



**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. 10/17**

**Date to Members: 10/03/2017**

**Member's Deadline: 16/03/2017 (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](mailto: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:

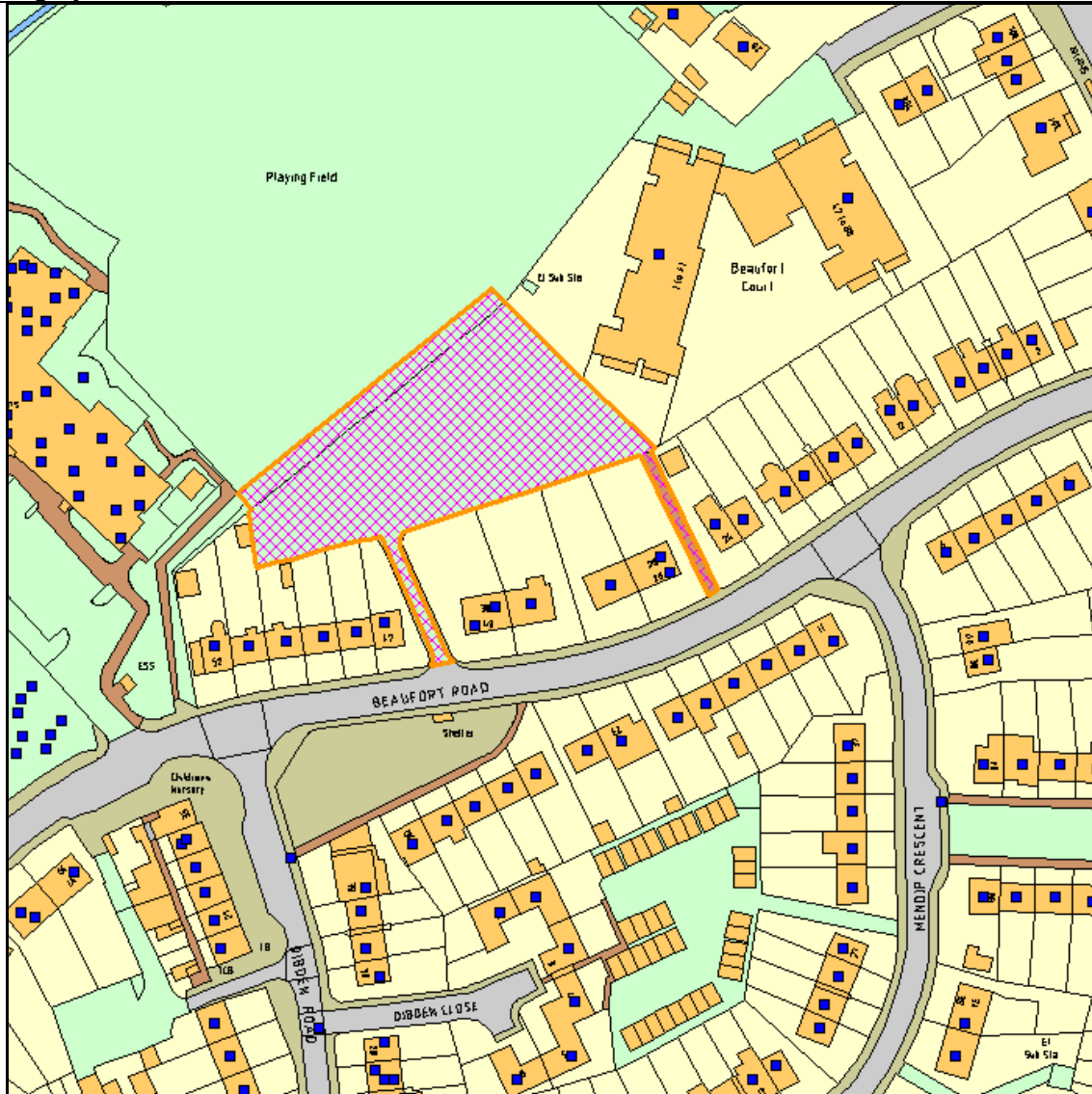
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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](mailto: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 - 10 March 2017

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	<b>PK16/4492/F</b>	Approved Subject to	Land Off Beaufort Road Downend South Gloucestershire BS16 6UG	Emersons	Emersons Green Town Council
2	<b>PK17/0320/F</b>	Approve with Conditions	8 Chestnut Drive Chipping Sodbury South Gloucestershire BS37 6HF	Chipping	Sodbury Town Council
3	<b>PT16/6837/CLP</b>	Approve with Conditions	The Pines 60 Henfield Road Coalpit Heath South Gloucestershire BS36 2UZ	Westerleigh	Westerleigh Parish Council
4	<b>PT16/6859/RVC</b>	Approve with Conditions	B & Q Fox Den Road Stoke Gifford South Gloucestershire	Frenchay And Stoke Park	Stoke Gifford Parish Council

## CIRCULATED SCHEDULE NO. 10/17 – 10 MARCH 2017

<b>App No.:</b>	PK16/4492/F	<b>Applicant:</b>	Merlin Housing Society
<b>Site:</b>	Land Off Beaufort Road Downend Bristol South Gloucestershire BS16 6UG	<b>Date Reg:</b>	2nd August 2016
<b>Proposal:</b>	Erection of 12no. self contained flats and 4no. semi-detached dwellings with access and associated works.	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	366344 177681	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Major	<b>Target Date:</b>	27th October 2016



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 100023410, 2008. N.T.S. PK16/4492/F

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application has been referred to the circulated schedule for determination as comments have been received which are contrary to the recommendation and because the decision is subject to a legal agreement.

The application is also referred to the circulated schedule for Members to endorse the approach taken by officers with regard to planning obligations and site viability.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of 4 houses and 12 flats – leading to a total of 16 residential units. The mix of units proposed are three 2-bedroom houses, one 3-bedroom house, three 1-bedroom flats, and nine 2-bedroom flats. The units would be in four main ‘blocks’ of development comprising two pairs of semi-detached two-storey houses and two linked three-storey buildings containing the flats.
- 1.2 Before this planning application was submitted, the site was cleared. It formerly contained 67 ‘lock-up’ garages; it is now left to hardstanding.
- 1.3 The site is accessed along the existing vehicular access for the former garages between 40 and 42 Beaufort Road. To the east, south and west of the site are existing residential uses; to the north is a playing field and beyond that the Leap Valley – an area of open space. Vehicular access to the playing field is provided from the application site.
- 1.4 The application site is located in the east fringe of the Bristol urban area. There are no further land use designations that cover the site.

### **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
- 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
- CS29 Communities of the East Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- L1 Landscape
- L9 Species Protection
- EP2 Flood Risk and Development
- T7 Cycle Parking
- T12 Transportation

2.3 Supplementary Planning Guidance

- Design Checklist SPD (Adopted) August 2007
- Residential Parking Standard SPD (Adopted) December 2013
- Affordable Housing and ExtraCare SPD (Adopted) May 2014
- Waste Collection SPD (Adopted) January 2015
- CIL and S106 SPD (Adopted) March 2015

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK13/2592/PND No objection 13/08/2013  
Prior notification of the intention to demolish 67 no. garages (Resubmission of PK13/2149/PND)
- 3.2 PK13/2149/PND Withdrawn 10/07/2013  
Prior notification of the intention to demolish 67 no. garages.

**4. CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council  
No objection.
- 4.2 Arts and Development Officer  
No comment.
- 4.3 Avon and Somerset Constabulary  
Objection: safety and security have not been fully addressed; design includes area which may be subject to crime; lack of surveillance of parking areas; chain link fences are weak and are not recommended adjacent to public areas; short walls could be used as a congregation point leading to anti-social behaviour; parking areas should be lit; motorcycle spaces should have an anchorage point; communal cycle storage should be locked and lit and vandal resistant.
- 4.4 Ecology Officer  
No objection; conditions relating to ecological enhancement required.
- 4.5 Highway Structures  
No comment.
- 4.6 Housing Enabling  
The proposal triggers an affordable housing contribution of 6 units. This should be secured through an appropriate legal agreement.

- 4.7 Landscape Officer  
No objection; details of proposed landscaping should be secured by condition.
- 4.8 Lead Local Flood Authority  
No objection; request SUDS scheme to be secured by condition.
- 4.9 Public Open Space (New Communities)  
Development triggers a requirement for open space. No open space is provided on site. Should the planning officer consider that it would make a more acceptable development, a financial contribution for improvements to off-site open space should be sought through an appropriate legal agreement.
- 4.10 Sustainable Transport  
No objection; a build out at the junction of the access and Beaufort Road is required – this should be secured through a legal agreement.
- 4.11 Urban Design  
No objection; minor amendments required in relation to Plot 1 and clarity over the shared surface; robust materials need to be selected.
- 4.12 Waste Engineer  
Bin store is some distance from the flats but acceptable; access to the site for refuse vehicles would only be possible if the junction is kept free of parked cars.
- 4.13 Wessex Water  
No objection; the applicant should contact the sewer protection team for more information regarding existing Wessex Water assets.

