



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

CIRCULATED SCHEDULE NO. 31/13

Date to Members: 02/08/13

Member's Deadline: 08/08/13 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

- a) Any application submitted by or on behalf of the Council.
- b) Any application requiring either new or a modification to an existing planning agreement, provided that the application is not required to be determined by Committee.
- c) Any footpath diversion required to implement an approved scheme.
- d) Applications, except those where approval is deemed to be granted upon the expiry of a defined period, where a representation contrary to the Officers recommendation are received.
- e) Applications for Certificates of Appropriate Alternative Development where a representation contrary to the Officer's recommendation is received.
- f) Applications for Certificates of Lawful Use of Development

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

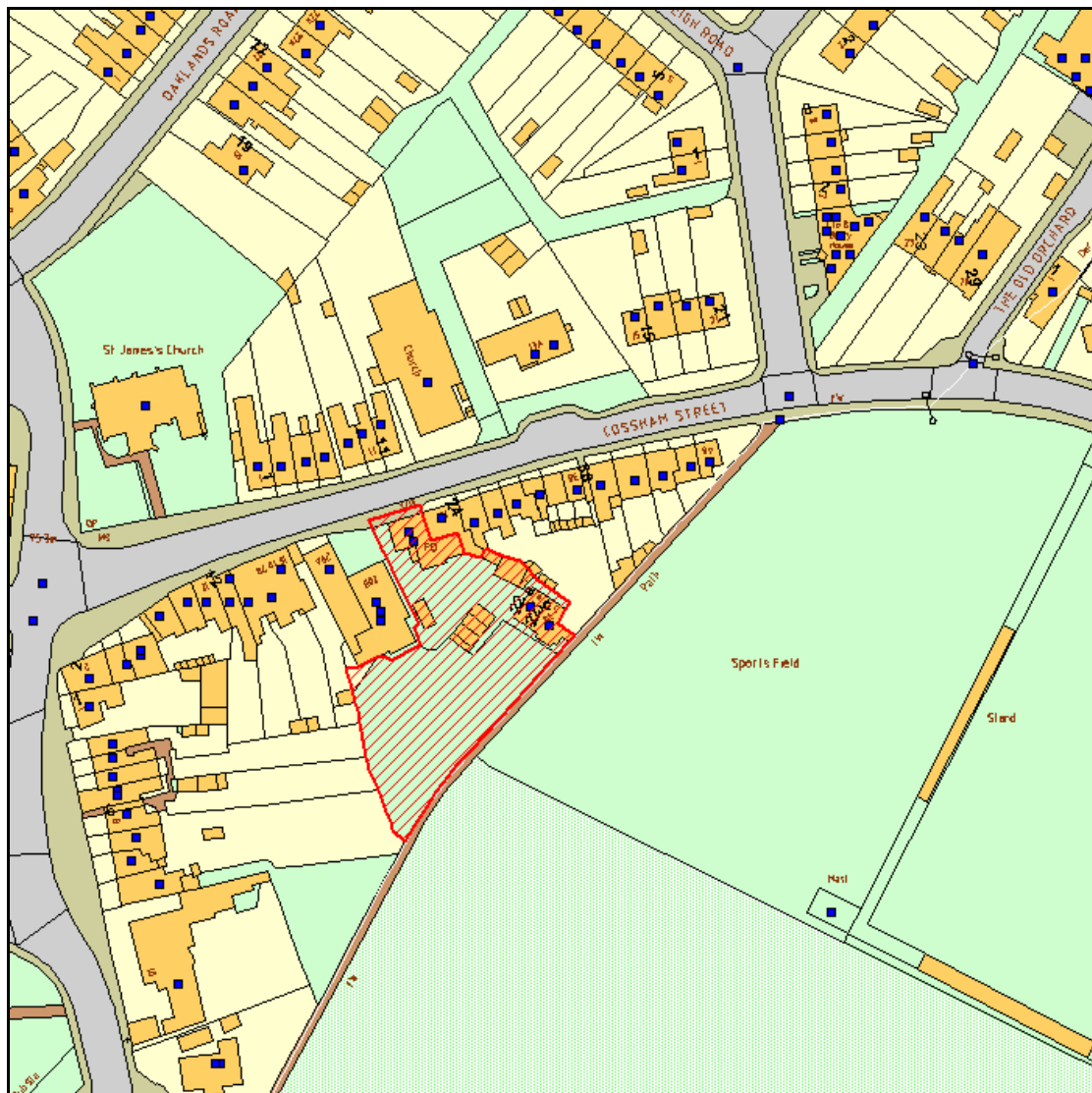
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Management Technical Support Team. If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

