

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

**CIRCULATED SCHEDULE NO. 46/08**

**Date to Members: 14/11/08**

**Member's Deadline: 20/11/08**

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

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

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

## **NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS**

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

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

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

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

## **GUIDANCE FOR 'REFERRING' APPLICATIONS**

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

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

## CIRCULATED SCHEDULE

**DATE: 14/11/08**

**SCHEDULE NO. 46/08**

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

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

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

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

**Please note: - Reason for Referral**

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

**SIGNATURE .....**

**DATE .....**

# Circulated Schedule 14 November 2008

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATIO</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	<b>PK08/2592/RVC</b>	Approve with conditions	Land at units 45-48, Beeches Industrial Estate, Waverley Road, Yate, South Gloucestershire, BS37 5QT	Ladden Brook	Iron Acton Parish Council
2	<b>PK08/2712/F</b>	Approve with conditions	35 Kenilworth, Yate, South Gloucestershire, BS37 4DT	Yate Central	Yate Town Council
3	<b>PK08/2736/F</b>	Approved subject to Section 106	81-83 Westerleigh Road, Yate, South Gloucestershire, BS37 4BN	Yate Central	Yate Town Council
4	<b>PK08/2772/F</b>	Approve with conditions	45 High Street, Warmley, South Gloucestershire, BS15 4NF	Siston	Siston Parish Council
5	<b>PK08/2802/F</b>	Approve with conditions	8 Peache Road, Downend, South Gloucestershire, BS16 5RN	Downend	Downend and Bromley Heath
6	<b>PT08/2757/F</b>	Approve with conditions	The Coach Depot, Pegasus Park, Gipsy Patch Lane, Little Stoke, South Gloucestershire, BS34 6QD	Stoke Gifford	Stoke Gifford Parish Council

# ITEM 1

## CIRCULATED SCHEDULE NO. 46/08 – 14 NOVEMBER 2008

**App No.:** PK08/2592/RVC

**Applicant:** Segro Properties Ltd

**Site:** Land at units 45-48, Beeches Industrial Estate, Waverley Road, Yate, South Gloucestershire, BS37 5QT

**Date Reg:** 17th September 2008

**Proposal:** Removal of condition 10 attached to planning application PK08/1026/F which states 'No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0600 to 2000 Mondays to Fridays; 0800 to 1300 on Saturdays; nor at any time on Sunday or Bank Holidays.'

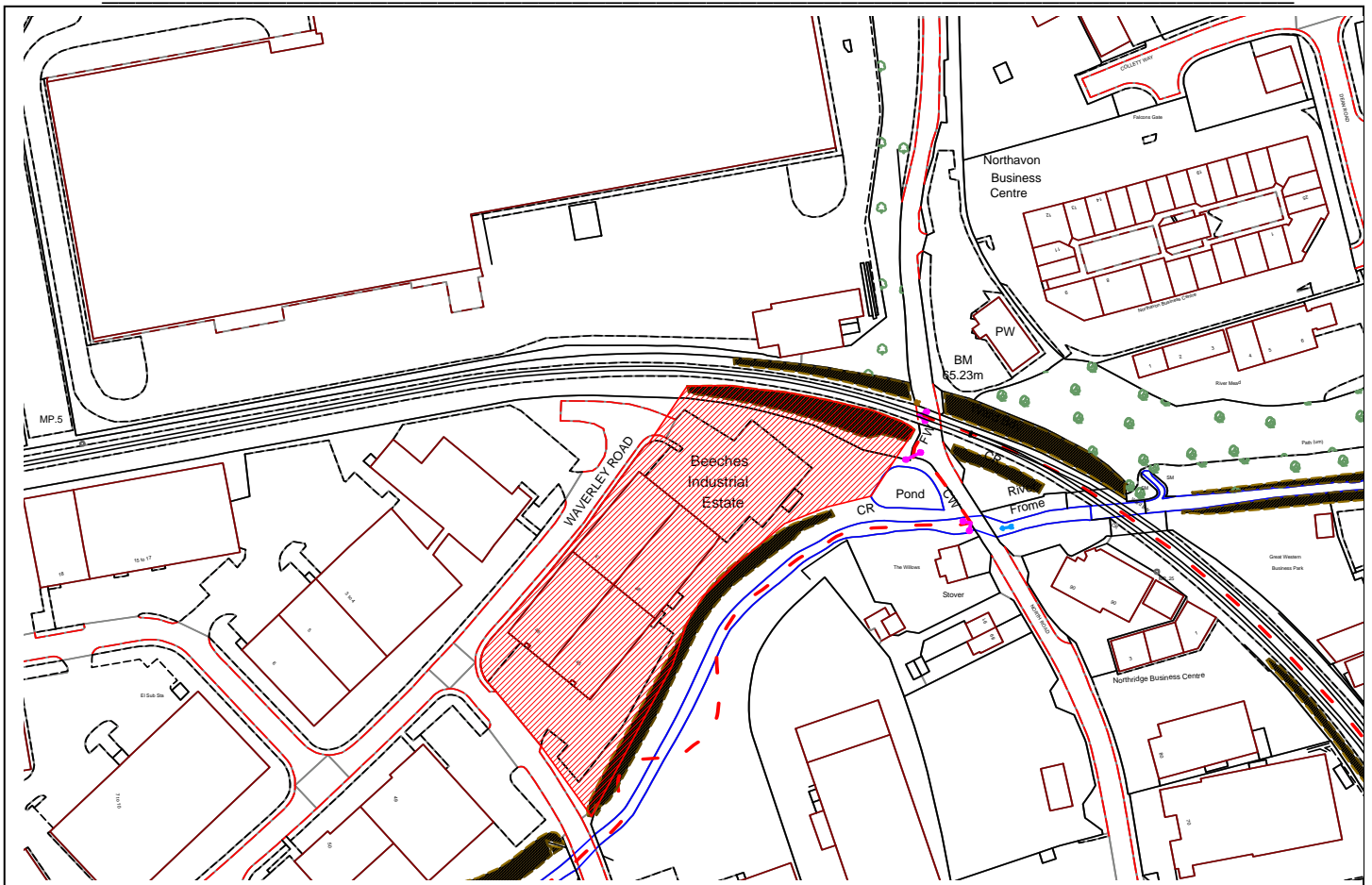
**Parish:** Iron Acton Parish Council

**Map Ref:** 69861 82980

**Ward:** Ladden Brook

**Application Category:** Minor

**Target Date:** 7th November 2008



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100023410, 2008.

N.T.S

PK08/2592/RVC

This application is reported on the Circulated Schedule due to the receipt of neighbour objections counter to the officer recommendation.

## **1. THE PROPOSAL**

1.1 This application seeks to remove condition 10 from planning permission ref. no. PK08/1026/F, which states 'No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0600 to 2000 Mondays to Fridays; 0800 to 1300 on Saturdays; nor at any time on Sunday or Bank Holidays.'

The reason given for this condition states: To protect the amenities of the occupiers of nearby dwelling houses, and to accord with policy E3 of the South Gloucestershire Local Plan (adopted) January 2006.

1.2 This application does not propose any amendment to this condition, rather its removal, and therefore seeks 24 hour operation at this site. The original planning permission is for two buildings to the southern edge of the site, to replace the existing building along the northern edge of the site. When the scheme is implemented, it would leave parking areas largely to the north of the buildings, but with some parking in the southeast corner. Six of the seven units would have small yards to the rear of them.

1.3 The nearest residential properties to the site are located to the southeast of the site, separated by the river Frome and a landscaped buffer on each bank. These properties are accessed from North Road. The shortest building to building distance would be 20 metres. The distance from the site to the edge of the residential curtilage would be substantially shorter. The site is part of a safeguarded employment estate under policy E4 in the Local Plan. An acoustic report was submitted to accompany this application. This was later updated to take in properties which were nearer to the site than those originally surveyed.

## **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG4 Industrial, commercial and small firms  
Conditions Circular 11/95

2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
E3 Development proposals within the urban area  
E4 Safeguarded employment sites

## **3. RELEVANT PLANNING HISTORY**

3.1 PK08/1026/F Erection of two buildings for use under Use Classes B1©, B2 and B8, with ancillary office space, car parking and landscaping Approved 2008

3.2 PK08/ 2530/RVC Variation of condition 8 which prevents outside storage Approved 2008

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

4.1 Iron Acton Parish Council  
No objection

4.2 Other Consultees  
Environment Agency  
Do not wish to comment

##### Transportation

There is no transportation objection to the proposal to vary condition 10 attached to PK08/1026/F.

##### Environmental Protection

I have no objections subject to the following condition offered up by the applicant being applied;

The rating level of noise emitted from the site shall not exceed;

Saturday	13.00 - 23.00 hrs	39dB LAeq 1hr
Sunday and Bank Holidays	07.00 - 23.00 hrs	39dB LAeq 1hr
Sat, Sun & Bank Holidays	23.00 - 07.00 hrs	39dB LAeq 5min
Monday to Friday	20.00 - 23.00 hrs	39dB LAeq 1hr
Monday to Friday	23.00 - 06.00 hrs	39dB LAeq 5min

The noise levels should not be exceeded anywhere along the south eastern boundary of the site as defined by drawing 2180-01 rev A.