### **Other Representations**

- 4.14 Local Residents  
Five comments of objection have been received from local residents raising the following concerns:
- Beaufort Road has been subject to enough development; no more flats should be built
  - communal parking should be provided
  - concern about security
  - development would make access to facilities difficult
  - driveways and dropped kerbs should be provided to those effected
  - green space should be retained
  - impede access for emergency services
  - increase in traffic
  - insufficient parking
  - lack of consideration of parking for existing residents
  - lack of parking impacts on local business
  - loss of parking
  - noise from development would impact on amenity
  - number of dwellings is too much
  - parking for nursery should be improved

- parking should be provided within grass verge on Beaufort Road

## 5. ANALYSIS OF PROPOSAL

- 5.1 Planning permission is sought for the erection of four houses and twelve flats on a site in Downend.
- 5.2 Principle of Development  
The application site is located in the east fringe of the Bristol urban area where, under policy CS5, new development is directed. Therefore development on this site accords with the locational strategy of the development plan and is acceptable in principle.
- 5.3 However, at present the local planning authority cannot demonstrate a 5-year supply of deliverable housing land. Therefore paragraph 49 of the NPPF is engaged and policies in the development plan which act to restrict the supply of housing are out of date. When the development plan is out of date, development proposals should be determined against the presumption in favour of sustainable development. This states that planning permission should be granted unless the adverse impacts of doing so *significantly and demonstrably* outweigh the benefits of the proposal or specific guidance in the NPPF indicates that permission should be resisted.
- 5.4 Whilst the proposed development does not, based on its location, conflict with the development plan, the test to be applied in determining this application is whether the adverse impacts of development clearly outweigh the benefits. This application should therefore be determined on the analysis set out below.
- 5.5 Benefits of Development  
Should planning permission be granted, it would result in the net gain of 16 dwellings towards the overall housing land supply in the district. Given the scale of development, the nature of the site, and the funding arrangements for the developer, it is considered likely that the housing would be delivered within a 5-year period.
- 5.6 The development is being undertaken by Merlin, a registered provider. As a result the development would provide 100% affordable housing (although the Authority would only be able to secure 35% as affordable housing under the remit of policy CS18). This would be in the form of 12 flats for affordable rent, 2 houses for affordable rent, and 2 houses for shared ownership.
- 5.7 Therefore the benefit of the application is the provision of 16 affordable dwellings in a sustainable location within the urban area on previously developed land. This weighs heavily in favour of the grant of planning permission.
- 5.8 Potential Adverse Impacts  
The presumption in favour of sustainable development requires the decision taker to balance the benefits of the development against the adverse impacts. It is therefore necessary to assess the other aspects of the proposal to identify if any harms would result from the development should it be permitted.



### *Design, Layout and Density*

- 5.9 The vicinity around the application site is subject to a variety of building styles, ages, and types. Beaufort Road itself is characterised by pairs and short terraces of two-storey dwellings. These buildings have gable roof bookend features on the longer terraces. A three storey building stands near the junction of Beaufort Road and Dibden Road. The majority of the building stock in the locality is mid twentieth century. More modern development has taken place to the west, including Badminton Court, Beaufort Lodge, and the Leap Valley Medical Centre. To the east of the application site stands Beaufort Court which is a later mid-century three-storey building; this building does not have an active role in the street scene of Beaufort Road being primarily accessed from Blackhorse Lane.
- 5.10 The development is approached along the access lane between 40 and 42 Beaufort Road. As you enter the site, views would be terminated by the forward facing gable on plot 2. The pairs of semi-detached houses generally reflect the majority of the building stock in the locality and therefore are an appropriate design solution for the site entrance. The larger blocks containing the flats are located to the east of the site, closer to Beaufort Court. The shape and orientation of the site also means that this location provides the largest distance between the proposed flats and the houses on Beaufort Road.
- 5.11 In terms of layout, the development provides two main areas for parking – one to the east in front of the flats and one to the west of the dwellings. Gardens are provided behind the buildings and provide a green edge to the playing field behind. The nature of the access is undesirable in terms of design being narrow and flanked on both sides by residential gardens and therefore less open in nature than would be preferred.
- 5.12 Whilst the access is less than desirable, the proposed layout is overall considered to be acceptable.
- 5.13 Turning to the number of units and housing density, the proposal would equate to 61.5 dwellings per hectare. This is a relatively high density of development although density is not the only measure to assist in the assessment of the proposal. Under planning policy, development proposals are required to make the most efficient use of land. Higher density housing can make for the efficient use of land where development is supported by sufficient infrastructure and access to services whilst meeting and providing for the needs arising from the development itself.
- 5.14 Good access to public transport is available from the site. Within walking distance are a number of community facilities and access to shopping facilities. Employment sites are located within a sustainable distance. The site provides parking to meet the needs arising from the development and gardens. It is therefore concluded that the site is an appropriate site for higher density development and that the proposed scheme makes for the efficient use of land.
- 5.15 Appearance is a key design consideration as good design is indivisible from good planning. Design concerns have been raised by the urban design officer

and the crime prevention officer. Amendments to the proposal have been received to address some of these. The key changes relate to plot 1. This property has had its internal layout and fenestration revised so that it provides surveillance over the parking area to the west. The side elevation now becomes an active frontage helping to ensure that design is both visually attractive and enhances safety. A limited palette of materials have been selected including brick, render and tiles for the semi-detached dwellings and the same with the addition of coloured board cladding and glazed balconies on the flats.

- 5.16 An acceptable external appearance has been indicated. The use of appropriate materials, to include those for doors and windows, should be secured by condition.
- 5.17 The analysis on design and layout has not identified any harms which would result from the development that cannot be adequately managed by condition. In terms of the presumption in favour of sustainable development, design neither acts to support or resist the proposal.

#### *Living Conditions*

- 5.18 Development that has an adverse impact on the amenities of nearby occupiers is likely to result in harm when considered in the context of the presumption in favour of sustainable development.
- 5.19 Privacy and overlooking is a primary factor in assessing the impact of development on residential amenity. To the rear of the site is a playing field and therefore no amenity issues. To the front, the existing dwellings on Beaufort Road are at a minimum 21 metres from the proposed development and a maximum of 44 metres. These distances are sufficient to retain privacy and prevent overshadowing. Beaufort Court, to the east, is closer to the proposed building at 8 metres (corner to corner). Some windows are proposed on the eastern elevation of the proposed building. The buildings have an angular relationship to each other although the distance between the windows is around 12 metres. At an angle of 55 degrees, the potential of intervisibility is lowered. The relationship is less than ideal but it is not considered to be prejudicially harmful. As such, any harm would be limited.
- 5.20 To the west, there is sufficient distance between the proposed development and Badminton Gardens to prevent any harmful impact on residential amenity.
- 5.21 Under policy PSP43 of the forthcoming *Policies, Sites and Places Plan*, the council intends to introduce a minimum private amenity space standard. For a 1-bedroom flat, a minimum of 5 square metres of amenity space should be provided. For a 2-bedroom flat, communal amenity space over and above the 5 square metres should be provided. For houses, 40 square metres is required for 1-bedroom dwellings, 50 square metres for 2-bedrooms, and 60 square metres for 3-bedrooms.

- 5.22 Each flat would either have direct ground floor access to a garden or a balcony. It is indicated that the gardens for the flats would be shared. The minimum private amenity space is considered to be met.
- 5.23 The gardens for the houses do not meet the standard. Plots 1 to 3 under the standard should provide 50 square metres of garden. Instead they provide 36, 40, and 39 square metres respectively. Plot 4 should provide 60 square metres however it only provides 48 square metres.
- 5.24 Policy PSP43 has undergone examination by the Planning Inspectorate but an Inspector's report is yet to be issued and it is not an adopted policy. It therefore carries little weight in the decision taking process. The size of the areas of amenity space are not considered to be a reason to resist development – particularly given that the local planning authority cannot at this time demonstrate a 5-year supply of deliverable housing land.
- 5.25 It is not considered that the development would result in a prejudicial harm to residential amenity; any harm that did result from the development would be limited. Therefore in terms of the presumption in favour of sustainable development, living conditions and residential amenity acts neither to support nor resist the proposal.

