terraces of 3-4 houses. The proposed dwellings would be erected at the end of the close which consists of 20no. houses, on a parcel of land which is currently a parking area associated with No's 1 and 2.
- 1.4 In front of the application site is a large grassed area and a Weeping Willow tree which is protected by a Tree Preservation Order. To the south, opposite the access road is another large grassed, open area with a TPO Willow tree.
- 1.5 There were issues with a previous application PK13/0987/F, which was subsequently withdrawn in May 2013 in respect of the red and blue edge plans and the proposed parking arrangement. This was issue resolved and planning permission was approved in August 2013 (Ref. PK13/2312/F) for 2no. dwellings.
- 1.6 Planning permission PK13/2312/F for the erection of 2no. dwellings of two storey height with 2no. bedrooms; the same as the current application. Parking will be in the form of 4no. parking spaces to be provided either side of the Willow tree (east and west side) as well as amendments to the existing parking arrangements in the close.
- 1.7 During the course of the application, revised plans were sought in respect to minor changes to the positioning of the dwellings and design of the canopies on the front elevation. The agent has submitted revised plans accordingly.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Sustainable Development
CS5 Location of Development
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

H4 Development within Existing Residential Development, Including Extensions and New Dwellings
L1 Landscape Protection and Enhancement
L5 Open Areas within the Existing Urban Areas/Settlement Boundaries
T7 Cycle Parking
T12 Transportation for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (August 2007)
South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013
South Gloucestershire Council adopted planning guidelines - Trees on Development Sites

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/4876/F Erection of 3no. terraced dwellings with access and associated works
Refused 12.03.15
Refusal reason - *The proposed development would have a harmful impact on the street scene, visual amenity of the locality and the setting of the TPO Willow tree. The additional built form would create a cramped appearance and the amenity value of the TPO Willow tree would be diminished. The proposed development fails to respect the open feel and character of the area and is therefore contrary to Policy CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013, saved policies L1, L5 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), and the provisions of the National Planning Policy Framework (2012).*
- 3.2 PK13/2312/F Erection of 2no. attached dwellings with associated works. (Resubmission of PK13/0987/F).
Approved 07.10.2013
- 3.3 PK13/0987/F Erection of 2no. attached dwellings with associated

works.
Withdrawn May 2013

- 3.4 PK12/1490/TRE Works to reduce 2 no. Willow trees by 20% covered by South Gloucestershire Tree Preservation Order (Aberdeen Nurseries Dibden Lane Emersons Green)06/99 dated 30th July 1999.
Approved 21.06.12
- 3.5 PK11/2255/TRE Works to 1no. Willow tree to crown reduce by 20% and reshape covered by Tree Preservation Order SGTPO06/99
Refused 15.08.11
- 3.6 PK01/0954/RM Erection of 20no. dwellings and associated garages and access (Reserved Matters) (Resubmission of planning application PK00/2651/RM)
Approved 06.07.01
- 3.7 PK00/2651/RM Erection of 20no. dwellings and associated garages and access (Reserved Matters)
Approved 16.02.01
- 3.8 PK00/2592/RM Erection of 9no. dwellings with associated garages and access (Reserved Matters)
Approved 15.02.01
- 3.9 P99/4586 Residential development (outline)
Approved 25.01.01
- 3.10 P93/4419 Comprehensive development for residential/district centre/public house/restaurant/roads/footpaths/open space and other associated uses (Outline) (Alternative ref. K7528)
Approved 5.10.95

4. CONSULTATION RESPONSES

- 4.1 Emersons Green Town Council
Objection, The Committee still considers that this proposal is over development of the site and is also concerned that parking provision is inadequate.
- 4.2 Archaeology Officer
No comment.
- 4.3 Environmental Protection
No objection in principle, but would recommend a construction site informative is added to the decision notice.
- 4.4 Highway Structures
No comment.

4.5 Lead Local Flood Authority
No objection.

4.6 Sustainable Transport
Planning permission has previously been granted (PK13/2312/F) to erect two two-bed dwellings on this area of land. A subsequent planning application to increase the number of dwellings to three (PK14/4876/F) was refused. However, no transportation objection was raised on this proposed development.

This current submission again seeks to erect two two-bed dwellings. Parking remains as previously submitted as part of PK14.4876/F. On that basis, there is no transportation objection to the proposed development.

4.7 Tree Officer
I would largely reiterate my comments for previous applications in this site. The latest version of the parking layout proposes to use grass-crete or similar. This is acceptable where it is replacing the existing tarmac drive. The Parking bays for units 2 and 3 are partly within the Root Protection Areas of the Willow. The Barton Tree Consultancy report (Tree Impacts/Protection Plan – Drawing no. PB/ND/104 TIP Rev 3) has indicated that no-dig construction using a cellular confinement system should be used for the parking bays and for the temporary ground protection. This is considered industry best practice and is the preferred option for root protection. It also proposes the use of gravel as the finish surface. This is appropriate as it is permeable and should absorb potential disruption from developing roots beneath.

The installation of the parking bays, using the no-dig methodology, is viable and should not significantly affect the trees' health. There will, however, be an increased requirement for pruning of the Willow, which will reduce the amenity the tree provides.

A mature Weeping Willow is far from ideal as a choice of tree species for a parking area. The tree will drop leaves and seeds and birds will defecate from the tree. As a general principle, these are not considered valid reasons for tree pruning and applications to prune for these reasons would normally be refused.

Although I am concerned over the loss of amenity that will be an inevitable outcome of this proposal, I would not object to the proposal subject to the recommendations in the Arboricultural Report.

Other Representations

4.8 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF carries a presumption in favour of sustainable development and speaks of the need to 'boost significantly the supply of housing ' (paragraph 47) and to deliver a wide choice of high quality homes and widen opportunities for home ownership and create sustainable inclusive mixed communities (paragraph 50). Policy CS5 directs development to the existing urban areas. Policies CS16 and CS17 support increased density and greater diversification of housing. The proposed development is considered acceptable in principle and shall be determined against the analysis set out below.

- 5.2 Policy CS1 of the adopted Core Strategy states that development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Development proposals will be required to demonstrate that siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of the site and context. Saved policy H4 of the adopted Local Plan states that new dwellings will only be permitted where they respect the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene. The proposal is considered to accord with the principle of development.

5.3 Efficient Use of Land

Planning policy dictates that the most efficient use of land should be sought and development directed to areas where there is already a good provision of services, shops and public transport routes. Being located within the existing urban area of Emersons Green, the application site is considered to be a sustainable location for development. There is good existing access to existing infrastructure in this location.

- 5.4 Development on this site has been previously established with the approval of planning application PK13/2312/F which granted permission for the erection of 2no. dwellings with associated parking in October 2013. The proposed parking arrangement is an improvement on this previously approved scheme and in this respect, the proposal is considered acceptable.

5.5 Design / Visual Amenity

The proposed dwellings are simple in design and similar to the existing dwellings in the close. The proposed dwellings would consist of a pair of semi-detached double storey height houses, with two bedrooms and rear gardens. The application site is currently used for vehicular parking (4no. spaces) for the neighbouring dwellings. Additional parking provision is proposed to be located on the large grassed area at the front of the site, using grass crete along the southern side of the open space and existing TPO Willow.