The measurements and assessment shall be made in accordance with BS4142; 1997.

Compliance with this condition would not preclude the Council taking enforcement action for Statutory Nuisance, should noise from the site be established as a Nuisance.

#### **Other Representations**

4.3 Local Residents

Two replies were received , under the reference no. for the variation of condition 8. However, they clearly relate to this application, stating that they wished to see work stopping at 1800, with no weekend working and the other that they wished to see closing times of 2000 in the week, 1300 on Saturdays, with no Sunday working.

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

5.1 Principle of Development

This application stands to be assessed against the policies listed above in the light of all material considerations. The condition imposed and the proposal for its substitution with a noise limit condition both need to be assessed against the tests for conditions set out in the Circular. In this case, the condition was imposed in order to protect the existing levels residential amenity enjoyed by residents of detached houses to the south east of this site. The analysis will therefore concentrate on this factor.

## 5.2 Residential Amenity

As outlined above, the critical factor in the determination of this application is the distance between the potential noise source (the development which has been approved) and the receptor, the dwellings to the southeast of the site. Material considerations are considered to be the landscape between the source and the receptor as well as the fact that the site is part of a safeguarded employment site and would therefore be expected to continue in an employment use.

The potential uses for each unit in the development could be under Use Classes B1 © B2 or B8. It is considered that daytime operations of each would not be likely to have much of an impact on residential amenity. Night time and evening operations are more likely to coincide with residents being at home. Units 7 is the closest to the residential properties, but the other units have small yards backing onto the landscape buffer of the River Frome which are their closest parts to the residential properties. In these yards it is possible that industrial processes, for instance, could be carried out. Other than the prevention of storage under condition 8 (which has been approved to be amended as detailed below), no conditions control the use of these areas. It is therefore considered that there could be activities in fairly close proximity to the houses, taking place over 24 hours, under this proposal. However, the current permission for the site imposes no restriction to working times and this applies until the current planning permission is implemented. Therefore, should the current scheme not be implemented, the situation could be worse for the residents than that already approved or the amendment now proposed. The intention behind condition 10 was to safeguard residential amenity and this would have been achieved above the existing level under the approved scheme.

While this may have been a desirable outcome, it is considered that the condition is not absolutely necessary, given the level of screening and the separation distance between the noise source and the receptors. Environmental Protection have commented that the revised acoustic report submitted to accompany the application is acceptable. The impact on the nearest residential occupiers, based on existing background noise levels would be acceptable for 24 hour working as long as the noise limits put forward in the amended condition are adhered to. Should the noise limits set in the condition be exceeded, along the southern boundary of the site (the boundary closest to the nearest residential properties, as defined by drawing no. 2180-01 rev A), then enforcement action could be taken in that regard. Aside from this, as noted in the comments at 4.2 above, it is possible that the site could be deemed a statutory nuisance under Environmental Health legislation, depending on the noise that it generates, whether the terms of the condition are breached or not. This sets a fall-back position but is not a planning concern in the determination of this application.

## 5.3 Tests for Conditions

Circular 11/95 sets the following tests for the validity of planning conditions: that they must be necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects. In the case of this application, it is considered that condition 10 is relevant to planning and the development permitted, precise and enforceable. However, the relevant test in this instance is whether the condition is necessary (particularly



with regard to safeguarding residential amenity – the reason it was imposed) and that has been analysed in the foregoing paragraph. It is concluded that the noise level condition substituted for the working hours limitation originally imposed would be acceptable in achieving the same effect of preserving residential amenity.

#### 5.4 Section 106 Requirements

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

7.1 That the planning permission is re-issued with condition 10 replaced with a noise limit condition as shown below. Since development is yet to be commenced, it is not appropriate to remove any of the other conditions at this juncture.

**Background Papers      PK08/2592/RVC**  
**Contact Officer:    Chris Gosling**  
**Tel. No.                01454 863787**

### CONDITIONS

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

Reason:

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

2. As the area may be prone to flood from time to time, the internal ground floor level(s) of the building(s) shall be constructed no lower than 66.72m above Ordnance Datum.

Reason:

In the interests of flood prevention.

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

Reason:

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

4. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:

- (i) all previous uses
- (ii) potential contaminants associated with those uses
- (iii) a conceptual model of the site indicating sources, pathways and receptors
- (iv) potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

The current/previous uses of the site may have had the potential to cause contamination, therefore investigations are required to determine the extent of any potential contamination from these current and previous site uses.

Under Planning Policy Statement 23: Planning and Pollution Control (PPS23) the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through the appropriate measures.

It is possible that a desk study may be sufficient in addressing the above Conditions.

Reason:

To prevent pollution of the water environment.

5. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound

should be at least equivalent to the capacity of the tank plus 10%. If there are multiple tankages, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourses, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason:

To prevent pollution of the water environment.

6. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor. NOTE: Detergents entering oil interceptors will render them ineffective.

Reason:

To prevent pollution of the water environment.

7. Within 3 months from the date of the decision, detailed plans showing the provision of cycle parking facilities in accordance with the standards set out in Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason:

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

8. Outside storage on the site shall only take place in the area marked on plan no. 2180-03 Rev. C. Received by the Council on 13 October 2008.

Reason:

In the interests of ensuring the provision of adequate on site parking and turning for highway safety reasons, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

10. The level of noise emitted from the site shall not exceed 39dB LAeq 5min between 2300 and 0600 Monday to Friday and 2300 and 0700 on Saturdays, Sundays and Bank Holidays and 39dB LAeq 1hr at any other time, as measured on the southeastern boundary of the site specified in drawing 2180-01 rev A. The measurements and assessment shall be made in accordance with BS4142: 1997.

Reason:

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

11. The works hereby authorised shall comply with British Standard 5837: 2005 - Recommendations for Tree Work, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of the long term health of the tree(s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority measures in respect of:

- (i) The identification, through site survey, of protected wildlife species, namely badgers, and their habitat at present (as designated under the Wildlife and Countryside Act 1981 (as amended) and the Badger Act 1992).
- (ii) The protection, as required, of wildlife species, and/or their habitat referred to under (i) above and as identified through the site survey. The approved measures shall be implemented in full unless the Local Planning Authority gives written consent to any variation.

Reason:

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

13. Prior to the commencement of development a method statement shall be submitted to the Local Planning Authority for agreement in writing to safeguard the ecology of the River Frome SNCI, its water quality and the semi-natural habitat associated with the river corridor, both during the constructing and the operating of the units. The development shall proceed in accordance with the details so approved.

Reason:

To protect the wildlife and the ecological interests of the site, in accordance with Policy L8 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. Prior to the first occupation of any of the approved buildings, the steps linking the site to Public Footpath L1A 51X shall be cleared of all vegetation and maintained in such a state thereafter.

Reason:

To ensure that the link from the site to the footpath network is maintained free of obstruction, to accord with policy LC12 of the adopted South Gloucestershire Local Plan.

15. Prior to the commencement of development a plan shall be submitted to the Local Planning Authority and approved in writing, indicating the location and details of protective fencing to all the retained vegetation.

Reason:

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

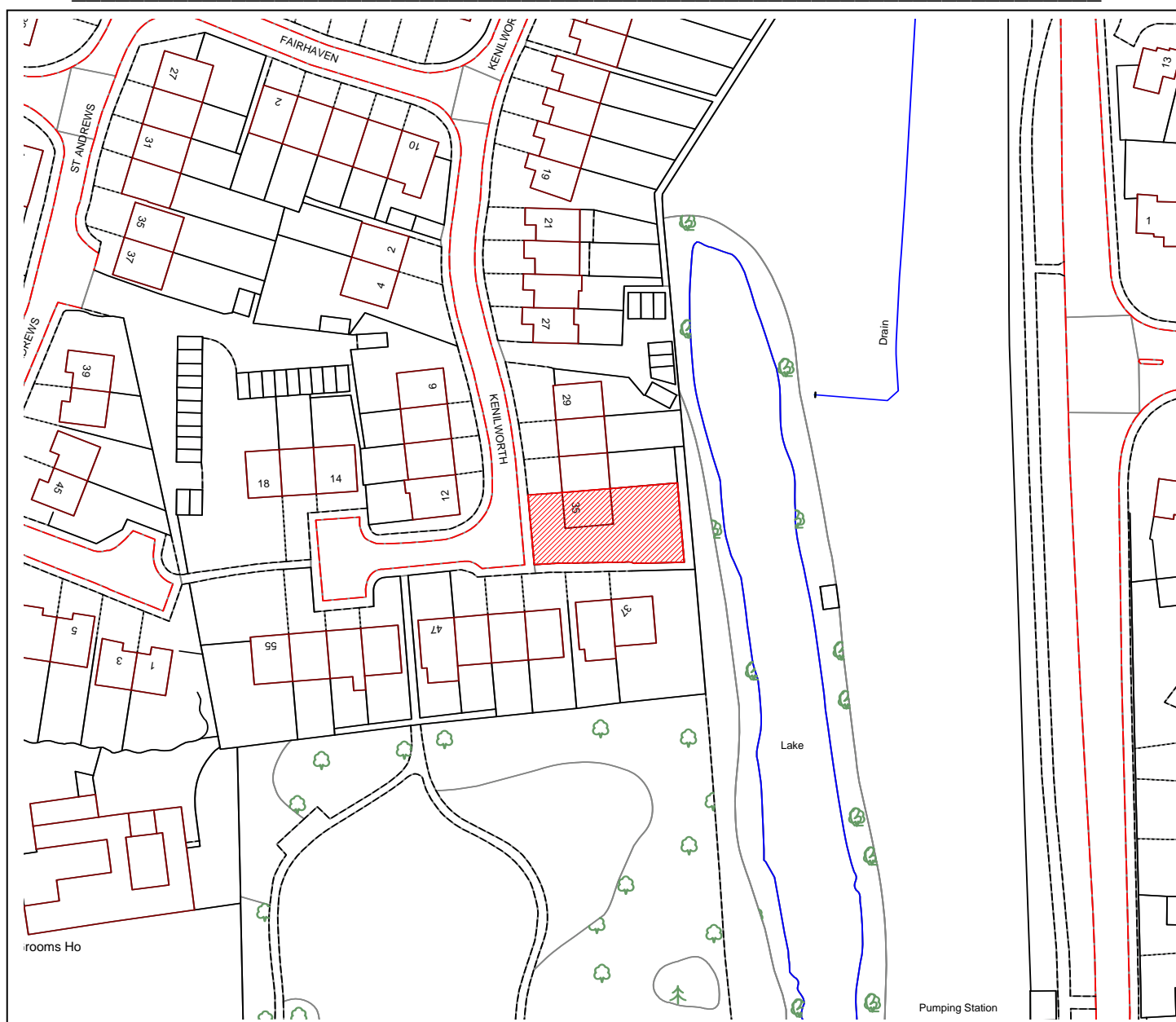
16. The development shall be carried out, leaving a 6.5 metre stand-off of buildings and vegetation from the public foul water sewer which crosses the site.

Reason:

To prevent damage to the sewer which could cause non-point source pollution and flooding, and to accord with Policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 46/08 – 14 NOVEMBER 2008**

<b>App No.:</b>	PK08/2712/F	<b>Applicant:</b>	Mr M Wallis
<b>Site:</b>	35 Kenilworth, Yate, South Gloucestershire, BS37 4DT	<b>Date Reg:</b>	6th October 2008
<b>Proposal:</b>	Erection of single storey side extension to form garage and hobby room.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	71602 81934	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th November 2008



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**N.T.S**

**PK08/2712/F**

## **INTRODUCTION**

The application has been forwarded to the Circulated Schedule for Member consideration as a representation has been received contrary to the Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application site is situated within a residential area located close to the commercial centre of Yate. The application site comprises an end of terrace bungalow with generous private garden on three sides and vehicular access onto Kenilworth to the west. The site is bounded by a row of bungalows to the south.
- 1.2 The application proposes a single storey side extension to provide garage and hobby room.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H4 Development within Existing Residential Curtilages  
T8 Parking Standards
- 2.3 Supplementary Planning Guidance/Documents  
South Gloucestershire Design Checklist – August 2007

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

- 3.1 None

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
  
No objection
- 4.2 Other Consultees  
  
None

#### **Other Representations**

- 4.3 Local Residents

One letter of objection received from the occupiers of 37 Kenilworth raising the following concerns:

Loss of light/sunshine; overbearing development; garages available for rent in the area.

One letter of support received from the occupiers of 39 Kenilworth.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity.

### 5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The dwelling is situated within a suburban residential context. The dwelling the subject of this application is an end of terrace bungalow with open gardens to the front and side and enclosed garden to the rear. The design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

### 5.3 Residential Amenity

Ample rear amenity space to the property would be retained following the erection of the proposed garage extension. The garage would measure 2m in height to eaves, 2.8m to ridge with 3.6m width and 8m length. With regard to neighbouring properties, the garage would be situated 11m from the front elevation of the bungalows to the south. The proposed extension would be screened from the dwellings to the north by the existing dwelling. The modest scale of the proposal and the 11m distance from the dwellings to the south would ensure there is no prejudice to the amenity of neighbouring occupiers.

### 5.4 Highway safety

The proposal would meet the adopted parking standard in the Local Plan. The proposal would not result in a material intensification of the vehicular access. The proposal would therefore result in no material harm in relation to highway safety considerations.

### 5.5 Design and Access Statement

A Design and Access Statement is not required for this application

### 5.6 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and



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

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

- 7.1 Consent is GRANTED subject to the following conditions and informatives:

**Background Papers**      **PK08/2712/F**

**Contact Officer:**    **Sean Herbert**

**Tel. No.**                **01454 863056**

## **CONDITIONS**

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

Reason:

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

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

Reason:

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

**CIRCULATED SCHEDULE NO. 46/08 – 21 NOVEMBER 2008**

**App No.:** PK08/2736/F  
**Site:** 81-83 Westerleigh Road, Yate, South Gloucestershire, BS37 4BN

**Applicant:** Mr M Passmore  
**Date Reg:** 7th October 2008

**Proposal:** Change of use from Guest House (Class C1) to Residential dwelling (Class C3) as defined in the Town & Country Planning (Use Classes) Order 1987 (as amended). Erection of 3 no. dwellings with associated garages, parking and access.

**Parish:** Yate Town Council

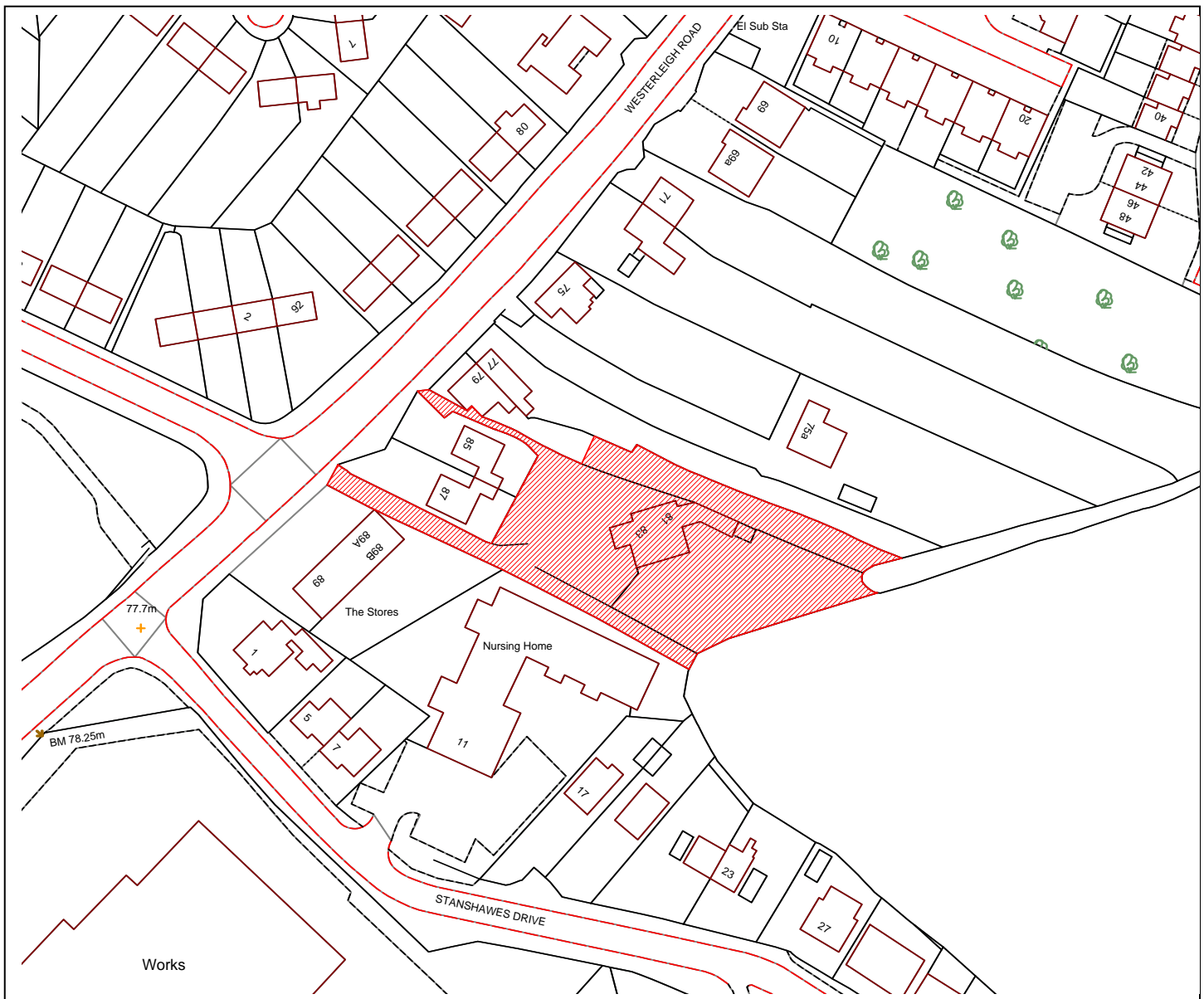
**Map Ref:** 70837 82101

**Ward:** Yate Central

**Application Category:** Minor

**Target Date:**

27th November 2008



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100023410, 2008.