CIRCULATED SCHEDULE – 2 AUGUST 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/0756/O	Approve with Conditions	22 Cossham Street Mangotsfield South Gloucestershire BS16 9EN	Rodway	None
2	PK13/2075/R3F	Deemed Consent	Brimsham Green School Broad Lane Yate South Gloucestershire BS37 7LB	Yate North	Yate Town
3	PK13/2120/F	Approve with Conditions	125 High Street Staple Hill South Gloucestershire	Staple Hill	None
4	PK13/2168/F	Approve with Conditions	8 Sandringham Road Longwell Green South Gloucestershire BS30 9AQ	Longwell Green	Hanham Abbots Parish Council
5	PK13/2177/F	Approve with Conditions	Land Rear Of 15 And 16 Oaklands Road Mangotsfield South Gloucestershire	Rodway	None
6	PK13/2204/AD	Approve with Conditions	Waitrose Wickwar Road Chipping Sodbury South Gloucestershire BS37 6BQ	Chipping	Sodbury Town Council
7	PK13/2225/F	Approve with Conditions	16 Highway Yate South Gloucestershire BS37 7AB	Yate Central	Yate Town
8	PT13/1892/ADV	Approve with Conditions	31 - 33 High Street Thornbury South Gloucestershire BS35 2AR	Thornbury North	Thornbury Town Council
9	PT13/2074/F	Approve with Conditions	4 Riverwood Road Frenchay South Gloucestershire	Frenchay And Stoke Park	Winterbourne Parish Council
10	PT13/2170/F	Refusal	37 Davids Lane Alveston South Gloucestershire BS35 3LN	Thornbury South And	Alveston Parish Council
11	PT13/2172/RVC	Refusal	37 Davids Lane Alveston South Gloucestershire BS35 3LN	Thornbury South And	Alveston Parish Council
12	PT13/2302/F	Approve with Conditions	16 The Close Little Stoke South Gloucestershire BS34 6JS	Stoke Gifford	Stoke Gifford Parish Council

CIRCULATED SCHEDULE NO. 31/13 – 2 AUGUST 2013

App No.:	PK13/0756/O	Applicant:	StokesAspect 360 Ltd
Site:	22 Cossham Street Mangotsfield Bristol South Gloucestershire BS16 9EN	Date Reg:	12th March 2013
Proposal:	Demolition of existing sorting office buildings, and erection of 4no dwellings (outline) with access to be determined. All other matters reserved.	Parish:	None
Map Ref:	366505 176149	Ward:	Rodway
Application Category:	Minor	Target Date:	3rd May 2013



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100023410, 2008.

N.T.S.

PK13/0756/O

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application relates to a vacant plot of land to the rear of Mangotsfield Post Office (No.22), located within the Urban Area on the southern side of Cossham Street, Mangotsfield. Within the plot is the former Royal Mail Sorting Office and associated parking area and garage. The application site consists of the area of buildings and hard-standings associated with the Sorting Office and a grassed area, which is situated towards the rear of the Old Chapel and between the existing Sorting Office and the southern boundary.
- 1.2 Vehicular access is via an access off Cossham Street between the Post Office and The Old Chapel immediately to the West. The Old Chapel is Locally Listed and is currently occupied by a laundrette (sui generis) on the ground floor and a bike shop (A1) on the first floor although there is an extant planning permission to use the building as a Day Nursery. Residential properties lie along Cossham Street to the east and a mix of residential and commercial properties to the west. Nos. 22a and 22b lie adjacent to the far western corner of the site. To the rear (south-east) the site is bounded by a Public Footpath linking Cossham Street to Rodway Hill Road, beyond which is a recreational ground and open fields that lie within the Green Belt.
- 1.3 The application is in outline form only and seeks merely to establish the acceptance in principle of the erection of 4no. new dwellings within the site using the access proposed; all matters of layout, appearance, scale and landscaping would be the subject of a subsequent reserved matters application, should outline consent be granted. The application as originally submitted proposed 5no. dwellings but this has been revised on advice from the Transportation Officer.
- 1.4 Although a layout plan has been submitted, this is at this outline stage indicative only.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (NPPF) March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.