- 5.6 The dwellings would be set back from existing No's 1-3 by approximately 1.6 metres, following the existing pattern of development. The terrace would have a hipped roof, with a simple window fenestration on the front and rear elevations. On the side elevations there would be one small obscurely glazed bathroom window. No. 1 currently has two side elevation windows which serve the hallway and bedroom; it is proposed to block up these windows and insert a bedroom window on the rear elevation. Each dwelling would have a small rear

garden that faces north with cycle storage sheds. Units 1 and 3 would have a side access into the rear gardens. Overall the proposed design of the dwellings is considered to respect the existing character of the area and would remain in keeping with the cul de sac.

- 5.7 The original layout of the cul de sac sought to retain the TPO trees and green open spaces, to protect the settings of the trees to soften the overall built form and the visual amenities of the surrounding properties. The proximity of the proposed 2no. houses to the TPO Willow, which forms an integral part of the layout of the site, is not an ideal situation, mainly due to the tree species. However, the previous approval is a material consideration that holds significant weight in this case. Although the tree is being retained there is a concern over the loss of amenity, however there is no objection from the Tree Officer on the basis of the recommendations in the Arboricultural report. Overall, the proposal is not considered to harm the street scene or significantly impact on the overall visual amenity of the locality, in accordance with Policy CS1 of the adopted Core Strategy.
- 5.8 Impact on Residential Amenity
Residential amenity should not be prejudiced as a result of development. Careful consideration is required regarding the effect on neighbouring occupiers given that the dwelling proposed sits nearest to the west elevation of No. 1 Hill Close. The applicant currently resides at No. 1 Hill Close; this property is likely to be the most affected by the proposal as such. There are also neighbouring properties to the north and west on Hicks Avenue. The relationship that the proposed built form would have with dwellings in Hicks Avenue is considered to be widely similar as that of the existing dwellings in Hill Close. As such, it is considered that no harm to residential amenity would arise as a result of the proposal.
- 5.9 The proposed dwellings would have small rear gardens, similar in scale the other properties in Hill Close. Unit 2 would have a slightly larger garden, extending to the side. The gap between Unit 1 and No. 1 has been increased to 0.6 metres to ensure a satisfactory degree of separation between the two properties. The amenity space afforded to the new dwellings is considered to be acceptable and would not disadvantage the existing property No.1. The proposed dwellings are considered to afford an adequate standard of amenity, again being largely similar to the previously approved 2013 application.
- 5.10 The majority of window openings are on the front and rear elevations, with two smaller windows on the end units serving the bathroom and downstairs cloakroom. No. 1 would block up two existing side elevation windows and insert a bedroom window on the first floor of their rear elevation to compensate. The two attached neighbouring properties No. 2 and No. 3 Hill Close have existing rear elevation windows that serve a bedroom. It is not considered that the replacement window would result in any additional overlooking or privacy impact as a result. The dwellings would be located a sufficient distance from the existing properties to the north, south and west not and would appear overbearing. Overall, it is considered that the proposal will not have a negative impact on the residential amenity of neighbouring occupiers.

5.11 Parking Provision

It is acknowledged that planning permission has already been granted for two dwellings on the same application site, but with a different and less favourable parking layout. It is proposed to use the open green area to the north, adjacent to No. 1 Hill Close, as part of the required parking provision for the new units. It is also material that the Council's Residential Parking Standards SPD has been adopted since the previous decision for 2no. dwellings in 2013. The adopted Residential Parking Standards now sets a minimum standard as opposed to a maximum standard, as previous.

- 5.12 The main transportation issue relating to the proposal is the provision of adequate off-street parking spaces for the additional and existing dwellings, particularly because there is a material loss of the parking area. According to the Council's adopted Residential Parking Standards, parking requirements for a two-bed house is 1.5 spaces. Based on this standard, the proposal would require a minimum of 3 spaces. The parking provision remains the same as the previously refused application based on 3no. new dwellings. Each new dwelling would have 3no. parking spaces, plus parking for No. 1, No.2 and a visitors space adjacent to No's 4 - 6. The existing property No.1 will have 1no. parking space directly in front of their property and 1no. in the parking courtyard. Overall, it is considered that this level of parking provision exceeds the Council's minimum parking standards and as such, there is no transportation or highway safety objection to the proposed scheme, subject to a condition being attached requiring the parking facilities prior to the occupation of the new dwellings.

5.13 Landscaping/ TPO Tree

Hill Close has two large, open green areas with TPO trees located on either side of the entrance road into the northern part of the cul de sac. This setting forms an attractive green entrance to the Close. In addition, there is existing shrub planting and trees along the north and west boundary of the car parking area. It is proposed that this planting will be removed and as there is no proposed replacement landscaping within this application, additional planting would soften the additional built form and ensure that the existing residential and visual amenity of the area is maintained. Therefore, a condition will be attached requiring a landscaping scheme to be submitted and provided.

- 5.14 It is proposed to use the open green area to the north, adjacent to No. 1 Hill Close, as part of the parking provision for the new dwelling. The Tree Officer considers the use of grass-crete appropriate in this context, where replacing tarmac. This would be less obtrusive and allow the parking bays to blend better in with the green space. The parking bays for the new units are partly within the Root Protection Areas of the Willow tree. The Barton Tree Consultancy report has indicated that a no-dig construction using a cellular confinement system should be used for the parking bays and for the temporary ground protection. The Tree Officer has advised that this is considered industry best practice and is the preferred option for root protection. It also proposes the use of gravel as the finish surface. This is appropriate as it is permeable and should absorb potential disruption from developing roots beneath. The proposed parking bays and no-dig methodology are considered viable and should not significantly affect the trees health. However, as a result there will be pressure to increase

the pruning of the Willow in the long term, which will reduce the amenity the tree provides. The Tree Officer has expressed concern that a mature Weeping Willow is not an ideal choice of tree species to have within a parking area. However, the previous approval for two dwellings in the same location does carry significant weight and on balance, the revised parking arrangement will benefit the cul-de-sac in the long term. The Tree Officer has no objections to the proposal subject to the recommendations in the Arboricultural Report, which will form a condition.

5.15 Drainage

A condition recommending the submission of a SUDS-compliant drainage plan has been advised by the Highway Drainage Officer. Subject to compliance with this condition, it is considered that the proposal would not have any undesirable effects on the local water environment in terms of flooding or drainage issues.

6. CONCLUSION

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

6.2 The recommendation to **approve** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is **approved**, subject to the attached conditions.

Contact Officer: Katie Warrington

Tel. No. 01454 863436

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 commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted, including a detailed development layout showing surface water and SUDS

proposals, and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason

This condition is prior to commencement of development to avoid the need for future remedial action.

To ensure that a satisfactory means of drainage is provided, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

3. Prior to the occupation of the new dwellings, the off-street parking facilities (for all vehicles, including visitor spaces and cycles), shown on the plan (Drwg No 2593/11A, received by the Council on 29th June 2015), hereby approved shall be provided, and thereafter retained for that purpose. The development shall be carried out strictly in accordance with the approved plan.

Reason

This condition is prior to commencement of development to avoid the need for future remedial action.

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

4. All works are to be carried out in strict accordance with the provisions of the approved Arboricultural Report from the Barton Tree Consultancy (Tree survey _ impacts assessment Ref PB/ND/1214, received by the Council on 18th May 2015).

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the protected Weeping Willow tree within the application site. To accord with Saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

5. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and planting on the land and details of any to be retained; proposed planting (and times of planting); boundary treatments; and areas of hardsurfacing, shall be submitted to the Local Planning Authority for written approval. The works shall be carried out prior to the occupation of the new dwellings and in strict accordance with the agreed details.