#### *Transport and Parking*

- 5.26 The transport considerations associated with development of this nature is highway safety and parking. Part of considerations on highway safety relate to traffic.
- 5.27 It is estimated that the development would generate approximately 80 vehicular movements per day and that 10 of these would be during the morning peak and a similar number in the evening peak. This equates to one vehicular movement approximately every 6 minutes. Consideration must be given to the previous use of the site for 67 garages and the traffic generation that could be associated with such a use. The net impact on traffic resulting from the development is therefore considered to be small when considered in the overall level of traffic on the highway network.
- 5.28 At present, the access lane would not meet the adoptable standard at 3.5 metres wide. It is proposed to widen the road as a shared surface to an adoptable standard. In order to improve access and egress to and from the site, the junction of the access lane and Beaufort Road needs to be improved through build-outs into the existing carriageway; this would improve visibility. Subject to improvement the access is acceptable for both the domestic and commercial (such as refuse wagons) vehicles which will need to access the development. A legal agreement would be required to secure these works.
- 5.29 With regard to parking, the Residential Parking Standard SPD identifies the number of parking spaces required commensurate with the number and size (in terms of the number of bedrooms) that the development requires. To serve the residential units, 23 parking spaces are required. In addition to this, 3 visitor spaces are also required making an overall parking requirement of 26 spaces.

- 5.30 The development provides the parking spaces required and therefore mitigates its own impact and is acceptable. Sufficient cycle parking is also indicated.
- 5.31 Concern has been raised by local residents as to the impact of the proposal on parking provision for the existing dwellings; this is from two sources – the parking provided by the site itself and parking on Beaufort Road.
- 5.32 Prior to their demolition, the site was occupied by lock-up garages. It is accepted that at some stage these garages served the surrounding residential dwellings to provide parking, storage, and other such ancillary functions. However, the disadvantage of such a layout is that the garages cannot be considered to form part of any particular dwelling's residential curtilage. The relationship between the lock-up garages and the houses is therefore undefined.
- 5.33 Over time, any relationship has become even more dilute with the transfer of land to Merlin and owner occupation of the nearby dwellings. The site cannot therefore be considered to provide parking and the redevelopment of the site would not therefore lead to the loss of parking.
- 5.34 The other area of concern is the resulting impact on on-street parking. Parking in the public highway must be undertaken lawfully and cannot be attributed to any particular dwelling.
- 5.35 In order to provide sufficient visibility, a build out into the public highway is required. This would reduce the availability of on-street parking in the immediate vicinity of the site entrance. The size of the build outs are relatively small and would not make a significant impact overall.
- 5.36 Whilst it is noted that there would be a limited decrease in on-street parking, this would be a perceived decrease given that parking in the public highway cannot be controlled or secured under the Planning Act. The build outs, in planning terms, would generally considered to have a neutral impact. The only situation where development could be resisted on such grounds is where development would lead to an off-set in parking such that it resulted a severe impact on highway safety. In such circumstances development should only be refused when it cannot be mitigated, such as through the use of traffic regulation orders.
- 5.37 Therefore subject to securing the necessary highway works, the proposed development would not result in harm. Therefore in terms of the presumption in favour of sustainable development, transport, parking and highway safety acts neither to support nor resist the proposal.

#### *Affordable Housing*

- 5.38 As the development would exceed 10 dwellings and the site is within the urban area, an affordable housing contribution is triggered by policy CS18. In reality, the entire scheme will provide affordable housing as the development is being undertaken by Merlin Housing Society. However, under the provisions of policy

CS18 the council can only secure 35% of the units to be provided as affordable housing.

- 5.39 Therefore 6 of the units should be secured through an appropriate legal agreement in order to comply with policy CS18. The provision of affordable housing weighs heavily in favour of the grant of planning permission.

*Public Open Space*

- 5.40 As a result of the proposed development, there would be a local population increase. It is reasonable to expect the future residents of the proposed development to require access to a range of open spaces.
- 5.41 Public open space should, in the first instance, be provided on site. Given the size of the site and characteristics of the local area, it is considered that a higher density development makes the most efficient use of land in a sustainable location and therefore an off-site contribution would be appropriate.
- 5.42 An audit of existing provision has demonstrated an existing shortfall of informal recreational open space, natural and semi-natural open space and provision for children and young people. There is a theoretical adequate supply of outdoor sports provision accessible from the proposed development, however this provision is bolstered by primary school provision where access is not always guaranteed, the accessible playing fields within the area are all in need of enhancement. There is an existing good supply of allotment provision accessible from the proposed development.
- 5.43 In order to meet the need arising from the development, the following contributions would be required:

<i>Category of open space</i>	<i>Minimum spatial requirement (CS24) (sq.m.)</i>	<i>Spatial amount provided on site (sq.m.)</i>	<i>Shortfall in provision (sq.m.)</i>	<i>Contribution towards off-site provision/enhancement</i>	<i>Maintenance contribution</i>
<i>Informal Recreational Open Space</i>	328.65	0	328.65	£7,948.60	£14,010.81
<i>Natural and Semi-natural Open Space</i>	414	0	414	£5,548.64	£9,204.63
<i>Outdoor Sports Facilities</i>	441.6	0	441.6	£21,240.08	£6,428.68
<i>Provision for Children and Young People</i>	57.75	0	57.75	£9,307.30	£9,786.70
<i>Allotments</i>	55.2	0	55.2	£486.88	£620.80

- 5.44 A contribution of £44,531.50 towards of site public open space provision and enhancement and a contribution of £40,051.62 for future maintenance would be required for the development to be compliant with policy CS24.
- 5.45 The applicant has indicated that a contribution towards public open space provision and enhancement would make the development unviable. In order to formally consider the impact of the above financial contribution on the overall development viability, the application has submitted a viability appraisal. To provide an impartial assessment of the applicant's case, the appraisal was reviewed by the District Valuer.
- 5.46 A report by the District Valuer has been received. This indicates that the development is marginally unviable prior to any requested contribution being made. It is clear that in progressing a contribution the local planning authority would be a risk of preventing development. Guidance in the NPPF states that planning obligations should be 'fairly and reasonably related in scale and kind to the development' and that local planning authorities should be sufficiently flexible to take into account market conditions.
- 5.47 Whilst it has been demonstrated that a financial contribution towards public open space would render the development unviable, there would be a resulting harm should development be approved. The harm would be that the additional population would increase pressure on existing services and facilities.
- 5.48 The level of harm is to some degree mitigated by the viability of the scheme as the provision of affordable housing units has impacted on the overall financial outputs of the development. Indeed, on development of this nature, it is not expected that a 'profit' would be made from the scheme. However, whilst this is the case, the weight that should be attributed to the harm is still moderate.
- 5.49 Sustainable Development  
The application site is in an area where, under the locational strategy for development, housing would be directed. Development on this site does not therefore conflict with the provisions of the development plan.
- 5.50 In accordance with the presumption in favour of sustainable development, the potential impacts of the proposal have been considered above. It has been concluded that – with regard to design, amenity and transport – are not considered to result in harm or that any harm is limited and therefore neither significant nor demonstrable.
- 5.51 Harm has been identified with regard to the impact on public open space. This harm is considered moderate.
- 5.52 The benefit of the proposal is clear – the provision of 16 new residential units on brownfield land in a sustainable location. A further benefit is that the proposed residential units would be affordable units and the development undertaken by a registered provider. This weighs heavily in favour of the proposed development.

5.53 Much weight is attached to the benefit of the proposal. This because not only would it provide housing to assist in meeting the housing deficit, but that the units provided would be affordable in nature. The benefits of the development are considered to outweigh the harm resulting from the lack of contribution towards the provision and enhancement of public open space. Therefore the harm resulting from the development does not significantly and demonstrably outweigh the benefits of development and the proposal should therefore be granted planning permission in accordance with the presumption in favour of sustainable development.

5.54 Matters Addressed By Condition

In the analysis above matters which affect the principle of development or the balance of the presumption in favour of sustainable development have been considered. A number of elements of the scheme could be satisfactorily addressed by condition and therefore these will be considered here.

*Ecology and Landscape*

5.55 No detailed landscape plans have been submitted with the application. However, there is not a landscape objection to development. Instead, adequate landscaping can be secured by condition. Under this condition, additional tree planting and proper management of the hedgerows can be sought and secured.

5.56 The landscape officer indicated that the informal access to the playing field from the site should be secured and formalised. It is not clear that there is a public right of access on to the land to the rear – there is not a public right of way over the land to the rear. This would therefore be a civil matter and therefore carries little weight in the determination of this planning application as the desired outcome may not be achievable.

5.57 The application is supported by a preliminary ecological appraisal. No signs of use by bats or nesting birds were recorded during the preliminary appraisal in 2013. The garages were generally considered to be of a construction and materials unsuitable for use by roosting bats. Following demolition of the buildings, the site presently comprises a large area of hardstanding with patches of commonplace ruderal vegetation. The most valuable semi-natural habitat remaining consists of the mixed species, mature tree line along the northern boundary which will remain unaffected by the development.

5.58 Within the preliminary ecological appraisal a number of measures for enhancements to biodiversity are suggested. These should be secured by condition.

*Drainage*

5.59 In order to ensure that satisfactory drainage is obtained following development, a condition to secure a SUDS scheme shall be attached to any planning permission granted.

5.60 An informative shall be attached with regard to the proximity of the development to the Wessex Water infrastructure.

5.61 Other Matters

A number of matters raised in the public consultation have not been addressed above. These will be considered here for clarity.