## **INTRODUCTION**

This application is reported on the Circulated Schedule as the recommendation requires a Section 278 Agreement under the Highways Act and an objection has been received to the proposed development.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the conversion of a guest house to a dwelling, along with the erection of three further dwellings within the grounds of what is currently the guest house and an existing dwelling. The site is currently accessed from Westerleigh Road down a narrow lane between the side of NO. 87 Westerleigh Road and a small garden centre. The site continues to the rear of Nos. 87 and 85. It is located to the side of Stanshawes Nursing Home, which has first floor windows overlooking the site over the mature boundary hedge.
- 1.2 To the south of the existing access, which is proposed to be maintained, along with a separate pedestrian access onto Westerleigh Road, lies a parking area in front of a convenience store. The access would therefore be shared with that facility.
- 1.3 The surrounding housing is a mixture of single and two storey, in a detached or semi-detached form. The guest house and house on site are located in the middle of the site, semi-detached and standing in a diagonal position across the site. The proposed new dwellings would be added (one) next to the entrance and (two in semi detached form) to form the end of a courtyard arrangement, with the existing buildings being re-orientated to face onto an area of hardstanding in the southern portion of the site. Parking is proposed to be provided in garages off this courtyard.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPG13 Transport
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H2 Housing  
H5 Conversion of buildings for residential purposes  
H4 Development within residential curtilages  
T7 Cycle Parking  
T8 Parking Standards  
T12 Highway Safety

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

- 3.1 PK07/2589/F Demolition of guest house and erection of 5 dwellings  
Withdrawn

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
No objection

## 4.2 Other Consultees

### Transportation

Planning permission has previously been sought to demolish the existing dwelling to facilitate the erection of five dwellings on the site (PK07/2589/F). This application was withdrawn prior to its determination. No transportation objection was raised to this proposal subject to a public transport contribution.

This current proposal seeks to change the use of the existing dwelling from a guesthouse to residential dwelling. It is also proposed to erect three additional dwellings making a total of five within the site boundary.

In transportation terms this development is the same as the previous proposal. It is proposed to use the same access as previously and two parking spaces are again proposed for each dwelling. Two bin collection points have been proposed but these are still considered to be too remote from the current refuse collection point on the public highway. It is therefore requested that these are relocated as close as possible to the current refuse collection point.

To promote alternative modes of transport to the car the Applicant if requested to make a financial contribution of £5000 towards improvements to public transport in the area.

Subject to the following conditions, there is no transportation objection to this proposal.

### CONDITIONS

1. Prior to commencement of the development, a revised plan must be submitted for approval by the Council showing a bin collection point which is close to the current refuse collection area on the public highway.
2. Prior to occupation of any of the dwellings the Applicant to make a financial contribution of £5000 towards public transport improvements in the vicinity of the site. This contribution will be secured via an appropriate legal agreement.

### Environmental Protection

No adverse comments

### Technical Services

No objection, subject to the inclusion of a condition requiring sustainable drainage.

## **Other Representations**

### 4.3 Local Residents

Four consultation replies were received, three objecting and one general observation, citing the following concerns:

- The access is unsuitable with poor visibility and so this proposal would harm road safety
- The proposal will increase traffic generation
- The access becomes gridlocked at times as it conflicts with the car park for the nearby shop
- The proposed garage would be close to a neighbouring property
- The bin collection point on the footpath and the access road are not within the applicant's ownership as declared

- Any further development will reduce the attraction of the area for wildlife
- The existing access was found by a Planning Inspector to be inadequate to allow the change of use of No.93 to a 7 bedroom guest house in 1994 and the subsequent Certificate of Lawfulness for the use does not change this assessment
- Bedroom 3 of House C would have 2 windows, the one on the north elevation would look into a nearby bungalow's lounge and bedroom
- This proposal would reduce the value of houses nearby  
NB This last point is not a valid planning concern.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The site is located within the built up area of Yate and therefore policy H2 applies to the proposed new build element. Policy H5 applies to the conversion of the existing guest house to residential use. The site is considered to be backland in nature, but is in use at present with these characteristics, traffic movements to the rear of existing dwellings etc. The proposal is designed to intensify the backland use of the site, but remove the elements which presently could be seen as harming the residential amenity for the dwellings fronting Westerleigh Road: The re-orientation of the site will ensure that traffic movements are now confined to the existing access lane and the courtyard area enclosed by the existing and new buildings on site. The proposed layout would ensure that there will be a back garden to back garden relationship with Nos 85 and 87 Westerleigh Road. The situation with regard to the relationship between the site and nursing home would remain unaffected. The intensification of the use of this backland site, as proposed, is therefore considered to improve the existing situation and as such not represent tandem development cautioned against in policy H2.

### 5.2 H5: Conversion of guest house

Policy H5 sets out criteria to judge development proposals against for conversions. In this case, it is considered that this part of the proposal would not have an adverse effect on the character of the area, would not prejudice the amenity of nearby occupiers, would be adequately served for off-street parking, would provide adequate amenity space for the proposed dwelling and the site is located within the urban area. Therefore, this part of the proposal is considered to comply with policy H5.

### 5.3 H2(A): New dwellings: Transportation Effects

The highway comments at 4.2 confirm that the proposal would not increase the level of traffic generation from this site above the current level under the current lawful use. This matter is crucial to the assessment of the impact on highway safety posed by the continued use of the access road to the site. If the proposal reduces the use of the access road and junction, then the proposal could result in nothing other than a betterment of the existing situation in terms of highway safety. This is considered to be the case and the contribution towards public transport facilities in the area, which has been agreed, is considered to make it likely that even less journeys will be undertaken by car from the site. Bin collection would also have the potential to affect highway safety detrimentally. Bin collection cannot take place more than 25 metres from the edge of the highway and therefore a location in the site is not practical – nor would it be

desirable. There appears to be some dispute over the ownership of the proposed bin store areas and therefore a condition has been included below to ensure that a location (within the applicant's ownership) is submitted prior to the commencement of development. This should ensure a practical solution to this matter.

#### 5.4 H2(A): Environmental Effects

The Environmental Health Officer has responded to the application that there are no adverse comments in regard to any environmental effects of the proposal. The proposal is considered to satisfy this criterion of the policy.

#### 5.5 H2(A): Residential Amenity

The site, as examined in the following paragraph, is considered to be large. The layout proposed is considered to provide adequate amenity space for each of the five dwellings (three new, one converted and one residual) taking into account that they will provide family accommodation. Grouping the dwellings as proposed, based around the middle of the site and following the existing unorthodox alignment is considered to prevent short distance window to window views as well as direct overlooking of gardens. Accordingly, the residential amenity for the proposed dwellings is not considered to represent a problem.

There is also the effect of the proposal on the residential amenity of the existing surrounding dwellings to consider. Here again, the diagonal alignment of the proposal is considered to prevent any problems with intervisibility between habitable room windows having an adverse impact on residential amenity. The key issue here is the effect of the proposed siting on the adjacent nursing home. The nearest wall of the proposal, which would be blank at first floor level, is 9 metres from the nearest part of the nursing home. Normally this would be considered to be close proximity, but as all the house would present towards the nursing home's first floor windows is a corner, it is considered that there is not enough bulk of the building to cause harm to the residential amenity of occupants of those nearest rooms.

With regard to overlooking of gardens, it is considered that the alignment proposed, once again, would avoid any direct views and thus not worsen the existing levels of overlooking and certainly not to the extent where residential amenity is compromised.

It is considered therefore that the proposal would comply with this part of policy H2.

#### 5.6 H2(B): Density of Development

The site extends to 0.21 hectares. The proposal would leave a density of 25 dwellings per hectare, which is below the government's indicative target of 30 d.p.h. However, the site is served by a private drive and the '5 off a private drive' GUIDANCE is a constraint on this site. In addition to this, any further housing provided on this site is considered to take the traffic movements generated by the site to a level greater than those generated by the house and guest house. As such, a greater density of development would result in a recommendation for refusal, therefore achieving this proposed density of development would represent the most efficient use of the site.