Reason

This condition is prior to commencement of development to avoid the need for future remedial action.

To protect the character, appearance and residential amenity of the immediate vicinity. To accord with Saved Policies L1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policies CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

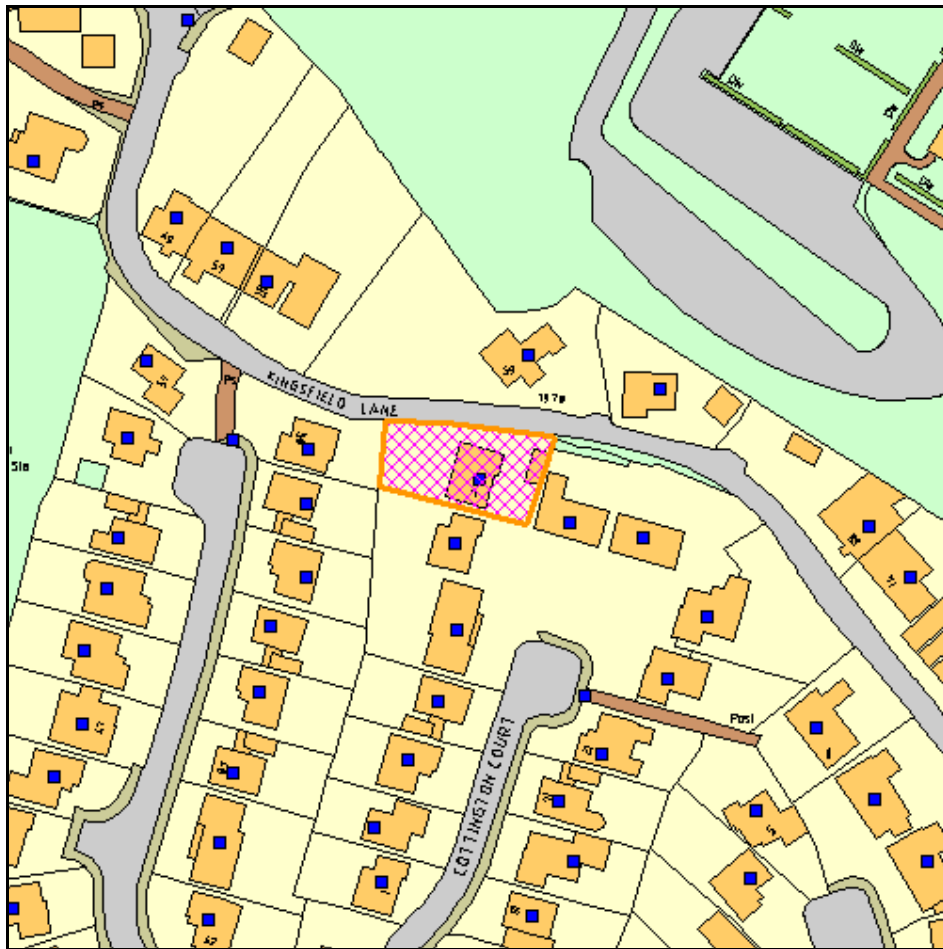
6. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 Mondays to Fridays (inclusive); 08:00 to 13:00 Saturdays; and no working shall take place on Sundays or Public Holidays. The term `working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

In the interests of the residential amenity of neighbouring occupiers, to accord with Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 27/15 – 3 JULY 2015

App No.:	PK15/2389/F	Applicant:	Mr Nigel Adams
Site:	7 Cottington Court Hanham Bristol South Gloucestershire BS15 3SJ	Date Reg:	4th June 2015
Proposal:	Erection of single storey front and rear extension to form additional living accommodation.	Parish:	Hanham Parish Council
Map Ref:	365212 172236	Ward:	Hanham
Application Category:	Householder	Target Date:	27th July 2015



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's circulated schedule procedure as comments received have been contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey front and rear extension to provide additional living accommodation.
- 1.2 The application site is no. 7 Cottington Court, a single storey bungalow within a residential close in Hanham. The host dwelling is located within the East Fringe of Bristol Urban Area.
- 1.3 The property's permitted development rights for the erection of gates and fences to the front are restricted under planning ref. K1124/35. However, the permitted development rights to erect extensions remain in tact.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation

H4 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013

South Gloucestershire Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 K1124/35AP7 Approval 27/02/1984
Erection of 138 houses and 7 bungalows on approximately 16 acres of land including associated roads, footpaths, cycle track, open space, garages and parking spaces.(previous id K1124/35ap7)
- 3.2 K1124/35 Approval 27/04/1981
Comprehensive development of approx. 318 acres of land for residential and educational purposes, public open space and local centre (outline) (previous id: k1124/35).

4. CONSULTATION RESPONSES

4.1 Hanham Parish Council
No objection.

4.2 Lead Local Flood Authority
No comment.

Other Representations

4.3 Local Residents

One letter of objection has been received from a member of the public, a resident of no. 6 Cottington Court, the adjacent dwelling. Their comments are summarised below:

- The proposal would result in our property being severely overlooked and would also diminish the amount of natural light passing into our main downstairs living area;
- The extension would be overbearing to our back garden creating an oppressive environment which is not consistent with the nature of the housing estate;
- The depth of the planning application contravenes the 45 degree rule from our downstairs patio windows;
- The height of the rear roof should only be 3 metres or less, as it is within 2 metres of the boundary;
- The peak of the extension seems unnecessarily high;
- The estate is mainly inhabited by elderly people, this proposal would result in a dwelling more characteristic of a two storey family home; there are limited smaller properties suitable for older people available;
- We share a driveway meaning the works to erect the extension would affect my family, such as obstructions from work vehicles.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the erection of a single storey rear and front extension.

5.2 Principle of Development

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted if the highest possible standards of site planning and design are achieved. Meaning developments should demonstrate that they: enhance and respect the character, distinctiveness and amenity of the site and its context; have an appropriate density and well integrated layout connecting the development to wider transport networks; safeguard and enhance important existing features through incorporation into development; and contribute to strategic objectives.

5.3 Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) is supportive in principle of development within the curtilage of existing dwellings. This support is provided proposals respect the existing design; do

not prejudice residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.

5.4 Design and Visual amenity

The proposal has two main components, a rear extension and front extension. The front extension will extend an original front extension with a protruding gable end. This front extension will extend for approximately 2 metres more than the existing protrusion. Due to the host site being positioned in a secluded location and the existing front extension, the proposal is considered to respect the design of the existing dwelling, and to in-keep with the character of the area.

5.5 The proposal also includes a rear extension. This extension is composed of twin dual pitch roofs and gable ends. The scale of the rear extension does appear large when compared to the existing dwelling, as the host structure is a single storey bungalow. However, the proposed rear extension does not appear to be a disproportionate addition to the existing dwelling. The height of these twin gable end rear extensions are less than the existing maximum height of the dwelling, which allows the rear extension to remain subservient to the existing dwelling. The rear extension extends for approximately 3.4 metres to the rear of the existing dwelling, this is an acceptable distance, especially when considering through the permitted development rights a detached property can extend for 4 metres, and through the prior notification procedure a detached house can extend for 8 metres.

5.6 All of the materials used in both extensions will match those used in the existing dwelling, this aids the proposals in being congruent with the design features of both the existing dwelling and surrounding area.