5.62 It has been suggested that additional parking be provided for existing residents in the grass verge on Beaufort Road or through dropped kerbs and private driveways. It has also been suggested that parking for the nursery should be improved. It would be beyond the scope of this development to provide a public parking area for residents or the nursery and any such parking area would have an impact on the character and appearance of the area. This is therefore not given weight in reaching a recommendation on this application. It is not considered that the development would have a detrimental impact on parking for local business.

5.63 It is not considered that the development would result in significant noise disturbance. A condition will be used to control hours of construction to protect the amenity of nearby residents during the building programme.

5.64 As there is no public right of way through the site, weight cannot be applied to the suggestion that it would make it more difficult to access local facilities.

5.65 The area is identified as an area suitable for further development and therefore there is no in principle reason to resist further development on Beaufort Road.

**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.

6.3 The recommendation to grant permission subject to the applicant first voluntarily entering into an obligation under section 106 of the Town and Country Planning Act 1990 has been taken having due regard to the provisions of the Community Infrastructure Levy Regulations 2010 (as amended). Under regulation 122, a planning obligation must be: 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.

6.4 Despite being developed by a registered provider, in order to secure affordable housing in perpetuity a legal agreement must be entered into; this agreement is therefore necessary, directly related to the development, fair and reasonable.



- 6.5 In order to provide a safe access, a legal agreement is required to secure highway works. These works are related solely to the development promoted and therefore would accord with regulation 122.

## **7. RECOMMENDATION**

- 7.1 It is recommended that the 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 and Country Planning Act 1990 (as amended) to secure the following:

(i) *Affordable Housing*

The provision of 35% on-site affordable housing in the form of:

- one 3 bed house (affordable rent)
- one 2 bed house (affordable rent)
- two 2 bed flats (affordable rent)
- two 2 bed houses (shared ownership delivered at 40% and 1.5%)

Reason

To secure affordable housing and to comply with policy CS6 and CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

(ii) *Highway Improvements*

Provision of build-out at junction with Beaufort Road as shown in principle on plan no. 10142sk0003 Rev 'F' together with all associated works.

Reason

To ensure highway safety and to accord with policy CS1, CS6 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 7.2 It is recommended that that the Head of Legal and Democratic Services be authorised to check and agree the wording of the Agreement.

- 7.3 It is recommended that should the Agreement not be completed within 6 months of the date of the resolution to grant planning permission (obtained through the Circulated Schedule process), the application shall:

- (i) be returned to the Circulated Schedule for further consideration; or,
- (ii) that delegated authority be given to the Director or Environment and Community Services to refuse the application.

**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 details of the roofing and external facing materials proposed to be used and details of the doors and windows proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

### Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework. This is required prior to commencement to prevent remedial works.

3. 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 policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to commencement to ensure the proposed strategy is acceptable and to prevent remedial works.

4. Prior to the commencement of the development a scheme of landscaping, which shall include: details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments; and, areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. For the avoidance of doubt, the landscaping scheme required by this condition shall include supplementary planting of the northern boundary tree line and the introduction of tree planting within the site.

### 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 the National Planning Policy Framework. This is required prior to commencement as it includes measures to protect existing vegetation which must be in place prior to ground disturbance.

5. Prior to the first occupation of any of the dwellings hereby permitted, a scheme of artificial bat and bird boxes (for house sparrows and house martins), as outlined in section 5.2 of the preliminary ecological appraisal dated November 2014 by the AWT Ecological Consultancy, 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 prior to the start of the first nesting season following the discharge of this condition.

Reason

To ensure the development is carried out in an appropriate manner and in the interests of biodiversity enhancement, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

6. The off-street parking facilities (for all vehicles, including cycles) as shown on plan 1664-P100B hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason 1

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

Reason 2

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 CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

7. No dwelling hereby permitted shall be occupied until the highway improvement works (as shown in principle on plan 10142sk0005D) at the junction of the site access road and Beaufort Road are completed in full.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

8. The hours of working on site during the period of construction shall be restricted to 0730 to 1800 Monday to Friday, 0800 to 1300 on Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses during the build out of this development, and to accord with the provisions of the National Planning Policy Framework.

9. The development hereby permitted shall be carried out in accordance with the following plans:  
1644-P100-B Proposed Site Layout, 1644-P101-A Proposed Floor Plans, 1644-P102-A Block Plan, 1644-P200-A Proposed Site Elevations, 1644-P201-A Proposed Elevations (Plots 1&2), 1644-P202-A Proposed Elevations (Plots 3&4), 1644-P203-A Proposed Elevations (Plots 5-16), 1644-P204-A Proposed Elevations (Plots 5-16), and 1664-SITLOC-A Site Location Plan.

Reason

In the interests of clarity and proper planning.

**CIRCULATED SCHEDULE NO. 10/17 – 10 MARCH 2017**

<b>App No.:</b>	PK17/0320/F	<b>Applicant:</b>	Mr Richard Colohan
<b>Site:</b>	8 Chestnut Drive Chipping Sodbury South Gloucestershire BS37 6HF	<b>Date Reg:</b>	27th January 2017
<b>Proposal:</b>	Erection of two storey and single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	372258 182154	<b>Ward:</b>	Chipping Sodbury
<b>Application Category:</b>	Householder	<b>Target Date:</b>	22nd March 2017



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## **REASONS FOR REPORTING TO CIRCULATED SCHEDULE**

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under the Circulated Schedule procedure as a result.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a two storey and single storey rear extension to form additional living accommodation at No. 8 Chestnut Drive, Chipping Sodbury.
- 1.2 The application site consists of a detached property set within a relatively large plot. The site is located along Chestnut Drive, within the defined settlement boundary of Chipping Sodbury. The main dwelling is finished in a mixture of facing brick and red cladding, with a concrete tiled pitched roof. An attached flat roof garage protrudes from the front of the dwelling. The immediate surrounding area is characterised by detached properties of a mixture of architectural styles and external finishes.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance (2014)

#### 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)

H4 Development within Existing Residential Curtilages  
T12 Transportation

##### South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP8 Residential Amenity  
PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

The Proposed Submission Draft Policies Sites and Places Plan (PSP plan) is a further document that will eventually form part of the South Gloucestershire Local Plan. The PSP plan will set out new planning policies for South Gloucestershire. Submission and Examination of this took place in February of 2017, and adoption is expected within the summer of 2017. Accordingly, with regard to the assessment of this planning application limited weight is attached

to the policies within the PSP plan at this time – weight grows as the plan progresses.

- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013

### **3. RELEVANT PLANNING HISTORY**

- 3.1 The application site has no planning history

### **4. CONSULTATION RESPONSES**

- 4.1 Sodbury Town Council  
No objection

- 4.2 Other Consultees

Public Rights of Way  
No objection

Open Spaces Society  
No comment

#### **Other Representations**

- 4.3 Local Residents  
One comment was submitted by a local resident. Whilst not explicitly objecting to the proposal, this comment did raise a number of concerns. These are outlined below:

- The proposal is for a large extension in a quiet residential area bringing with it a considerable noise, and congestion in a narrow road – the occupants of No. 8 regularly park their car over the pavement.
- Is it possible to make it mandatory to restrict the builders to weekday working till 5pm, 12pm on Saturday and no work on Sunday so that I may have time in my garden.

### **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
The application seeks permission for the erection of a two storey and single storey rear extension. Policy H4 of the Local Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. As well as the criteria of policy H4, the proposal will be considered with regards to design against policy CS1 of the Core Strategy. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy H4 of the Local Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

*Two storey gable*

5.3 The proposed two storey rear extension would form a two storey rear gable. This gable would have a depth of approximately 3.4 metres and a width of approximately 5 metres. The ridge of the gable would be set at approximately 7 metres; stepped down by approximately 0.5 metres from the ridge of the main dwelling. The eaves would be set at the same height as that of the main dwelling at approximately 5 metres. The gable would incorporate one ground floor window and two first floor windows, and would be finished in materials to match the external finish of the main dwelling.

5.4 By virtue of its location to the rear of the property, the proposed two storey rear gable would not be visible from the public areas offered along Chestnut Drive, and as such would not impact upon the immediate streetscene. It is noted that the proposed rear gable may be visible from a public area to the south-west of the application site. However as this area is unlikely to be regularly used, and the application site is partially screened by trees and vegetation, it is not deemed that the proposal would significantly impact upon the character of the immediate surrounding area.

5.5 It is recognised that a two storey extension of this nature will have some impact on the character and distinctiveness of the host dwelling. However the gable design of the proposed extension is deemed to sufficiently respect the character of the existing dwelling. Additionally, the step-down in height and relatively modest protrusion of 3.4 metres result in an addition that would not appear overly dominant in relation to the main dwelling. The matching of materials with those used on the existing dwelling also increases the levels of integration between the proposed two storey gable and the main dwelling.