- 5.7 H2(C): Is the site subject to pollution?  
The Environmental Health Officer's comments again refer. With the current use of the site as a dwelling and a guest house it is not considered to be likely that contamination of the site has occurred. The proposal is for further residential development similar in nature to that already existing on the site.
- 5.8 H2(D): Provision for community facilities arising from the development  
The proposed four new houses falls below the relevant thresholds for the provision of contributions towards community facilities.
- 5.9 H4: Impact on existing dwelling  
The existing dwelling would be left in the middle of a group of dwellings and as such, it would be subject to the analysis at 5.5 above, which has not identified any harm to existing levels of residential amenity.
- 5.10 D1: Design  
The proposed development is considered to compliment the existing arrangement of house and guest house on the site. While this pattern of development is at odds with that surrounding the site, the discrete location as well as the existing built form is considered to give a licence to follow the prevailing form. This has led to a courtyard focal point for parking, turning and, subject to low levels of traffic, potentially an informal play area for children, resembling an under-designed relatively enclosed home zone. The design of the dwellings is of a simple cottage style and the garages add to the feeling of enclosure in the central space which would be created. Materials would compliment the existing buildings. As such, the proposal is considered to accord with policy D1 and the advice in PPS1 in that it would enhance the existing site visually.
- 5.11 Other Issues  
A drainage condition has been included below. This is considered to allow for the opportunity for sustainable drainage to happen within the site.
- 5.12 Design and Access Statement  
  
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.
- 5.13 Section 106 Requirements  
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the transportation improvements are appropriately the subject of a Section 278 Agreement under the Highways Act. The contribution towards these improvements has been agreed at £5,000.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 That planning permission is approved, subject to the conditions shown below and subject to the applicants signing an Agreement under Section 278 of the Highways Act 1980 to secure the contribution outlined above.

**Background Papers**      **PK08/2736/F**

**Contact Officer:**    **Chris Gosling**

**Tel. No.**                **01454 863787**

## **CONDITIONS**

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

Reason:

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

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

Reason:

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

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

4. Reason(s):

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

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

Reason:

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

7. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0800-1800 from



Mondays to Fridays and 0900-1300 on Saturdays; nor at any time on Sunday or Bank Holidays.

Reason:

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

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

Reason:

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

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

Reason:

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

10. Prior to the commencement of development a plan showing the position of a bin storage area shall be submitted to the Local Planning Authority for approval in writing. The bin store shall be implemented in accordance with the details so approved.

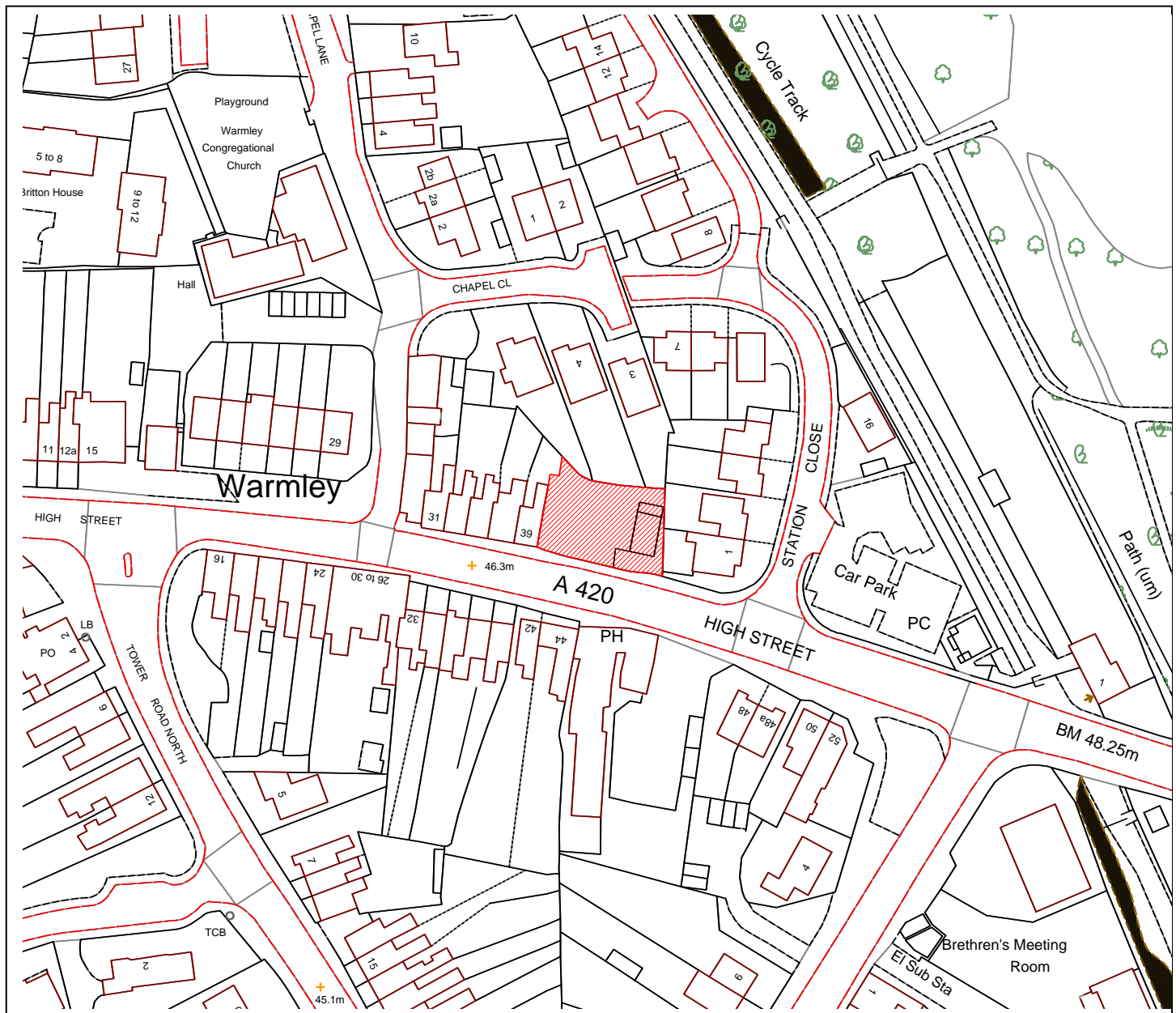
Reason:

To ensure that bin storage facilities are implemented in close proximity to the highway, in the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 46/08 – 14 NOVEMBER 2008**

**App No.:** PK08/2772/F  
**Site:** 45 High Street, Warmley, South Gloucestershire, BS15 4NF  
**Proposal:** Demolition of existing building to facilitate the erection of 3no. dwellings with parking, access and associated works.(Resubmission of PK08/2133/F).  
**Map Ref:** 67012 73567  
**Application Category:** Minor

**Applicant:** Mr K Scammell  
**Date Reg:** 13th October 2008  
**Parish:** Siston Parish Council  
**Ward:** Siston  
**Target Date:** 1st December 2008



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100023410, 2008.

N.T.S

PK08/2772/F

## **INTRODUCTION**

This application is reported on the Circulated Schedule due to the receipt of objections contrary to the officer recommendation.

### **1. THE PROPOSAL**

1.1 This application seeks planning permission for the erection of three dwellings in terraced form, with a parking area to serve them at the end of the terrace. The site area includes a gap at the end of the existing two storey terrace (31 to 39 High Street) which effectively separates the proposed terrace from the existing at ground floor level. This is intended to be left open to allow the maintenance of the existing situation where the occupiers of the dwellings further along in the terrace can access the street from their back doors, via a path. At first floor level, the proposal would join the existing terrace through a 'flying bathroom' in order to continue the pattern of longer terraced rows evident on both sides of the High Street.

1.2 The site at present is a stretch of open land with a garage at its eastern end, which is in a poor state of repair. This was last used as a joinery workshop and is locally listed. It is a gap site in the regular frontage of this side of the High Street, where 31-39 are located at the edge of the kerb, with longer rear gardens than the site is able to offer. To the rear of the site are rear gardens of properties in Chapel Close. To the east of the site are two modern semis with back gardens abutting the proposed parking area, which would provide 5 parking spaces.

1.3 The proposal follows the withdrawal of an earlier scheme which had a full height gap between the existing and proposed terraces. Further changes to the revision include alterations to window sizes and the use of natural stone in the front and end elevations and an increase in the size of the parking area, together with a reduction in the number of bedrooms proposed. This scheme would provide one three bedroom dwelling and two 2 bedroom houses, the former having the largest of the three gardens.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

#### **2.2 Development Plans**

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

D1	Design
H2	Residential development
T7	Cycle parking
T8	Parking standards
T12	Transportation
EP1	Environmental Pollution
EP6	Contaminated Land
L15	Locally Listed Buildings

#### **2.3 Supplementary Planning Guidance** **Design Checklist (adopted 2007)**

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

3.1 PK08/2133/F Erection of three terraced houses and parking area Withdrawn

### 4. **CONSULTATION RESPONSES**

#### 4.1 Siston Parish Council

No Objection to the development of the site subject to the frontage of the new properties being in keeping with the present high street and the Forge being kept and restored in 19<sup>th</sup> Century style. The Forge has been a part of the village scene for over 100 years and is part of the area's local industrial history. The demolition of The Forge to create a car park would mean that the character of the area would be lost forever. It is suggested that rather than it being lost it be renovated and let/sold for commercial purposes.