5.7 Overall, the proposed single storey rear and front extensions have an acceptable scale and design, which is congruent with the surrounding area and respects the existing dwelling.

5.8 Residential Amenity

Saved policy H4 of the adopted Local Plan aims to ensure that residential development within established residential curtilage does not prejudice the residential amenity of any neighbouring occupiers.

5.9 The proposal to extend the existing front extension and protruding gable would not result in a materially detrimental impact on the neighbouring occupiers.

5.10 Within the proposed works a window will be inserted within the side elevation of the property. The case officer is mindful that this window could be inserted without the need for planning permission, as it is unlikely to constitute development. Regardless, this window will largely look out onto a fence and the side elevation of no. 6 Cottington Court. Accordingly, this window is not expected to result in a material loss of privacy to any nearby occupiers.

5.11 A resident at no. 6 Cottington Court has objected for a number of reasons, one of them being that the proposal would result in an overbearing presence. The

proposal is unlikely to result in a material loss of light to the aforementioned property, as the proposal is located to the north of no. 6 Cottington Court.

- 5.12 The proposal would not materially harm the outlook of the residents of no. 6 Cottington Court. The objection comments include reference to the proposal failing the '45 degree test'. Such a test is used as guidance as to whether a proposal will impact upon both the outlook of a dwelling and also levels of natural light. The case officer undertook this test from the mid-point of the rear ground floor patio doors of no. 6 Cottington Court, and found that the proposal would actually pass this test. Nonetheless, the existing boundary treatment (a fence approximately 1.8 metres high) would actually fail this test. Accordingly, the proposal is not expected to result in a rear extension which materially harmed the levels of natural light or outlook of no. 6 Cottington Court.
- 5.13 The proposal will extend to the rear of the property by approximately 3.4 metres and have a maximum height of 4.5 metres (2.8 metres from ground level to eaves height). Objection comments received suggest that as the proposal is within 2 metres of the boundary, the height of the proposal should not exceed 3 metres in height. This is a criterion within the assessment of extensions within the householder section of the permitted development rights, and therefore does not represent a rule or test which a proposal of this kind has to adhere to.
- 5.14 As previously stated the rear extension is composed of two dual pitch roofs connected by a gully, with two gables ends. The nature of a dual pitch roof aids in reducing any impact that such a structure could have on an adjacent dwelling. Regardless of this, the proposal is still single storey and only extends to the rear of the dwelling by a relatively modest amount. This together with the existing boundary treatment with no. 6 Cottington Court leads the case officer to the conclusion that the proposal will not result in such an oppressive structure that the adjacent garden is impacted in such a way that it would materially change how this area was used by the occupants of no. 6 Cottington Court. Accordingly, with this together with the previous assessment of outlook and natural light in mind, it is judged that the proposal would not materially harm the residential amenity of the occupiers of no. 6 Cottington Court.
- 5.15 Due to the distance to other properties to the rear and north, the proposed rear extension is not expected to detrimentally harm the residential amenity of any nearby occupiers.
- 5.16 Other Matters
Within the received objection letter, comments are made suggesting that the proposal is not acceptable as it would decrease the amount of small houses available for more elderly people in the area. Regardless of the fact that the proposal does not increase the number of bedrooms at the dwelling, whilst the apparent demand for smaller houses is considered to constitute a material consideration, in assessing an extension to a residential dwelling, such a consideration demands little weight in the assessment of this planning application due to the scale and nature of the proposal.
- 5.17 Due to the nature of the layout of the residential close, the host dwelling and no. 6 Cottington Court share part of a driveway. The residents' of no. 6

Cottington Court are concerned regarding work vehicles blocking this driveway during construction. In order to minimise this disruption a working hours condition will be imposed on any planning permission granted.

5.18 Transport and Parking

The proposal does not result in an additional bedroom at the property, and does not prejudice the existing parking facilities at the dwelling, therefore there are not highway safety objections to this proposal.

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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 It is recommended that planning permission is **GRANTED** subject to the conditions listed on the decision notice.

Contact Officer: Matthew Bunt
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).

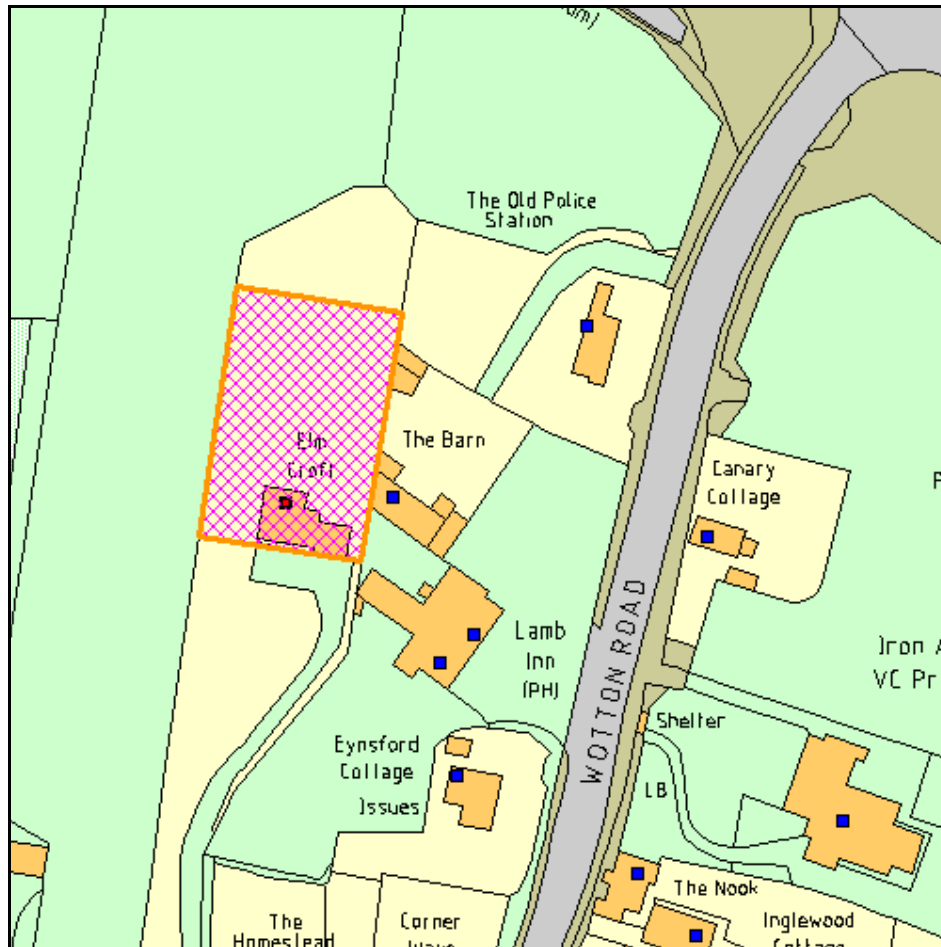
2. The hours of working on site during the period of construction shall be restricted to Monday - Friday 7.30 - 18.00 and Saturday 8.00 - 13.00 and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenity enjoyed by those living in the locality and minimise the disruption to the area, in accordance with saved Policy T12 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 27/15 – 3 JULY 2015

App No.:	PK15/2393/TCA	Applicant:	Mr Haydn Rickard
Site:	Elm Croft High Street Iron Acton Bristol South Gloucestershire BS37 9UH	Date Reg:	
Proposal:	Works to fell 4no. Conifer trees in Iron Acton Conservation Area	Parish:	Iron Acton Parish Council
Map Ref:	368105 183582	Ward:	Frampton Cotterell
Application Category:		Target Date:	14th July 2015



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N.T.S. PK15/2393/TCA

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as comments have been received during the public consultation period that are contrary to the recommendation.