*Single storey rear*

5.6 The proposed single storey extension would also have a depth of approximately 3.4 metres and a width of approximately 5.3 metres. The extension would incorporate a lean-to roof, with an overall height of approximately 3.5 metres and an eaves height of approximately 2.6 metres. The single storey element would incorporate bi-fold doors and velux roof lights, with all materials matching those used in the external finish of the main dwelling.

5.7 By virtue of the location and scale of the proposed single storey extension, it is not deemed that its erection would have any impact on the streetscene or the character of the immediate surrounding area. It is deemed that the design, scale and finish of the proposed single storey extension would allow for it to appear subservient to, and in keeping with the host dwelling.



*Cumulative*

5.8 Overall, it is deemed that the scale, design and finish of both extensions would result in a well-integrated addition that did not appear overly dominant in relation to the main dwelling or the immediate surroundings. Overall the proposal is deemed to comply with design criteria outlined in policy CS1 of the Core Strategy and H4 of the Local Plan.

5.9 Residential Amenity

Policy H4 of the Local Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space.

5.10 When considering the impacts of the proposal on the residential amenity of the occupiers of neighbouring properties, the main property under consideration is the adjacent property to the north-east at No. 6 Chestnut Drive. As the proposed two storey extension would be located on the north-eastern side of the subject property, it is not deemed that the proposal would significantly impact residential amenity at the adjacent property to the south-west at No. 10 Chestnut Drive. There are no properties located directly to the rear of the application site.

*Two storey gable*

5.11 It is recognised that, by virtue of its two storey nature, the proposed gable would have some overbearing and overshadowing effects on the neighbouring property at No. 6. However it is considered that these impacts are mitigated by the relatively modest protrusion of the proposed gable, as well as the detached nature of the properties and the slight levels of separation this causes. Overall, it is not deemed that any increased sense of overbearing or overshadowing would represent an unacceptable harm to residential amenity. Additionally, it is not considered that the proposed first floor rear windows would result in any additional loss of privacy through an increased sense of overlooking on to neighbouring gardens.

*Single storey rear*

5.12 By virtue of its location and single storey nature, it is not deemed that the proposed single storey rear extension would have any impact on the residential amenity of neighbouring occupiers through overbearing, overshadowing or overlooking effects.

5.13 Whilst it is acknowledged that the proposal would result in the loss of outdoor private amenity space at the site, it is deemed that sufficient space would remain following the implementation of the proposal. Overall, with regard to impacts upon residential amenity, the proposal is considered to satisfy criteria set out in policy H4 of the Local Plan.

5.14 Transport

As a result of the proposal, the number of bedrooms at the property would remain at 4. South Gloucestershire Residential Parking Standards SPD outlines that both 3 and 4-bed properties must make provision for a minimum of 2 parking spaces, each measuring a minimum of 2.4 metres in width and 4.8

metres in length. The SPD also outlines that for a single garage to be considered a parking space, it must have a minimum internal dimension of 3m x 6m.

5.15 A submitted block plan indicates that a total of 3 parking spaces are provided at the site; with 2 to the front of the property and one within the existing single garage. However as this garage does not meet the minimum internal size standards, it cannot be considered as a parking space. However the submitted block plan indicates that the two external parking spaces do meet the minimum size standards. The proposed parking arrangements would remain unaltered as part of the proposal, and as such are deemed to be acceptable for a property of this size. However, for the avoidance of doubt, a condition will be attached to any decision requiring a minimum of 2 parking spaces to be provided prior to the first occupation of the proposed extensions, and thereafter retained for that purpose.

5.16 It is not considered that the proposal would have any impact upon highway safety. In light of this, subject to the aforementioned condition, it is not considered that the proposal would give rise to any significant transport issues.

5.17 Local resident comments

It has been demonstrated that sufficient on-site parking can be provided. However as is previously outlined this provision will be secured by condition. With regard to working hours, it is recognised that the construction of both extensions could impact upon residential amenity of neighbouring occupiers. As such a standard condition will be attached to any decision restricting working hours.

## 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 the application be **APPROVED** subject to the conditions included on the decision notice.

**Contact Officer: Patrick Jackson**  
**Tel. No. 01454 863034**

## **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 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

### Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

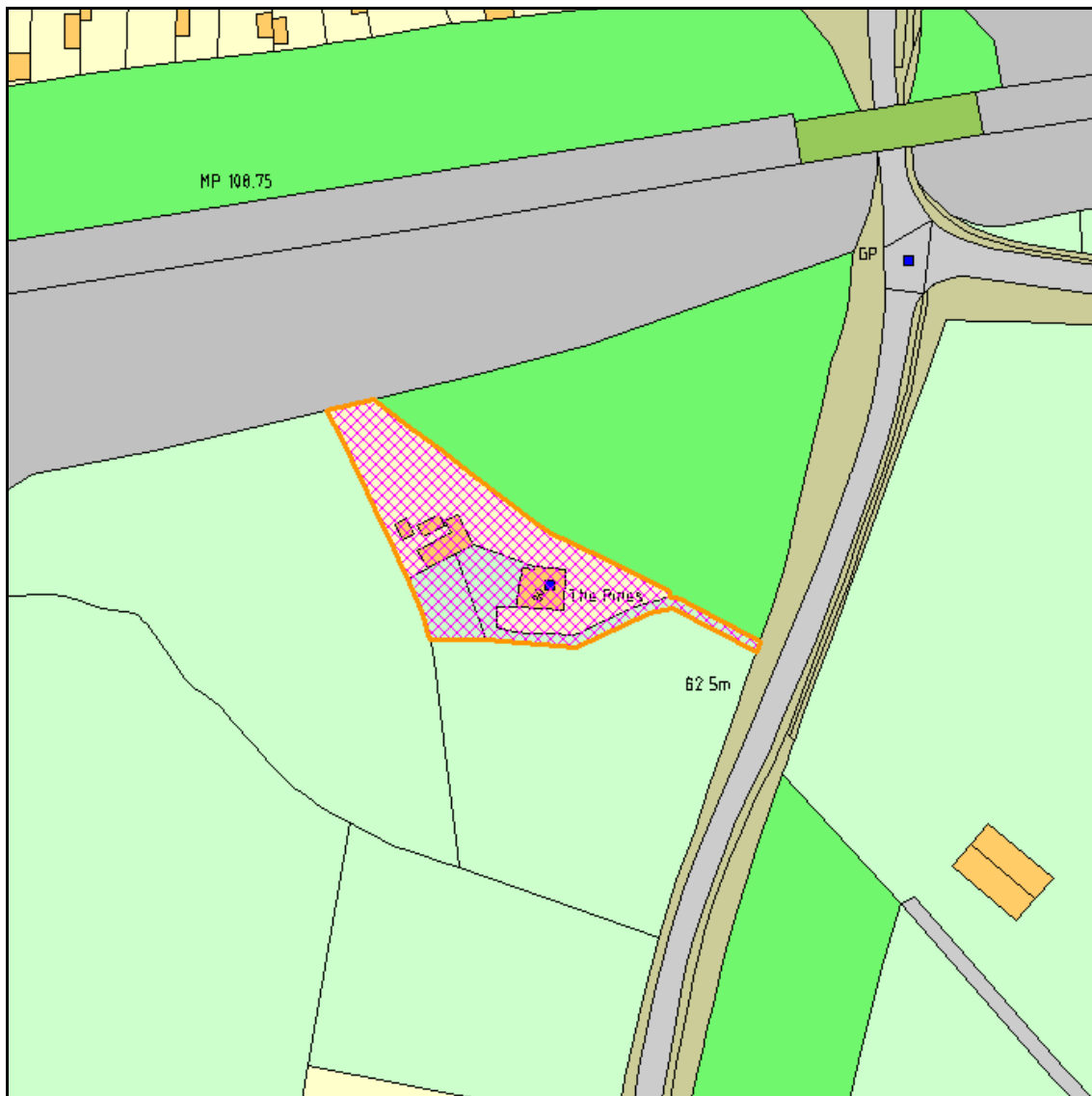
3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan (691-P4) hereby approved shall make provision for the parking of a minimum of 2 vehicles (measuring at least 2.4m by 4.8m), and shall be provided before the extensions are first occupied, and thereafter retained for that purpose.

### Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

**CIRCULATED SCHEDULE NO. 10/17 – 10 MARCH 2017**

<b>App No.:</b>	PT16/6837/CLP	<b>Applicant:</b>	Mr Dickinson
<b>Site:</b>	The Pines 60 Henfield Road Coalpit Heath South Gloucestershire BS36 2UZ	<b>Date Reg:</b>	22nd December 2016
<b>Proposal:</b>	Application for the certificate of lawfulness for proposed erection of 1no. detached garage and 1no detached outbuilding.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367340 180165	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>		<b>Target Date:</b>	14th February 2017



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## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

The application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of two incidental outbuildings at 'The Pines', 60 Henfield Road, Coalpit Heath, would be lawful under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning Act 1990 (As Amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class E

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PT15/0853/F                      Approved with conditions                      18/05/2015  
Erection of two storey side extension to form additional living accommodation.  
Erection of rear porch and front portico. Alterations to existing driveway

### **4. CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
No objection.

- 4.2 Other Consultees

Councillor  
No comment.