- CS1 - High Quality Design
- CS5 - Location of Development
- CS15 - Distribution of Housing
- CS16 - Housing Density

CS17 - Housing Diversity
CS18 - Affordable Housing

South Gloucestershire Local Plan (Adopted) 6th January 2006

D1 - Design
H2 - Residential Development in the Urban Area
L1 - Landscape Protection and Enhancement
L5 - Open Areas within existing Urban Areas and Defined Settlements
L9 - Species Protection
L17 & L18 - The Water Environment
EP1 - Environmental Pollution
EP2 - Flood Risk and Development
T7 - Cycle Parking Provision
T8 - Parking
T12 - Transportation
GB1 - Green Belts
H6 - Affordable Housing
LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).
LC8 - Open Space and Children's Play in Conjunction with New Residential Development

2.3 Supplementary Planning Guidance

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

Trees on Development Sites Adopted Nov. 2005

South Gloucestershire Residential Parking Standards (Approved for development management purposes) 27 March 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/0908/O - Erection of 12no. flats (Outline) with means of access to be determined. All other matters to be reserved.
Refused 30 June 2006 for reasons of:
- Inadequate access.
 - Inadequate visibility at access.
 - Overbearing impact and increased noise.
 - Not in-keeping.
 - Adverse impact on visual amenity of Green Belt.
 - Absence of S106 to secure contributions to education services.
 - Absence of S106 to secure contributions to community services.
- 3.2 PK10/2702/F - Change of use from Class B1 to class D1 – day nursery with associated works.
Approved 18 Jan 2011.
This application related to 'The Old Chapel' as well as the access and land to the rear which forms part of the current application site.

- 3.3 PK11/0636/F - Erection of single-storey building to form replacement sorting office with associated works.
Approved 28th April 2011

4. **CONSULTATION RESPONSES**

4.1 Mangotsfield Rural Parish Council

Strong Objection: The proposed construction of five, three-bed roomed homes is considered overdevelopment of this site. The access shown on the proposed plans is inadequate and not suitable for emergency vehicles. Traffic flow and parking in this part of Cossham Street is currently challenging and this proposed development will certainly add to this. The Planning Committee recommends refusal.

4.2 Other Consultees [including internal consultees of the Council]

Highway Drainage

No objection subject to conditions to secure a SUDS Drainage Scheme and a mining report.

Community Spaces

No response

Sustainable Transport

Response to initial scheme

Transportation Development Control raises the following objections, but would welcome any suggested solutions from the applicant:

The proposed development is deemed to represent an intensification of use of a sub-standard access, by virtue of increased two-way peak hour movements, that would be likely to create vehicle conflicts that may impact upon the free flow and safety of users of Cossham Street, thereby being contrary to policies T12, D1 and H2 of the South Gloucestershire Council Local Plan (Adopted Jan 2006).

The proposed development does not make adequate provision for emergency vehicle access contrary to policy T12 of the South Gloucestershire Council Local Plan (Adopted Jan 2006).

The proposed development does not make adequate provision for waste and recycling collection and storage, which may result in the obstruction of adequate parking and access arrangements and may further create delays on Cossham Street contrary to policies T12 and D1 of the South Gloucestershire Council Local Plan (Adopted Jan 2006).

Response to revised scheme

No objection subject to the fence alongside the parking serving 20B being removed as per the plan and that parking and turning is provided.

Landscape Officer

No objection providing there is no damage to neighbouring tree. There should be conditions to secure a planting plan and boundary treatments.

Archaeology Officer

No comments to make.

PROW

No objection subject to the PROW to the rear being unaffected.

The Open Spaces Society

No comment

Conservation Officer

No objection but would request that the D&A statement is amended to reflect both the materials present within the context that should be reflected in the new development and as a degree of enhancement, the intention to reinstate the lost pennant stone boundary wall with appropriate coping detail.

Tree Officer

No objection

CYP Children and Young People

4no. houses is below the threshold for contributions (5).

Police Community Safety Officer

No response

Environmental Protection

No objection subject to standard informatives relating to building sites.

Other Representations

4.3 Local Residents

There have been three rounds of consultations; 35no responses in total were received objecting to the proposal and the following is a summary of the concerns raised:

- The site address is wrong.
- There is a bike shop (A1) and a laundrette (sui generis) in the Old Chapel not the Nursery that was approved under PK10/2702/F).
- The access is inadequate for 2-way traffic and there is no pedestrian walkway.
- Increased traffic generation in a congested street.
- Loss of privacy to nos. 20, 18 and 20a.
- Loss of outlook from no.20 to field beyond.
- Refuse area too close to no.20.
- Car spaces too close to no.20 and 20a – loss of amenity.

- Noise and dust.
- Inadequate sewers.
- Schools already over-subscribed.
- No room for emergency vehicles to access site.
- Loss of rear boundary wall – is it listed?
- Additional bins – on street collection.
- Flood risk – land higher (by 1m) than 20a.
- Trees have been removed from the site.
- Loss of open space/garden.
- Too many houses in Cossham Street already.
- Car lights will shine in windows opposite the access.
- Out of scale (to be as high as the Old Chapel)
- Route to school.
- Would set precedent for building of houses on land opposite.