However, this application is a prior notification of proposed works to trees in a conservation area. The purpose of such an application is to provide an opportunity for the Local Planning Authority (LPA) to serve a Tree Preservation Order (TPO) on the tree, should it fulfil the criteria of designation. A TPO must be served within a period of six weeks. Failure by the LPA to serve a TPO or respond to the notification within this timeframe results in a default position of the works gaining deemed consent. Therefore this application appears on the Circulated Schedule for information purposes only.

1. THE PROPOSAL

- 1.1 Works to fell 4no. Conifer trees in Iron Acton Conservation Area
- 1.2 The trees are in the rear garden of Elm Croft, High Street, Iron Acton, South Gloucestershire, BS37 9UH.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. The Town and Country Planning Act 1990
 - ii. The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
 - iii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012

3. RELEVANT PLANNING HISTORY

- 3.1 PK05/2965/TCA, Site Address: Elm Croft High Street Iron Acton BRISTOL South Gloucestershire BS37 9UH, Decision: NOB, Date of Decision: 09-NOV-05. Proposal: Works to prune various trees situated within Iron Acton Conservation Area.

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council has no observations on this proposal,

Other Representations

- 4.2 Local Residents

A resident from Frampton Cotterell has objected to the removal of these trees on the grounds that there will be a loss of amenity and wildlife habitat. The resident further states that the removal of the trees will affect the visual appearance of the area and the character of Iron Acton.

5. ANALYSIS OF PROPOSAL

5.1 This application provides prior notification of proposed works to trees situated within a conservation area.

5.2 Principle of Development

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, it is recognised that trees can make a special contribution to the character and appearance of a conservation area. Under the above Act, subject to a range of exceptions, prior notification is required for works to a tree in a conservation area. The purpose of this requirement is to provide the Local Planning Authority an opportunity to consider bringing any tree under their general control by making a Tree Preservation Order. When considering whether trees are worthy of protection the visual, historic and amenity contribution of the tree should be taken into account and an assessment made as to whether the tree fulfils the criteria of a Tree Preservation Order.

5.3 Consideration of Proposal

The proposal is for the removal of four golden Cypress trees that are situated in the rear garden of the property. The trees are mature, large specimens that stand amongst other mature trees in the garden.

5.4 The trees are visible predominantly from the rear of the property when viewed from "The Avenue Field" to the north. Other mature trees on the boundary obscure views of the trees from the west and they are barely visible from Wotton Road.

5.5 The trees have grown to a size that is excessive for their intended setting. These are an ornamental tree, meant for a formal layout. They are now of a size that is impacting on neighbouring trees that have the potential, if unhindered, to develop fuller, more natural forms.

5.6 These trees stand among better trees that provide greater amenity than those proposed for removal. These trees will also provide habitat for birds and other fauna in the area.

5.7 The loss of these trees will not have a detrimental effect on the landscape character of the area. The trees do not meet the criteria for inclusion on a Tree Preservation Order.

6. RECOMMENDATION

6.1 No objection

Contact Officer: Simon Penfold
Tel. No. 01454 868997

CIRCULATED SCHEDULE NO. 27/15 - 3 JULY 2015

App No.: PT13/1992/F
Site: Little Bridge Barn Pilning Street Pilning
South Gloucestershire BS35 4HL

Applicant: Mr Craig Noad
Date Reg: 18th June 2013

Proposal: Erection of agricultural building and
associated works (Retrospective)