#### **Other Representations**

- 4.3 Local Residents  
None received.

## 5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Combined Proposed (PL101) – received by the Council on 15/12/2016.

## 6. ANALYSIS OF PROPOSAL

### 6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class E of the GPDO 2015.

6.3 The proposed development consists of the erection of two incidental outbuildings. This development would fall within Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the erection of buildings incidental to the enjoyment of a dwellinghouse, provided it meets the criteria as detailed below:

### **E. The provision within the curtilage of –**

- (a) Any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or**
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.**

### **E.1 Development is not permitted by Class E if –**

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);**

The dwellinghouse was not permitted under classes M, N, P or Q of Part 3.

- (b) the total area of the ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**

The proposed outbuildings would not exceed 50% of the total area of the curtilage.

- (c) any part of the building, enclosure, pool, or container would be situated on land forward of a wall forming a principal elevation of the original dwellinghouse;**

Neither of the proposals will be situated forward of the principal elevation.

- (d) the building would have more than a single storey;**

The proposal will be of a single storey scale.

- (e) the height of the building or enclosure would exceed –**  
**(i) 4 metres in the case of a building with a dual pitched roof,**  
**(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or**  
**(iii) 3 metres in any other case;**

The proposed buildings would be situated at least two metres from the boundary of the curtilage and would both have dual pitched roofs measuring 4 metres to the maximum ridge height. The development therefore meets these criteria.

- (f) the height of the eaves of the building would exceed 2.5 metres;**

The eaves height of the proposals will be 2.2 metres.

- (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;**

The host dwelling is not a listed building.

- (h) it would include the construction or provision of a verandah, balcony or raised platform;**

It does not include any of the above.

- (i) it relates to a dwelling or a microwave antenna; or**

The proposal is for incidental uses and do not include a microwave antenna.

- (j) the capacity of the container would exceed 3,500 litres.**

The outbuildings are not containers.

- E.2 In the case of any land within the curtilage of the dwellinghouse which is within –**

- (a) a World Heritage Site,**  
**(b) a National Park,**

- (c) an area of outstanding natural beauty or
- (d) the Broads,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres

The application site is not located within any of the above.

- E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse**

The application site is not located on article 2(3) land.

## **7. RECOMMENDATION**

- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed incidental outbuildings fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class E of the Town and Country Planning General Permitted Development Order 2015.

**Contact Officer: Helen Braine**  
**Tel. No. 01454 863133**



**CIRCULATED SCHEDULE NO. 10/17 - 10 MARCH 2017**

<b>App No.:</b>	PT16/6859/RVC	<b>Applicant:</b>	Surplus Property Solutions
<b>Site:</b>	B & Q Fox Den Road Stoke Gifford South Gloucestershire BS34 8SP	<b>Date Reg:</b>	30th December 2016
<b>Proposal:</b>	Variation of condition 4 attached to planning permission PT16/4626/RVC to change delivery times.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	361865 178848	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Major	<b>Target Date:</b>	24th March 2017



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## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule following the receipt of objections from Stoke Gifford Parish Council and local residents; the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to part i.e. Unit 2b, of the former B&Q store at Fox Den Road, Stoke Gifford. The wider building measures 11,147 sq.m (GIA) with 10,938 sq.m. of this floor space at ground floor level and 209 sq.m. at mezzanine level. A further 1,115 sq.m. of sales floor space is provided in an external centre on the southern end of the building. The building is currently vacant.
- 1.2 Planning permission PT00/0215/F was granted in May 2000 for the 'Erection of single retail unit with associated garden centre, along with car parking, service area and landscaping'.
- 1.3 A subsequent planning permission PT16/0914/F was granted in April 2016 for "Change of use of the southern part of the building from Class A1 (retail) to Class D2 (Assembly and Leisure) and associated external alterations and works". This permission facilitated the re-occupation of 2,500 sq.m. of vacant floor space by a new health and fitness centre i.e. DW Fitness.
- 1.4 A subsequent Section 73 application was granted approval to *inter alia* vary conditions 11 and 16 of permission PT00/0215/F to allow the sub-division of the former B&Q unit and permit the retail sale of food & drink goods from 2,323 sq.m. of floor space i.e. Unit 2b.
- 1.5 Both proposals i.e. the Gym and the Food Store form part of a wider package of investment seeking to bring the floor space back into productive economic use and replace the jobs lost following the closure of B&Q. There were no changes in either proposal to the footprint or scale of the building and no increase in the amount of floor space.
- 1.6 Condition 4 of the 2016 approval PT16/4626/RVC restricts the delivery hours to the entire site as follows :

*No deliveries to the premises shall take place between the hours of 18.30 and 08.00 Mondays to Saturdays and no deliveries shall take place on Sundays or Bank Holidays.*

#### *Reason*

*To protect adjoining levels of residential amenity and to accord with Saved Policy RT5 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006.*

- 1.7 In order to meet the operational requirements of the intended food-store occupier, this current S73 application PT16/6859/RVC merely seeks to vary the wording of condition 4 to read as follows:

*'No deliveries to the premises shall take place between the hours of 21:00 and 07:00 Mondays to Saturdays (including Bank Holidays) and between 20:00 and 09:00 on Sundays.'*

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework (NPPF) March 2012  
National Planning Practice Guidance 2014

### **2.2 Development Plans**

#### **South Gloucestershire Local Plan Core Strategy Adopted December 2013**

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS8	Improving Accessibility
CS14	Town Centres and Retail
CS25	Communities of the North Fringe of Bristol

#### **South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)**

T7	Cycle Parking
T8	Parking Standards
T12	Transportation
RT5	Out of Centre and Edge of Centre Retail Development

### **2.3 Supplementary Planning Guidance**

The South Gloucestershire Design Check List SPD (Adopted) 23 Aug 2007.

### **2.4 Emerging Plan**

#### **Proposed Submission : Policies, Sites & Places Plan June 2016**

PSP11	- Transport Impact Management
PSP16	- Parking Standards
PSP21	- Environmental Pollution and Impacts
PSP31	- Town Centre Uses

## **3. RELEVANT PLANNING HISTORY**

3.1 PT00/0215/F - Erection of single retail unit with associated garden centre, car parking, service area and landscaping.  
Approved 3 May 2000.

3.2 PT01/0453/F - Erection of sprinkler storage tank and pump house.  
Approved 19 March 2001.

3.3 PT01/0453/F - Erection of sprinkler storage tank and pump house  
Approved 19 March 2001.

3.4 PT01/0528/F - Erection of fence and gate to surround service yard.  
Refused on the grounds of size and scale and detriment to visual amenity 20 March 2001.

- 3.5 PT01/0586/F - Change of use of part of service yard to form external sales area.  
Approved 30 March 2001.
- 3.6 PT01/1743/F - Retention of 4m high fence and gate to surround service yard.  
Approved 24 September 2001.
- 3.7 PT02/0686/RVC - Variation of Condition 11 attached to planning permission PT00/0215/F to allow the subdivision of the unit.  
Approved 25 April 2002.  
*Not implemented*
- 3.8 PT03/1617/RVC - Erection of single retail unit with associated garden centre, car parking, service area and landscaping. Variation of Condition 11 attached to planning permission PT00/0215/F to allow subdivision into 7 units.  
Approved 7 August 2003.  
*Not implemented*
- 3.9 PT06/0221/F - Formation of Service Yard in place of existing external garden centre, relocation of garden centre to existing staff parking area, enclosed by 3 metre high fencing, relocation and construction of new double sprinkler tank and pump-house in new service area and blocking off of an existing service door on rear elevation (in accordance with amended plans received by the Council on 23<sup>rd</sup> February 2006 and 21 March 2006).  
Approved 31<sup>st</sup> March 2006
- 3.10 PT06/1188/CLP - Certificate of Lawfulness for the proposed installation of a mezzanine floor.  
Granted 26<sup>th</sup> May 2006
- 3.11 PT06/1489/F - Formation of service yard in place of existing external garden centre, relocation of garden centre to existing staff parking area enclosed by 4.2m high fencing. Installation of 2no. sets of auto B1-parting doors between store and garden centre (amendment to previously approved scheme PT06/0221/F).  
Approved 23 June 2006
- 3.12 PT06/2349/F - Erection of extension to enclose part of the existing garden centre sales area.  
Refused 19 Oct. 2006
- 3.13 PT06/3338/F - Erection of 7 metre high anti-theft netting around perimeter of external garden centre (retrospective).  
Approved 4 Jan 2007
- 3.14 PT16/0914/F - Change of use of part of building from Class A1 (Retail) to Class D2 (Assembly and Leisure) and associated external alterations and works.  
Approved 21 April 2016

3.15 PT16/4626/RVC - Installation of full height glazing and sliding double door and creation of trolley bay to facilitate variation of conditions 11 and 16 attached to planning permission PT00/0215/F to allow the subdivision of unit and permit the retail sale of food and drink from 2323 square metres of floor-space.