#### 4.2 Other Consultees

##### Transportation

The proposal is for redevelopment of a previously commercial site (last used as a joinery workshop) and it will include 3 new dwellings (2 x 2 bed and 1 x 3 bed dwellings) with parking and new access. Vehicular access to the development would be from High Street and it is in almost the same location as to the existing access to the commercial property. It is proposed to remove or set back the existing wall and to create visibility splays of 2.4m by 90m.

Communal parking and vehicular turning area will be provided to the eastern end of the site. A total of 5no. parking spaces would be created on site and that complies with the SG Council's maximum parking standards. Sufficient manoeuvring and turning space is also available on the site for cars to enable them to enter and exit the access in forward gear. Suitable planning conditions could be imposed to provide the parking/turning area on the site and to maintain them for their intended use.

In view of all the above, there are no highway objections to this proposal but the following planning conditions are recommended.

- Provide visibility splays as indicated on the submitted and approved plans and maintain these satisfactory thereafter.
- Parking and turning area (as indicated on the submitted and approved plans) shall be provided and maintained free from any obstructions and to be used only for their intended purpose.
- Parking and turning area shall be marked accordingly and they shall be maintained satisfactory thereafter.
- All parking and turning area shall be surfaced with bound surface material and it shall be maintained satisfactory thereafter.
- Works within the public highway to alter or extend the existing vehicular access shall be carried out to approval of the Council's Street-Care department.

##### Technical Services

No objection, subject to the inclusion of a condition requiring sustainable drainage.

### Locally Listed Building

I note the main amendments to this scheme from that previously withdrawn are the change in materials to natural stone for the front and side (east facing) elevations and a first floor side extension (off the west facing gable) which would link the existing and proposed terraces. The ungainly projecting rear gable has also been removed. The change to natural stone (as previously suggested) is welcomed.

In my opinion although the proposed first floor link appears somewhat awkward, it would help provide a degree of visual interest and help tie the existing and proposed terraces together. I would though suggest it is set back slightly more to help soften its appearance within the street scene.

Also I note the introduction of landscaping and use of pavements to help lift the appearance of the car park, which previously looked rather bleak. In light of the above, I would consider that (subject to the suggested conditions below) the proposed scheme complies with the requirements of Policy L15.

### Condition 1

Samples of roofing and natural stone (for the houses and boundary wall) to be submitted for approval

### Condition 2

Prior to the commencement of development, the specification of the landscaping is to be submitted to the LPA for written approval and the approved landscaping scheme is then to be implemented within the first planting season after the occupation of the units.

## **Other Representations**

### 4.3 Local Residents

Two letters of objection were received, citing the following concerns:

- The use of natural stone to exteriors has not been illustrated on the plans
- The rear elevations will be rendered and not finished in natural stone
- No natural screen has been indicated for the rear of the car park, next to existing rear gardens – a natural barrier and some boundary treatment is required
- The demolition of the Old Forge would give an uninterrupted view of the High Street from the rear of Chapel Close properties
- The new residents will bring noise and pollution closer to the rear gardens of Chapel Close
- The site is too cramped in comparison with Chapel Close, Chapel Lane and Station Close
- Overbearing impact on properties to rear
- The proposed car park would be a security hazard, allowing access to the rear of properties in Chapel Close
- Overlooking from the upper windows in the rear of the proposed dwellings
- Highway safety issues regarding the proposed access
- Lack of details of surface water drainage

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The site lies within the urban area and therefore residential development is acceptable in principle, in line with policy H2, subject to the following analysis, which stems from the criteria set by that policy:

#### 5.2 H2: Environmental or Transportation Effects

The Transportation comments appear at 4.2 above. There has been provision made for a level of off street parking which is considered to be acceptable to serve the proposed development. The width of the car parking spaces has been increased since the previous application was withdrawn and is now considered to be adequate to allow easy access for passengers even in close proximity to the site boundary. The access to the site is considered to allow access and egress which would maintain current levels of road safety, due to the visibility splay shown on the plans and required to be provided by condition below. The proposal would use the existing site access, which otherwise could be brought into use without any improvement to visibility.

#### 5.3 H2: Residential Amenity

This is an infill site, where it is proposed to continue the prevailing terraced form along the gap frontage. This urban form to a large extent dictates that appropriate development along the frontage will conform to the existing front and rear building lines. This creates a situation where the only effects on residential amenity arising from the proposal would be to the front and rear of the site. As stated, continuing the terrace would leave a substandard distance in terms of intervisibility between habitable room windows across High Street. However, the distance is the same as that already established and on balance it is considered that achieving good design in this location should take preference over this minor impact on residential amenity. To the rear of the site, the houses in Chapel Close view the rear of the site at an angle, slanting direct views over the area proposed to be used as a car park. The insertion of three terraced dwellings at this location is not considered to compromise the existing levels of amenity as the proposal would remove a potential noise source (if the lawful use of the site were to be resumed) and replace it with rear gardens and a car parking area. A better degree of enclosure would also be provided to the rear gardens of the three affected houses in Chapel Close. Issues of overlooking and intervisibility between habitable room windows have been raised through the consultation process. In this regard it is considered that, at a distance of 22.5 metres between the nearest point of the proposed houses and the existing houses in Chapel Close, no overbearing impact would occur, nor would there be any impact on residential amenity arising from intervisibility between habitable room windows.

Overall, therefore, it is considered that the proposal would not have any detrimental impact on the existing levels of residential amenity of surrounding properties.

As regards the residential amenity for the proposed dwellings, the key issue is the provision of amenity space to serve the dwellings. Due to the layout, all available amenity space would be situated to the rear of the houses. As explained at 1.3 above, the largest of the three proposed dwellings would have the largest amenity space, at 39 square metres, with the two bedroom dwellings having approximately 32 square metres each. It is acknowledged that

these sizes are small, but it is considered that there are natural limitations on the size of amenity space which can be created, given the constraints imposed by the design imperatives. The proposed dwellings are likely to provide family accommodation, but in the case of two of them this would be limited to small families. Accordingly, it is considered that the proposal would provide adequate amenity space to serve the needs of future occupiers and to comply with policy H2 in this regard.

5.4 H2: Maximum Density Achieved

The site measures 0.04 hectares. The proposed development of 3 dwellings would generate a density of 75 dwellings per hectare, a figure which is slightly higher than the site's surroundings. The urban design comments below address the appropriateness of the design within its context. This to a large extent would set the parameters for the density of development on the site, which is considered to be appropriate in this instance.

5.5 H2: Is the site subject to unacceptable levels of pollution?

It is not known whether the site, when in use as a forge or at other times, was used for storage of materials which may have contaminated the land. For this reason, a condition has been appended below to ensure that the site is properly surveyed and any contaminants removed. Subject to this condition, imposed due to the risk of contamination, it is considered that this criterion is satisfied.

5.6 H2: Provision for leisure, recreation and other community facilities

The proposal falls below the threshold to qualify for consultation with service departments for Section 106 contributions. No particular effects of this development have been identified which require mitigation in this respect.

5.7 D1: Urban Design

The urban design elements have been mentioned above. The predominant terraced form on this side of High Street to a large extent determines that any urban form in this infill site should follow the cues set by the terrace. This has informed the design, with the proportions, height to eaves and ridge, building materials, front and back building lines, window surrounds, window sizes and locations, together with the established solid to void ratio being adopted in the design. The proposed dwellings do not however simply seek to replicate the prevalent style, as the Building regulations requirement for downstairs toilets means that additional windows have to be introduced at ground floor level at the front of each dwelling. These windows, which have been reduced in scale to give a 'quirky' appearance will help to define the proposed dwellings from their neighbouring terrace. The other design element which is at variance with the existing terrace is the first floor linking element which would separate as well as join the new terrace to the old. This is proposed to be recessed and with a roof at a smaller scale than the terrace. It is considered that the proposed design works well, is appropriate to the site's setting and respects local distinctiveness, complying with policy D1.

5.8 Car Park Boundary Treatment

This issue has been raised through the consultation process, in regard to security and residential amenity. The plans indicate that the existing 1.8 metre high timber boundary fence will be retained, along with the existing 2 metre brick wall along the site's eastern boundary. Subject to these boundary treatments being retained, it is considered that the proposed car parking area

would not have any detrimental impact on the residential amenity of adjoining properties. With regard to security, the situation would remain unchanged. Indeed it is possible that having the whole site in use, including the car park, would improve security in the area as a whole, by increasing activity and overlooking. It should however be noted that the site is already in full view of the properties opposite in the High Street.

#### 5.9 Loss of a locally Listed building

The forge appears on the local list, but more due to its historical than its architectural significance. This has been highlighted by the comments of the Parish Council. The proposal would see its demolition and the test set in policy L15 is whether the quality of the replacement built form would mitigate for the building's loss. In this case it is considered that, taking into account the comments from the Listed Buildings Officer and the design of the proposed terrace outlined at 5.7 above, the design of the proposed built form is high enough to warrant the loss of the old forge. If, as suggested by the Parish, the forge were to be retained in its present form and refurbished, this application could not be approved, as some of the remainder of the site would be required for parking for the building.