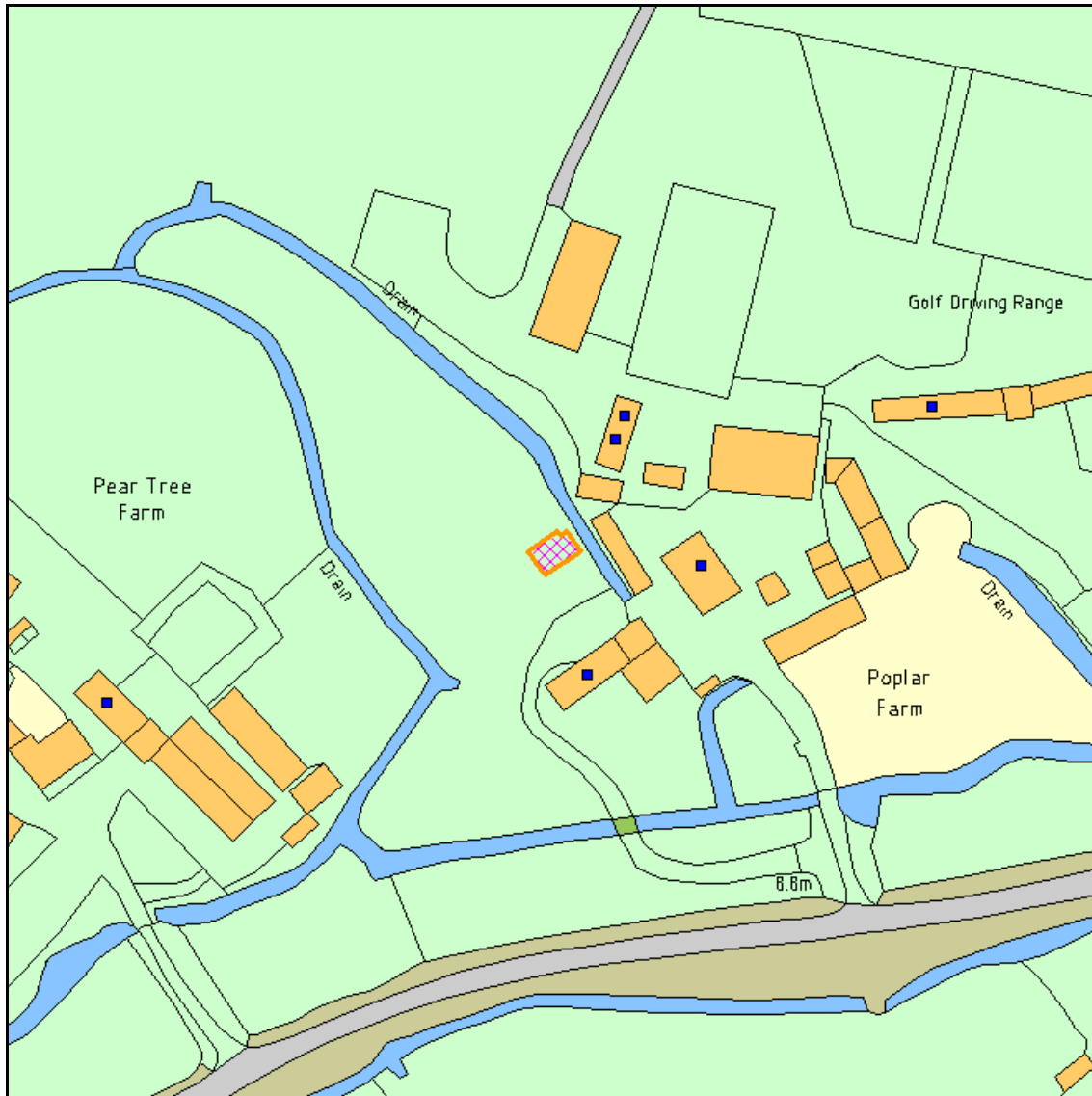
Parish: Olveston Parish
Council

Map Ref: 358346 185867

Ward: Severn

Application Category: Minor

Target Date: 8th August 2013



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100023410, 2008. **N.T.S.** **PT13/1992/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated as a result of the Parish Councils reported concern about the future use of this building.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to retain a building for agricultural purposes. The building measuring 13.2m long by 7.4m deep and 3.4m to the eaves is proposed to be used for agricultural storage purposes. The application would sit within an agricultural parcel of land.
- 1.2 The application site is tightly defined and sits on an 2.17acre plot. The site is located within the open countryside outside the defined settlement boundary and within the Green Belt. A farm, a couple of residences, a horse business and fields surround the application site. A converted barn is associated with the land and this buildings is not within the limited residential curtilage associated with that dwelling. No new access is proposed.
- 1.3 An agricultural justification is supplied stating that most of the floor area of the building (93%) would be required for the raising of young birds, growing on the poultry and for the storage of bedding fodder and feed for pigs and poultry. The additional space would allow for more winter storage and growth of the poultry enterprise.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

E9 Agricultural development

L1 Landscape protection and enhancement.

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS9 Managing the environment and heritage

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/0249/F Erection of outbuilding to facilitate workshop and dog kennel (Retrospective) refused 26.03.2013 (green belt and noise)
- 3.2 PT15/0258/RVC Removal of conditions 2 and 3 attached to planning permission PT08/2871/F to enable the floorspace the subject of the (Class B1) restriction to be used for residential (Class C3) purposes as part of the existing private dwelling. Approved

4. **CONSULTATION RESPONSES**

4.1 Olveston Parish Council

Although the Parish Council do not object to this application whilst it is for agricultural use, we do have concerns as to the future use of this building as the structure is more substantial than that required for agricultural use.

4.2 Other Consultees Sustainable transport No objection

Drainage team –

No objection *subject to the EA being notified and the sequential test being met. The site is categorised as 'less vulnerable' and is located in flood zone 3.*

Environment agency

The site is within flood zone 3a. Providing the Local Planning Authority (LPA) are satisfied the requirements of the sequential test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objection in principle to the proposed development, subject to the inclusion of named informatives and recommendations within the decision notice.

Lower Severn Internal Drainage Board

As the surface water is being dealt with by way of a soakaway the Board is comfortable with the proposals.

Other Representations

4.3 Local Residents None received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Agricultural development in the countryside is acceptable in principle and the agricultural building is intended for agricultural use of the agricultural land. This seems to be a small holding with birds and a few various mammals. Policy E9 states that agricultural buildings will be permitted provided that:

A they are on land used for agricultural purposes and there area no suitable underused building available.

There is no other agricultural building on the plot as other buildings relate to eth residential use of the dwelling.

B adequate access and manoeuvring is available.

In this respect the building is located just off the existing drive to the house and no new access is proposed to serve the barn.

C the development shall have no unacceptable environmental effects

The barn is already located close to a hedge and the depth of hedge is maintained satisfactorily by the reasonable location of the building. The proposal is some 50m from the rhine passing east-west through the wider land mass and as such would not affect its management. Flood risk is considered separately below. Use as agricultural use, as proposed, is not anticipated to cause any other environmental effects. Accordingly the proposal would not have unacceptable effects on its surroundings.

D the proposal would not prejudice the amenities of people residing in the area. The barn is located close to a group of existing buildings, with a temporary dwelling, related to an equine use, being located on the eastern side of the boundary hedge and some 13m remote from the proposed barn. Another dwelling, masonry built, is also located close-by. The small barn has no physical impact on the neighbours who are located on the far side of a wide hedge and their own buildings. The proposed use is unlikely to cause harm to residential amenity by reason of noise or smell. It is therefore not considered to prejudice neighbours.

5.2 Visual amenity

The barn is located well within the landholding and is barely seen through a dense hedge running the length of Pilning Street. There are no other major view points of the buildings and in any case this timber stud construction building is proposed to be finished in green oak cladding with a natural finish and has reclaimed pan tiles to its roof. These are acceptable and will blend suitably with the surrounding landscape features and other buildings. Further details are not required. As such the barn would barely be visible from the roadside and would be located amongst an existing cluster of buildings which formed part of the neighbouring farm previously. Overall therefore the proposal is acceptable.

5.3 Flood risk

The above proposal falls within Flood Zone 3a which is an area with a high probability of flooding, where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year) or 1 in 200 years or less from tidal/coastal sources (i.e. a 0.5% or greater chance in any given year).

The proposal is for agricultural use and the agent indicates that as there is fixed locational requirement for the building mitigation would be carried out to help flood proof the building from damage. He considers the materials and form of construction of the building flood resilient and states that electrical wiring would be at a higher level and the building could be washed down and allowed to dry before being used again (for agricultural purposes). The floor level is already set broadly in line with the dwelling with which it is associated. It should however be remembered that this is a proposed barn, not a new home and given that the barn is associated with the dwelling close by, the dwelling could be used as a first floor refuge should a flood occur. The applicant will sign up to the Environment Agency's 'Floodline' service for early warning of potential flooding concerns.

Taking an overall view of the development, which is for agricultural use, not

residential use, the precautions are considered satisfactory.

5.4 Future use of the building

The parish council have stated that they do not object to the agricultural use of the building. They went on to advise that they are concerned about the future use of this building as the structure is more substantial than that required for agricultural use. It is true that this is more than a simple metal framed building but the use proposed is that of agriculture. Any future use departing from this would need to be assessed under planning permission or under permitted use rights on due course. The land holding does not have other agricultural buildings and it is reasonable to facilitate the retention of the building for this purpose.

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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is granted subject to the condition set out below which, given the retrospective nature of the building does not contain a commencement time condition.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