Approved 9<sup>th</sup> December 2016

3.16 PT16/6471/F - Installation of mezzanine floor.

Approved 10<sup>th</sup> Feb. 2017

#### 4. **CONSULTATION RESPONSES**

##### 4.1 Stoke Gifford Parish Council

Objection. The Parish Council notes objections made by local residents and concurs with them. The area is not predominantly commercial and, in fact, since the original delivery hours were set over 20 more dwellings have been built adjacent to the site with more to follow.

##### 4.2 Other Consultees

###### Transportation D.C.

We note that this planning application seeks to vary a condition (ref 4) placed on the permission granted for a change of use of part of the B & Q store in Fox Den Road, Stoke Gifford (ref PT16/4626/RVC). We understand that variation of this condition will enable the time period in which deliveries can take place to be extended. Thus the last delivery would now be permitted at 21.00 hours instead of 18.30.

Given the location of this site which is within a predominantly commercial area, we have no objection to this application. This is because we believe that it is unlikely to materially change the travel demands associated with this location nor do we consider that it will have a significant detrimental impact on adjoining properties. Consequently, we have no highways or transportation objections about this application.

###### Economic Development Officer

No response

###### Environmental Protection

The proposed variation to condition 4 is significant. I would therefore recommend that the Planning Authority consider a 12 months temporary permission to assess the impact on residential amenity in terms of noise and general disturbance and noise nuisance. Should no problems be experienced over this period then full approval can be granted.

###### Wessex Water

No response

###### Strategic Planning Officer (in response to original application PT16/4626/RVC)

I'd like to reiterate the aspiration to significantly intensify uses at the Fox Den Road site to deliver a high density mixed use District Centre for the existing and

new residential and employment communities in the surrounding locality. This is expressed at Policy CS25(5) of our Core Strategy. This significant opportunity is re-iterated at PSP31 & Appendix 3 (pg197) of our emerging Policies, Sites & Places Plan. The Council considers the site to be one of its most sustainable locations, with multiple bus routes, new Rapid Transit soon to be operating, proximity to 2 mainline stations, significant local employment opportunities, the University of The West of England campus, proposed new Bristol Rovers Stadium (20,000 capacity) and land allocated for some further 3000 dwellings all within walking distance.

## **Other Representations**

### 4.3 Local Residents

5no. responses objecting to the proposal were received from local residents. The comments made are summarised as follows:

- There are no evergreens on the noise bund so noise reduction in the Winter is minimal.
- Noise is tolerable between 0800hrs – 18.30hrs only.
- Noise results from Fork Lift Truck reversing beepers; when pallets are loaded and unloaded and from the movement of metal cages on the rough concrete within the yard.
- Dogs bark as a result of the disturbance including at the nearby kennels.
- There is no need to extend the hours into the evening.
- Would cause disturbance on Sunday where none currently occurs.
- The store closes at 16.00hrs on Sunday so why extend the hours of delivery to 21.00hrs.
- Daylight hours don't extend to 23.00hrs even in mid-Summer.
- A reduced hours should be requested.
- Greater impact in Summer when windows are open or people sit in gardens.
- People go to bed after 21.00hrs especially young children.
- Complaints were made in 2005/2006 to previous occupants B&Q and to Environmental Health Officer.
- There is insufficient room to turn a large vehicle to the rear of Unit 2b, so the rear of the store will not have an enclosed loading bay, therefore all merchandise will be offloaded from the rear of lorries; placed in metal cages and wheeled into the store.
- Lorries will have to reverse so more disturbance from beepers.
- If delivery times are to be amended, this should only apply to Unit 2b.
- There is no raised unloading bay.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

It is merely proposed to vary the hours of delivery to the store as controlled by Condition 4 of PT16/4626/RVC. Having regard to the reason for the condition, officers must assess this proposal having specific regard to the impact on neighbouring residential amenity.

### Analysis

5.2 The scope of a variation of condition application (section 73 application) is more limited than a full planning application. The Local Planning Authority may

only consider the question of the condition(s), and cannot revisit or fundamentally change the original permission. It may be decided that the permission should be subject to the same conditions as were on the original permission; or that it should be subject to different conditions; or that permission may be granted unconditionally. There is a right of appeal in the usual way against any conditions imposed.

- 5.3 In assessing this application it is necessary to consider whether or not the relevant condition no.4 or any variations thereto, satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests, these being that conditions should be: –
- i. Necessary to make the development acceptable
  - ii. Directly related to the development
  - iii. Fairly and reasonably related in scale and kind
- 5.4 Policy CS4 of The South Gloucestershire Local Plan Core Strategy replicates the NPPF in enforcing the presumption in favour of sustainable development. 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.
- 5.5 At the time of writing, officers are unaware as to whether a specific tenant for the food-store in Unit 2b has yet been found but at the time of application PT16/4626/RVC a discount food retailer was the expected occupier i.e. most likely either Aldi or Lidl.
- 5.6 The application site forms part of a wider commercial area that includes a Sainsbury’s food-store, a number of Class B1 office parks along Fox Den Road, and residential properties to the rear on Harry Stoke Road.

Justification for Varying Condition 4

- 5.7 The applicant has stated the following in justification for the proposed extension of delivery hours:

*The application seeks to vary Condition 4 of the 2016 permission PT16/4626/RVC to extend the delivery hours to meet the operational requirements of the intended food-store occupier. The servicing requirements of food store operators differ to those of a large format DIY operator.*

*Government guidance confirms that the planning system should be used to minimise the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business. The proposed amendments will maintain deliveries within daytime hours, defined as 07.00 to 23.00hrs (see para. 12 of Planning Policy Guidance*

24 : Planning and Noise). Deliveries will not be undertaken during night time hours when people are normally sleeping.

The amendment to Condition 4 will include an additional hour for deliveries in the mornings on Mondays to Saturdays (including bank holidays). Deliveries would start at 07.00 and would therefore continue to operate within daytime hours.

The extended delivery hours will enable greater flexibility for deliveries to the store and enable goods to be delivered, unloaded and stocked on the shop floor prior to the trading day. Deliveries are typically unloaded two hours before opening, which allows for stock to be fully unloaded and the shelves stocked. This is particularly important to ensure that shelves are not being stocked whilst customers are moving around the store, which causes inconvenience to the mobility impaired or parents with young children.

The application seeks a further 2.5 hours of delivery provision in the evenings to 21.00hrs on Mondays to Saturdays (including bank holidays). Deliveries would continue to cease well within daytime hours and ensure that there is no potential for adverse noise impact on nearby residential properties.

It is also proposed to allow deliveries to Unit 2b on Sundays albeit, for the reduced hours of 09.00hrs to 20.00hrs. The proposed food-store would be open to customers on Sundays, therefore it is essential that deliveries can be made, particularly for fresh food products.

While deliveries to the new food-store would be undertaken during less sensitive daytime hours, there are a number of existing mitigation measures in place at the application site that would further reduce the scope for adverse impact.

### Analysis

- 5.8 The authorised use of Unit 2b as a food-store was established with the grant of PT16/4626/RVC and that matter is not for consideration in this application, which merely seeks to vary the hours of delivery of goods to the premises.
- 5.9 Local Plan Policy RT5 permits retail uses subject to a number of criteria amongst which, criterion G requires development not to have unacceptable environmental or transportation effects, and would not prejudice residential amenity.
- 5.10 The nearest residential properties most likely to be affected by the extended hours for deliveries are those to the east (rear) of the site, lying some 40/45m away in Harry Stoke Road. It is noted that the 5no. objectors all live in this road. It is also noted that the service yard where deliveries are made to the premises and accessed from Fox Den Road, lies to the rear of the store, directly opposite the nearest houses in Harry Stoke Road, but at a lower level.
- 5.11 Noise mitigation measures are however already in place in the form a substantial landscaped bund, between the houses and the service yard, and a



very high solid boundary fence around the service yard, along the length of Fox Den Road. The residential properties further afield on John Saint Quinton Close have further protection through the presence of 2.5 storey office buildings on Fox Den Road. Having inspected the bund, officers can confirm that the vast majority of vegetation on the bund comprises deciduous trees.

- 5.12 When granting consent for the original store in 2000, the case officer stated in his report to the D.C. West Committee that:

“The mitigation measures along with the distance of the building from residential properties, the nearest dwelling being some 45m from the proposed building, will ensure that adequate levels of residential amenity are maintained and the building will not impose an overbearing impact upon adjoining properties.”

- 5.13 These comments were however made in relation to a building to be used by a DIY operator (B&Q) as opposed to a food store operator and the condition to control the delivery hours reflects this use.