#### 5.10 Design and Access Statement

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

#### 5.11 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

### Background Papers

**PK08/2772/F**



**Contact Officer: Chris Gosling**  
**Tel. No. 01454 863787**

## **CONDITIONS**

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

Reason:

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

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

Reason:

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

3. The off-street parking facilities for all vehicles, including cycles shown on the plan hereby approved shall be provided, with all surfaces using bound materials, before the first of the buildings is first occupied, and thereafter retained for that purpose.

Reason:

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

4. The building shall not be occupied until the associated car manoeuvring areas have been drained and surfaced in accordance with the details approved in writing by the Local Planning Authority. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles and be kept free of obstruction for that purpose.

Reason:

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

5. The visibility splay shown on the approved plans shall be created prior to the first occupation of any of the dwellings hereby approved and thereafter maintained free of obstruction to visibility.

Reason:

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

6. No development shall take place until samples of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the

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

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policies D1, H2 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the commencement of development a scheme of landscaping, showing proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policies D1, H2 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. No development shall take place on site until a soil survey of the site is undertaken and the results submitted to the Local Planning Authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. A scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority in writing and the scheme as approved shall be fully implemented and completed before any [residential] unit hereby permitted is first occupied.

Reason:

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policies EP1 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 46/08 – 14 NOVEMBER 2008

**App No.:** PK08/2802/F  
**Site:** 8 Peache Road, Downend, South Gloucestershire, BS16 5RN

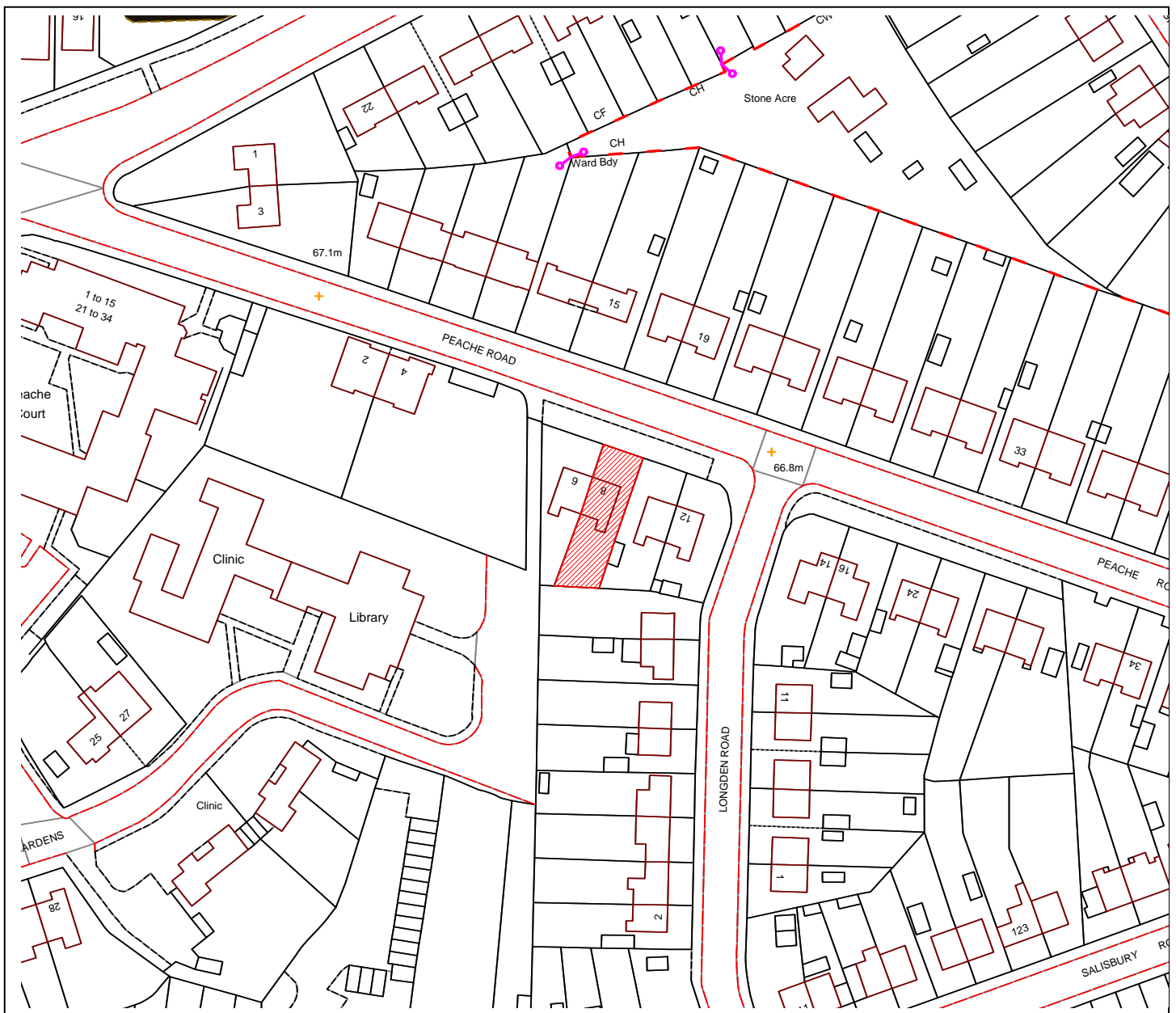
**Applicant:** Mr C Salter  
**Date Reg:** 15th October 2008

**Proposal:** Erection of single storey rear extension to form additional living accommodation. Erection of raised decking with associated handrails and steps.

**Parish:** Downend and Bromley Heath

**Map Ref:** 65486 76740  
**Application Category:** Minor

**Ward:** Downend  
**Target Date:** 9th December 2008



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100023410, 2008.

**N.T.S**

**PK08/2802/F**

This application has been referred to the Circulated Schedule due to the receipt of one letter of objection from a local resident.

## **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a single storey extension and raised decking at the rear of 8 Peache Road, Downend. The proposed single storey rear extension would measure 5.9 metres wide by 2.9 metres in depth and would have a maximum height to ridge of 4.4 metres.
- 1.2 The property is a two storey semi-detached dwelling and is located within a residential area of Downend.

## **2. POLICY CONTEXT**

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

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None

## **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
No objection

### **Other Representations**

- 4.3 Local Residents  
One letter of objection has been received raising the following concerns.
- The foundations and construction of the extension would cause damage to the patio and fencing of the neighbouring property and contractors would be required to cross onto their land.
  - Loss of daylight
  - Loss of privacy
  - No current party wall agreement

The letter of objection also raised a query regarding the proposed boundary treatment and stated a preference for the extension to be half the proposed width.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Design / Visual Amenity

The proposed single storey rear extension and associated raised decking area is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The extension is of modest size in comparison to the bulk of the main dwelling and is suitably subservient to it. The bricks used in the construction of the extension would match the main dwelling assisting the successful integration of the structure with the host dwelling. In addition the proposed decking would measure less than 1 metre in depth. It is therefore considered that the addition of the extension and raised decking would not harm the visual amenity of the area. This is particularly the case given the location at the rear of the building, its simple design and its moderate dimensions. Consequently, it is considered to be an appropriate addition to the dwelling and street scene.

### 5.3 Residential Amenity

The rear of the property is bound on both sides by neighbouring residential properties and is enclosed and screened by a combination of brick wall and closed board fencing. The rear of the application site and that of the adjoining property are raised up above ground level due to the gradient of the land. The proposed extension would be slightly set back from the boundary with the adjoining dwelling and would be approximately 2.2 metres away from the boundary with No. 10 Peache Road.

Due to the gradient of the land to the rear of the application site the maximum height of the extension is 4.4 metres high. The neighbouring property, No. 6 Peache Road, has a raised patio area which extends approximately 2 metres from the rear of the property. Concern has been raised that the extension would restrict the level of light entering No. 6 Peache Road. Whilst it is accepted that the proposed development would inevitably result in some loss of daylight/sunlight to the rear of this property, given that the extension would only be 3.3 metres in height when measured from the neighbouring properties raised decking and given the modest depth of the proposal combined with the proposed closed board fencing boundary treatment, it is not considered that the extension would have any overbearing effect on this neighbouring dwelling. Furthermore it is not considered that the loss of daylight/sunlight to this property would be of sufficient concern to warrant the refusal of the application.