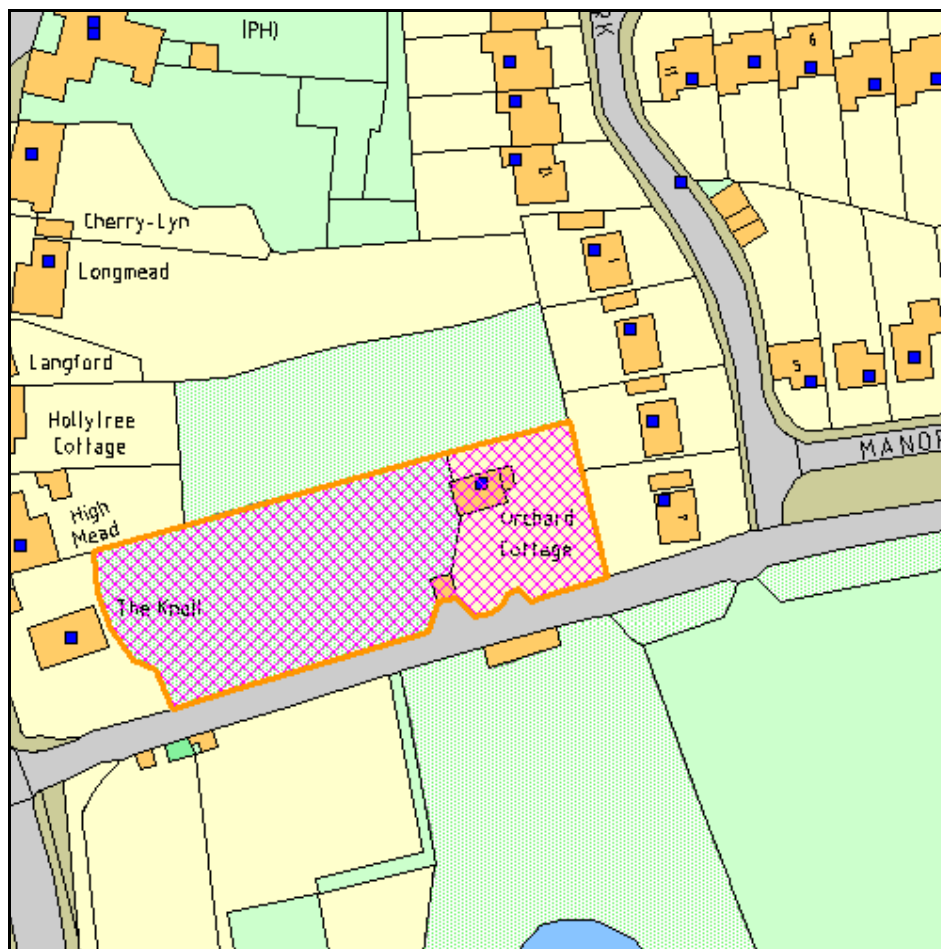
1. The barn shall be completed and maintained in accordance paragraphs 6.3 to 6.6 of the Flood Risk Assessment submitted on 13 June 2013. (This relates to floor level, electrical wiring, refuge from the barn to the associated house and signing up to the Environment Agencies 'Floodline' service).

Reason

In order to maximise the resilience of the building and protect the future users of the building against the potential flooding issues of this Flood Zone Three location and to comply with policy CS1(9) and (11) of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

CIRCULATED SCHEDULE NO. 27/15 – 3 JULY 2015

App No.:	PT15/2083/TCA	Applicant:	Mr Lee Millman
Site:	Orchard Cottage Lower Tockington Road Tockington Bristol South Gloucestershire BS32 4LF	Date Reg:	21st May 2015
Proposal:	Works to fell 2no. Apple trees, 2no. Cherry trees, 1no. Conifer tree and 8no. Leylandi trees. Works to crown lift 2no. Sycamore trees and 2no. Elm trees to 4 metres, and to prune back to boundary 1no. Pine tree, all within Olveston Conservation Area.	Parish:	Olveston Parish Council
Map Ref:	360956 186402	Ward:	Severn
Application Category:		Target Date:	1st July 2015



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as comments have been received during the public consultation period that are contrary to the recommendation.

However, this application is a prior notification of proposed works to trees in a conservation area. The purpose of such an application is to provide an opportunity for the Local Planning Authority (LPA) to serve a Tree Preservation Order (TPO) on the tree, should it fulfil the criteria of designation. A TPO must be served within a period of six weeks. Failure by the LPA to serve a TPO or respond to the notification within this timeframe results in a default position of the works gaining deemed consent. Therefore this application appears on the Circulated Schedule for information purposes only.

1. THE PROPOSAL

- 1.1 Works to fell 2no. Apple trees, 2no. Cherry trees, 1no. Conifer tree and 8no. Leylandi trees. Works to crown lift 2no. Sycamore trees and 2no. Horse chestnut trees to 4 metres, and to prune back to boundary 1no. Pine tree, all within Olveston Conservation Area.

2. POLICY CONTEXT

2.1 National Guidance

- i. The Town and Country Planning Act 1990
- ii. The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
- iii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/3598/TCA, Site Address: Highmead, Lower Tockington Road Decision: NOB, Date of Decision: 15-OCT-14. Proposal: Works to fell 5no. apple trees, 1no. plum tree and 11no. non-native conifer trees in Tockington Conservation Area.
- 3.2 PT12/3034/TCA, Site Address: Orchard Cottage Lower Tockington Road Decision: NOB, Date of Decision: 04-OCT-12. Proposal: Works to 15 no. trees, as detailed on application form received 5 September 2012, in the Olveston Conservation Aea.
- 3.3 PT12/3029/TRE, Site Address: Orchard Cottage, Lower Tockington Road Decision: COND, Date of Decision: 15-OCT-12. Proposal: Works to prune back from garage roof and remove dead wood 1no. Norway Maple (Acer platanoides) covered by Tree Preservation Order SGTPO 13/11 dated 23 January 2012.

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council

No objections although they state they would like to see replacement trees planted.

Other Representations

4.3 Local Residents

One objection has been submitted from a resident in Bitton regarding nesting birds.

A further objection has been submitted with regards to the accuracy of the submitted plan. They have asked that a more accurate plan is submitted.

5. ANALYSIS OF PROPOSAL

5.1 This application provides prior notification of proposed works to trees situated within a conservation area.

5.2 Principle of Development

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, it is recognised that trees can make a special contribution to the character and appearance of a conservation area. Under the above Act, subject to a range of exceptions, prior notification is required for works to a tree in a conservation area. The purpose of this requirement is to provide the Local Planning Authority an opportunity to consider bringing any tree under their general control by making a Tree Preservation Order. When considering whether trees are worthy of protection the visual, historic and amenity contribution of the tree should be taken into account and an assessment made as to whether the tree fulfils the criteria of a Tree Preservation Order.

5.3 Consideration of Proposal

The tree works proposed are not deemed to be detrimental to the landscape. Where trees are to be pruned, this is to facilitate access up the main drive to Orchard Cottage and the specifications are considered reasonable. The trees that are identified for removal are of low quality and would not meet the criteria for protection under a Tree Preservation Order.

5.4 To address the objection due to nesting birds, it is not illegal to prune trees during the nesting season. It is however, illegal to disturb active nests at any time of the year. An informative containing this information is included on all decision notices.

5.5 It is considered that the submitted plan was accurate enough to identify the locations of the trees.

5.6 Although the Parish Council would like to see replacement trees planted there is no legal obligation to replace trees removed from a Conservation area.