- 5.14 Officers acknowledge that the delivery requirements of a food-store are quite different to those of a DIY operator, as fresh foodstuffs will have a finite shelf life and the expectation of customers would be, that the produce is fresh. In order for this to happen, the likelihood is that deliveries of perishable goods would need to be earlier in the morning or later in the evening of the day before, to allow the shelves to be stocked before the customers arrive. Whilst the overall number of deliveries might increase, the size of individual deliveries are likely to be smaller and therefore completed over a shorter period of time. The impact of such deliveries on neighbouring residential amenity is likely to be differ from deliveries to the non-food & drink uses of the building.

- 5.15 Officers note that as things currently stand, there is no condition controlling the hours of opening of the retail store(s) or the gym; the latter has now opened and operates under a separate planning permission. Opening hours of the shops would however be subject to licensing. The existing condition (4) of PT16/4626/RVC controls the delivery times to the whole building but it is quite evident that if the condition is to be varied, taking account of the applicant's justification, then any extension in delivery hours need only apply to unit 2b i.e. that part of the building to be used for the retail sale of food and drink. Having negotiated with the applicant on this matter, officers can report that the applicant's agent now accepts this rationale.

- 5.16 The Council's Environmental Health Officer has been consulted and he has concluded that, the proposed variation is so significant that a 12 month temporary permission should be granted in the first instance. This would allow the Council the time and opportunity to fully assess the impact on residential amenity in terms of noise and general disturbance.

#### Transportation Issues

- 5.17 Officers have concluded that given the location of the site, within a predominantly commercial area, the proposal would not materially change the associated travel demands. Neither does the officer consider that there would

be a significant detrimental harm to neighbouring property. There are therefore no transportation objections to the proposal

#### Impact on Residential Amenity

- 5.18 Local residents have raised concerns about the possibility of increased noise to result from the proposal. Officers wish to clarify that the current application merely wishes to vary condition 4 of planning permission PK16/4626/RVC and the application has been assessed in that context.
- 5.19 If the current application is approved, all relevant other conditions attached to PK16/4626/RVC would be carried over and these include conditions to protect residential amenity i.e. those relating to construction hours and external lighting. Any extension to the delivery hours, would relate only to the food store operating from Unit 2b, otherwise the delivery hours to the other units would remain as existing. Furthermore, the permission would be for a trial 12 month period only.

#### Planning Balance

- 5.20 The only possible harm identified would be from noise disturbance to the nearest neighbours, at times earlier in the day, later at night and on Sundays and Bank Holidays. This must be balanced against the reasonable requirements of the food-store, as opposed to those of the non-food & drink units within the premises. The nature of deliveries to these respective uses are likely to be quite different, so the level of noise impacts from deliveries to the food-store need not necessarily be as great as those to the non-food units, which in any event would have different operators to that which previously occupied the building i.e. B&Q.
- 5.21 Officers are mindful of the NPPF support for sustainable economic development and the need to boost the economy. Furthermore, conditions should be reasonable and in this case an over restrictive condition has the potential to adversely affect the successful operation of the food-store, at a time when it is trying to establish itself. At the time of application PT16/4626/RVC there was a good deal of support expressed by local residents for a food-store in this location.
- 5.22 The Council's Environmental Health Officer has taken a pragmatic view that, in his opinion, a temporary 12 month consent is appropriate in this case. This would allow the Council and neighbouring residents for that matter, adequate time to assess the impacts of the proposed extended delivery hours as operated by the future new incumbent(s) of the store. Officers concur with this rationale, which will give the opportunity for the food-store to establish itself and will provide a good incentive for the future operator to carry out deliveries to the store in a 'suitably sociable' manner.

## **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 temporary consent 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 a variation of Condition 4 is permitted to read as follows:

For the food-store operating from Unit 2b, as indicated on the approved Existing Layout Plan Drawing No. 15\*-238/Brist/13; no deliveries shall take place between the hours of 21.00hrs and 07.00hrs Mondays to Saturdays (including Bank Holidays) and between 20.00hrs and 09.00hrs on Sundays. For the remaining retail units within the premises, no deliveries shall take place between the hours of 18.30hrs and 08.00hrs Mondays to Saturdays and no deliveries shall take place on Sundays and Bank Holidays.

### Reason

To protect adjoining levels of residential amenity and to accord with Saved Policy RT5 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006.

And an additional condition 12 added as follows:

This consent shall enure for a period of 12 months only from the date of the first use or occupation of Unit 2b, as shown on the approved Existing Layout Plan Drawing No. 15\*-238/Brist/13, for the retail sale of food and drink. Written confirmation of the commencement of the use or occupation of the Unit 2b for the retail sale of food and drink, shall be provided to the Council within one month of said first use or occupation. Thereafter, upon the expiry of the 12 month period, the delivery hours shall revert back to those listed in Condition 4 attached to permission PT16/4626/RVC.

### Reason

To give the Council the opportunity to fully assess the impact of noise disturbance resulting from deliveries to the food-store operating from Unit 2b as shown on the approved Existing Layout Plan; in the interests of residential amenity and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006.

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

## **CONDITIONS**

1. The development hereby permitted shall be carried out in full accordance with the following approved plans:

Previously Approved under PT16/4626/RVC

Site Location Plan Drawing No. 16-140-16-01  
Existing Elevations 1 of 2 Drawing No. 15-238/Brist/10/01  
Existing Elevations 2 of 2 Drawing No. 15-238/Brist/11/01  
Proposed Elevations 1 of 2 Drawing No. 15-238/Brist/12/01  
Proposed Elevations 2 of 2 Drawing No. 15-238/Brist/13/00  
Proposed GA and Site Plan Drawing No. 15-238/Brist/13/01  
Existing GA and Site Plan Drawing No. 15-238/Brist/14/01

All received by the Council on the 5th August 2016

Site Location Plan Drawing no.16  
Existing Layout Drawing No. 15\*-238/Brist/13

Both received 19th December 2016

Reason

For the avoidance of doubt.

2. 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).

3. All surface water run-off from outside storage, parking or vehicle washdown areas shall at all times pass through an oil/petrol interceptor or such other alternative system as may be agreed with the Council, before discharge to the public sewer.

Reason

To meet the requirements of the Environment Agency and to prevent the pollution of nearby watercourses and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th December 2013 and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006.

4. For the food-store operating from Unit 2b only, as indicated on the approved Existing Layout Plan Drawing No. 15\*-238/Brist/13; no deliveries shall take place between the hours of 21.00hrs and 07.00hrs Mondays to Saturdays (including Bank Holidays) and between 20.00hrs and 09.00hrs on Sundays. Otherwise, for the remaining retail units within the premises to which this consent relates, no deliveries shall take place between the hours of 18.30hrs and 08.00hrs Mondays to Saturdays and no deliveries shall take place on Sundays and Bank Holidays.

Reason

To protect adjoining levels of residential amenity and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006..

5. Other than public services vehicles, all vehicular traffic to the site, including construction traffic, shall access the site from Fox Den Road.

Reason

To protect adjoining levels of residential amenity and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006; and in the interests of highway safety to accord with saved Policies T12 and RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006.

6. The units hereby authorised and shown on the approved 'Proposed GA and Site Plan' Drawing No: 15-238/Brist/13/01 shall not be sub-divided to form smaller units.

Reason

To protect the viability of nearby centres and to accord with Saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006 and the requirements of the NPPF.

7. The hours of working during the period of construction shall be restricted to between 07.30 and 18.00 Monday to Friday and 08.00 and 1300 on Saturdays, and no working shall take place on Sundays or Public Holidays.

Reason

To protect adjoining levels of residential amenity and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006..

8. No outside storage shall take place at the premises.

Reason

In the interests of visual amenity and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006...

9. No external lighting shall be installed on the building or within the service area except in accordance with a scheme originally approved in writing by the Local Planning Authority under planning consent PT00/0215/F.

Reason

To protect adjoining levels of residential amenity and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006..

10. Other than the 2,323 sq.m. of floor space for the retail sale of food and drink goods hereby permitted, the retail units hereby authorised shall not be used for any purpose other than non-food retail, without the prior consent of the Local Planning Authority.

Reason

To protect the vitality of nearby centres and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006 and the requirements of the NPPF.

11. Prior to the first occupation of the development for the purposes hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The agreed Travel Plan shall be implemented as approved before the development hereby permitted is brought into use; or otherwise as agreed in the Travel Plan.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

12. This consent shall ensure for a period of 12 months only from the date of the first use or occupation of Unit 2b, as shown on the approved Existing Layout Plan Drawing No. 15\*-238/Brist/13, for the retail sale of food and drink . Written confirmation of the commencement of the use or occupation of Unit 2b for the retail sale of food and drink, shall be provided to the Council within one month of said first use or occupation. Thereafter, upon the expiry of the 12 month period, the delivery hours shall revert back to those listed in Condition 4 attached to permission PT16/4626/RVC.

Reason

To give the Council the opportunity to fully assess the impact of noise disturbance resulting from deliveries to the food-store operating from Unit 2b as shown on the approved Existing Layout Plan; in the interests of residential amenity and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006.