No windows are proposed on either side elevation of the extension, furthermore whilst the decked area is 1 metre above ground level the proposed boundary treatment adjacent to this area is approximately 2.5 metres in height. It is

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

#### 5.4 Other Issues

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

#### 5.5 Section 106 Requirements

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

**Background Papers**      **PK08/2802/F**

**Contact Officer:**    **Kirstie Banks**  
**Tel. No.**                **01454 865207**

## **CONDITIONS**

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

Reason:

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

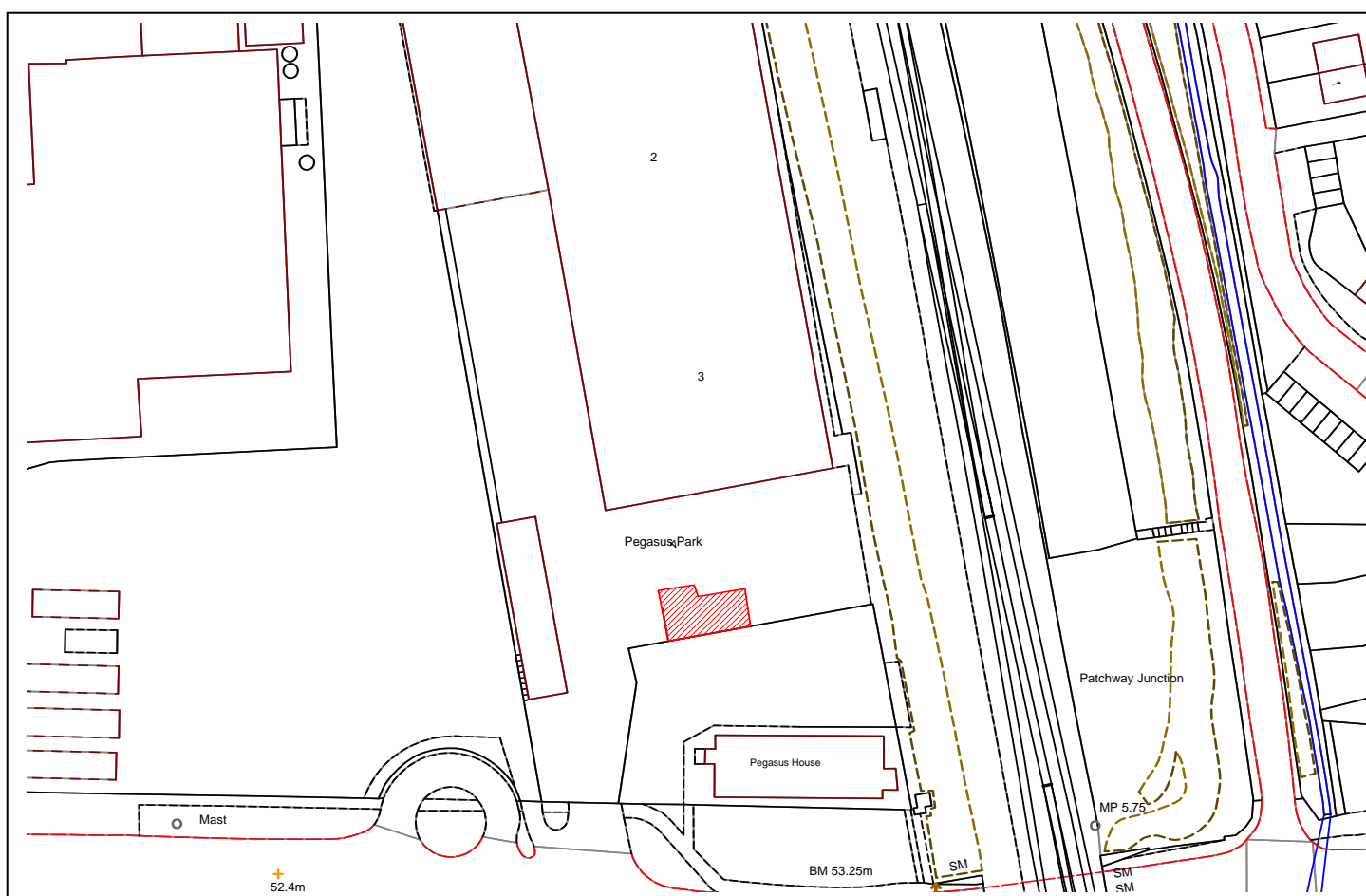
2. The bricks to be used externally in the development hereby permitted shall match those of the existing building in colour and texture.

Reason:

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

## CIRCULATED SCHEDULE NO. 46/08 – 14 NOVEMBER 2008

<b>App No.:</b>	PT08/2757/F	<b>Applicant:</b>	South Gloucestershire Bus & Coach Co
<b>Site:</b>	The Coach Depot, Pegasus Park, Gipsy Patch Lane, Little Stoke, South Gloucestershire, BS34 6QD	<b>Date Reg:</b>	13th October 2008
<b>Proposal:</b>	Change of use of land on bus depot forecourt (sui generis) to use of land for the stationing of mobile catering units (class A5) (as defined in the Town and Country Planning (Use Classes) Order 1987)	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	61103 80607	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Minor	<b>Target Date:</b>	27th November 2008



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100023410, 2008.

N.T.S

PT08/2757/F



**This application appears on the Circulated Scheduled as a representation was received contrary to the Officer's recommendation.**

**1. THE PROPOSAL**

- 1.1 The applicant seeks retrospective planning permission for a change of use of land on bus depot forecourt (sui generis) to use of land for the stationing of mobile catering units (class A5) (as defined in the Town and Country Planning (Use Classes) Order 1987).
- 1.2 The application site is located on land on an existing bus depot forecourt. The site lies to the north of Gipsy Patch Lane within a Safeguarded Employment Area. The mobile food unit and cafeteria building are already in situ and this application has been submitted following a complaint made to the Council's Planning Enforcement Team.

**2. POLICY CONTEXT**

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
E4	Safeguarded Employment Areas
EP1	Environmental Pollution
T12	Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

**3. RELEVANT PLANNING HISTORY**

No relevant history.

**4. CONSULTATION RESPONSES**

4.1 Stoke Gifford Parish Council

Object on the grounds that there is currently not enough space on the site for driver's car parking, and that space should be created for this, so that the problems around Gifford Crescent and Lawford Avenue can be alleviated.

## **Other Representations**

### 4.2 Local Residents

One letter of objection received raising the following concerns:

- Issues with food waste and oil in drains
- Excessive numbers of cars parking on site.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy E4 of the Local Plan states that planning permission will only be granted for non-employment purposes where it can clearly be demonstrated that the development would meet the following criteria.

- A The proposal would support or would not prejudice the creation or retention of employment uses elsewhere within the defined employment area; and
- B No suitable alternative provision for the proposal has been made elsewhere in the plan; and
- C It can be clearly demonstrated that the site would no longer be capable of offering accommodation for employment purposes; or
- D It can be clearly demonstrated that it would contribute to a more sustainable pattern of development; or
- E The proposal would provide a significant improvement in the amenities of the existing neighbouring residential occupiers.

### 5.2 Assessment of Proposal

It is considered that this proposal supports the employment uses elsewhere within the site as it provides employees with an opportunity to purchase hot food on site. This is consistent with criteria A as set out above. Without this service employees would have to either walk off site or use a motor vehicle to drive to other hot food takeaways in the vicinity; and as such criteria B and D as set out above are satisfied. Within this Safeguarded Employment Area the catering units are considered to be in a suitable location and there is no other nearby suitable locations that are set aside for the provision of hot food takeaway. In respect of criteria C, it is considered that the development would not undermine the provision of the employment use on this site or the purposes of policy E4 of the South Gloucestershire Local Plan.

### 5.3 Transportation

It is considered that the introduction of mobile catering units should increase the sustainability of the site by reducing the number of vehicle movements

particularly at lunchtime. The units will not interfere with the movement of vehicles within the site and so the proposal complies with Policies E4 and T12 of the Local Plan.

#### 5.4 Environmental Issues

In accordance with Policy EP1 of the Local Plan, development will not be permitted which would unacceptably harm the environment, or the health, safety and amenity of users of the site or surrounding land.

Further information was requested by the Council's Environmental Health Officer regarding the extraction and odour abatement system. Details were received on 7<sup>th</sup> November 2008 and deemed satisfactory. However the Officer also requested further details in regard to whether a carbon filter exists in the roof of the catering unit and the proposed grease traps and what was done with food waste including fats, oils and greases. These details have not been received in time and so it has been deemed expedient to attach a condition to the decision notice requesting further details. Subject to the compliance with this condition the proposal would meet the requirements of Policy EP1 and E4 (E).

#### 5.5 Design and Access Statement

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

#### 5.6 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. **RECOMMENDATION**

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

**Background Papers**      **PT08/2757/F**

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

### **CONDITIONS**

1. Full details of the proposed extraction and odour abatement system should be provided. This should include details on the specification and location of all flues, plant and fans.

Reason:

To minimise disturbance to occupiers of nearby dwellings and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. Any extraction equipment installed in pursuance of the above condition should be regularly maintained in accordance with the manufacturers recommendations. In the event of a failure in the equipment, the cooking process should cease until it has been fully repaired.

Reason:

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

3. Full details of the proposed grease traps to be installed shall be provided. The grease traps shall hereafter be retained in accordance with these approved details.

Reason:

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