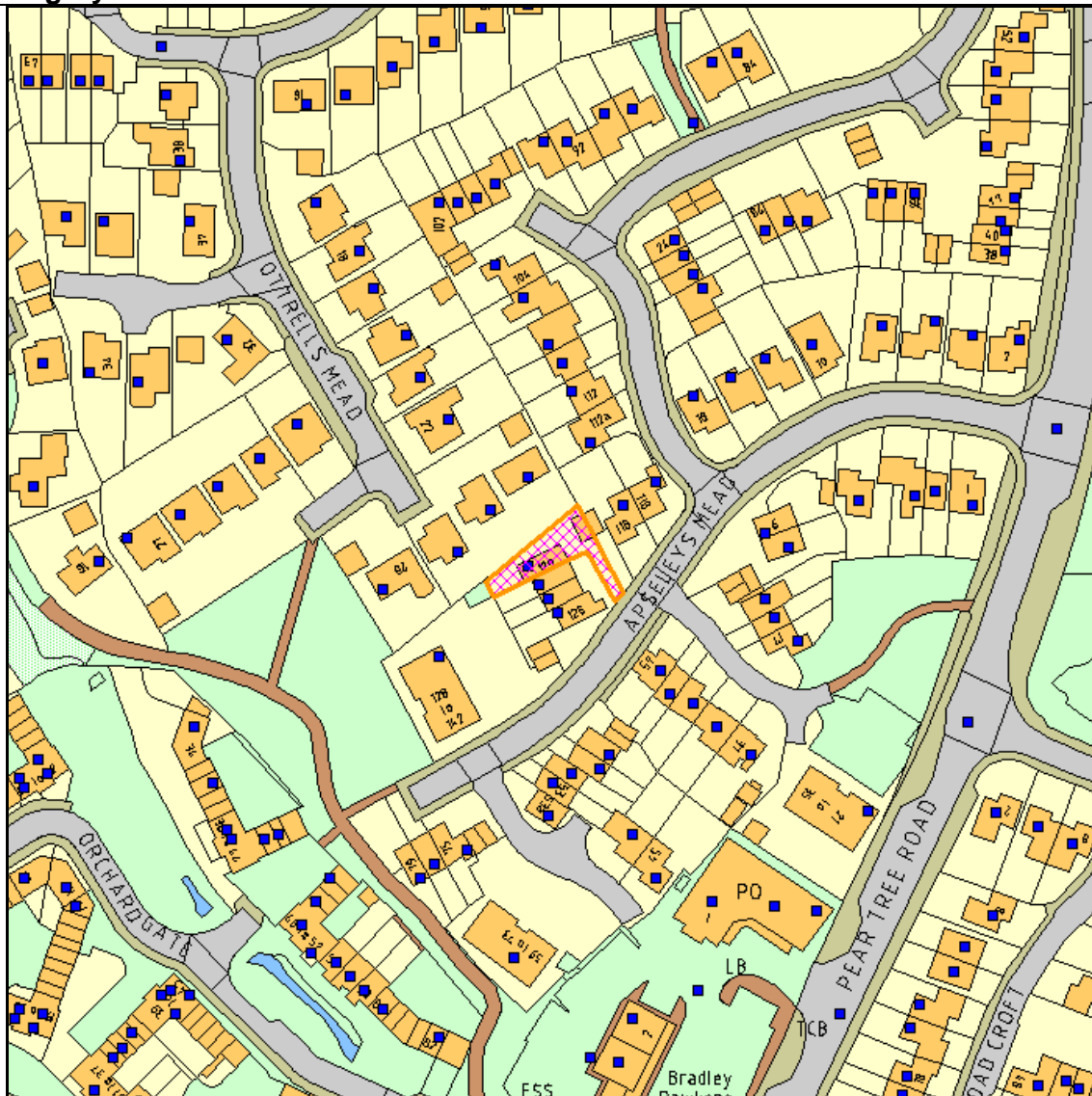
6. RECOMMENDATION

6.1 No objections

Contact Officer: Phil Dye
Tel. No. 01454 865859

CIRCULATED SCHEDULE NO. 27/15 – 3 JULY 2015

App No.:	PT15/2090/F	Applicant:	Mr Greg Jones
Site:	120 Apseleys Mead Bradley Stoke Bristol South Gloucestershire BS32 0BG	Date Reg:	20th May 2015
Proposal:	Erection of porch and two-storey side extension to form additional living accommodation	Parish:	Bradley Stoke Town Council
Map Ref:	361309 182925	Ward:	Bradley Stoke North
Application Category:	Householder	Target Date:	9th July 2015



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule to take into account the objection from the Town Council. The objection is contrary to the Officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two-storey side extension and the erection of a front porch. The application site is a two-storey end-of-terrace dwelling in Bradley Stoke.
- 1.2 The application site is within the existing urban area. Permitted development rights for buildings, gates, fences, walls or other means of enclosure were removed from the site by condition 4 of the authorising planning permission (P88/0020/69). No conditions are attached relating to the uses of the garages.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)
T12 Transportation
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) August 2007
Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P88/0020/69 Approval of Reserved Matters 20/04/1988
Residential development on approximately 2.8 hectares (6.96 acres) to include erection of 115 dwelling units with associated garages and boundary walls. Construction of estate roads and car parking areas (in accordance with the amended plans (to be read in conjunction with P84/0020/1)
- 3.2 P84/0020/1 Approval 03/12/1986
Residential, shopping & employment development including roads and sewers and other ancillary facilities on approx.1000 acres of land.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Objection: Overdevelopment of the site; insufficient parking due to garage conversion
- 4.2 Lead Local Flood Authority
No comment
- 4.3 Sustainable Transport
No objection

Other Representations

- 4.4 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of a porch and side extension at a residential dwelling in Bradley Stoke.
- 5.2 Principle of Development
Extensions and alterations to existing dwellings are generally supported by policy H4 of the Local Plan. This is subject to an assessment of design, amenity and transport. Therefore the proposal is acceptable in principle and the application should be determined against the analysis set out below.
- 5.3 Design
At present, part of the garden for no.120 wraps around the side of the property. It is on this piece of the garden that the two-storey extension is proposed. The site is broadly triangular in shape being wider at the front than it is at the back. The proposed extension would sit 0.6 metres from the boundary to allow pedestrian access to the rear gardens but would generally follow the triangular shape of the plot. The front elevation of the extension would be set back from the front elevation of the house by 0.3 metres. A porch is also proposed. The porch projects 1.5 metres from the front elevation and has a width of 2.3 metres. Should permitted development rights be intact, planning permission is unlikely to be required for the porch.
- 5.4 Policy H4 requires development to respect the massing, character and appearance of the existing property. The proposed extensions are considered to be in proportion with the original house and retain its general character and appearance. The design of the proposal is acceptable.
- 5.5 Residential Amenity
Development should not be permitted that has a prejudicial impact on residential amenity of the application site or nearby occupiers. It is not considered that the proposal, if permitted, would adversely affect the level of amenity offered to the application site.

- 5.6 Care should be taken when assessing the impact of the development on the amenities of nearby occupiers. The two properties that would be most likely to be affected are nos.23 and 24 Ottrells Mead. These properties are located to the north of the application site and their rear elevations face the side elevation (when the two-storey extension is proposed) of the application site. 23 Ottrells Mead is approximately 11.5 metres from the proposed extension whilst no.24 is approximately 9.5 metres. Due to the width of the extension at the front, no.23 would be most affected. However it is considered that the separation distance is sufficient to avoid the proposed extension from being overbearing.
- 5.7 A greater impact would be felt by no.24 as this property is closer to the site. The proposed extension would only cover part of the rear boundary of the garden of no.24 and the triangular shape reduces the impact of the development.
- 5.8 Whilst it is noted that there will be some impact on the residential amenities of these properties, it is not considered that this impact is significant or prejudicial. A refusal on the grounds of residential amenity is not considered to be sustainable.
- 5.9 Transport and Parking
With domestic extensions, the main consideration in relation to transport is the provision of sufficient off-street parking. The Residential Parking Standard SPD sets a minimum parking requirement commensurate with the number of bedrooms in a property. The proposal would result in the creation of a four-bedroom dwelling. Four-bedroom dwellings require the provision of two off-street parking spaces.
- 5.10 A drive leading to the garage is situated at the front of the property. This driveway provides two parking spaces and therefore accords with the requirements of the SPD.
- 5.11 Comments have been raised regarding the garage conversion. On inspection of the site there are no obvious external changes to the garage that would prevent its use as a garage. Planning permission is not required for the conversion of the garage to incidental/ancillary living accommodation as the use of the garage is not restricted by condition and internal works are excluded from the definition of development.

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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended that planning permission is GRANTED subject to the conditions listed on the decision notice.

Contact Officer: Griff Bunce
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 a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).