20no. responses in support of the proposal were received. The comments made in favour are summarised as follows:

- Need for housing.
- Removal of Royal Mail Sorting Office has reduced traffic flow.
- Traffic from 5no. houses would be less than the Royal Mail vans which constantly used the access.
- The approved Nursery could have opened and the Royal Mail Sorting Office expanded.
- The land is never used.
- Benefit local trade.
- Shops, schools and a nursery are nearby.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

On 27th March 2012 the National Planning Policy Framework (NPPF) was published. The policies in this Framework are to be applied from this date with due weight being given to policies in the South Gloucestershire Local Plan 2006 (SGLP) subject to their degree of consistency with this Framework. It is considered that the Local Plan policies as stated in section 2.2 of this report are broadly in compliance with the NPPF. It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings. The NPPF encourages efficient use of land and paragraph 47 requires the need to *'boost significantly the supply of housing'*.

5.2 The South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept. 2012 has now been through its Examination in Public (EiP) stage; the Inspector has given his preliminary findings and stated that the Core Strategy is sound subject to some modifications. The policies therein, although a material consideration, are not yet adopted and can therefore still only be afforded limited weight. Policy CS16

seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.*

- 5.3 In this case the relevant Local Plan is The South Gloucestershire Local Plan, which was adopted Jan 6th 2006. The Council considers that the Local Plan policies referred to in this report provide a robust and adequately up to date basis for the determination of the application.
- 5.4 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:
- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
 - B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
 - C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
 - D. Provision for education, leisure, recreation and other community facilities, within the vicinity, is adequate to meet the needs arising from the proposals.
- 5.5 It should be noted however that there is now no nationally prescribed figure for housing density.
- 5.6 This outline application merely seeks to establish the acceptance in principle of the erection of 4no. dwelling houses on this site using the access proposed. The matters of scale, layout, appearance and landscaping would all be the subject of a subsequent reserved matters application, should outline consent be granted. To facilitate the proposed development it is proposed to demolish the existing Royal Mail Sorting Office buildings. The site is located within the existing built-up area, as identified on the South Gloucestershire Local Plan (Adopted) 6th January 2006 Proposals Map. Policy H2 allows new residential development in the urban area subject to a number of criteria, which are discussed below.
- 5.7 It is noted that whilst a previous application PK06/0908/O for a block of flats on this site was refused, there was no in-principle objection to the development of the land for residential purposes.

5.8 Density, Scale and Design

The scale, layout and design of the proposed dwellings remain to be determined at the reserved matters stage. The applicant has however submitted an indicative site plan that shows a terrace of 4no. cottages located to the rear of the site. The proposed scale parameters are considered to be indicative at this stage but the Design and Access Statement indicates that the cottages would be two-storey in height to reflect other buildings in the area and to ensure that the buildings would be subservient in height to the nearby 'Old Chapel'. The site is 0.19ha in area and the proposed density of development would be 21dph. Whilst this is a relatively low density it is considered appropriate for this site given the constraints on development regarding access and proximity of neighbouring residential dwellings, as well as the location close to the edge of the Green Belt. On balance therefore the proposal for 4no. dwellings is considered to make the most efficient use of the site in the Urban Area.

5.9 Impact upon Residential Amenity

The exact siting of the dwellings and layout of the scheme is to be determined at the reserved matters stage. The indicative layout plan demonstrates that the plot is big enough to allow sufficient areas of amenity space to be provided for the new houses and existing property; the site lies in a very sustainable location close to the centre of Mangotsfield which complies with the NPPF and Policy CS16 of the Core Strategy.

5.10 Concerns have been raised about loss of amenity for neighbouring occupiers. The indicative location of the proposed cottages would be a sufficient distance (14m) from nos.22a and 22b and should not therefore be overbearing on these properties. The front of the terrace would be some 17-25m from the buildings to the north-west. Some overlooking of neighbouring property in densely occupied urban areas is considered inevitable and should not alone justify refusal of the application, especially given the policy need to make efficient use of the site. There is no right to a view across land in other peoples ownership and this would not justify refusal of the application.

5.11 The exact location of the proposed windows is not yet known but some overlooking could no doubt be designed out at the reserved matters stage. Whilst there may be some disturbance for neighbouring occupiers during the construction phase, this can be adequately addressed by a condition to control the hours of working. The location is already well lit at night-time and properties on Cossham Street already experience light pollution from traffic using the road and the access into the application site. The potential approved uses of the site already include parking areas so the level of disturbance would not be any greater in the proposed scheme. On balance therefore there would be no significant loss of residential amenity. In reaching this conclusion officers have considered the fall back position where the site could again be used as a Royal Mail Sorting Office under extant permission PK11/0636/F and in conjunction with a Day Nursery which was approved under PK10/2702/F which is a material consideration of significant weight.

5.12 Transportation Issues

- Whilst the proposed layout remains to be determined as a reserved matter, the access arrangements are to be determined under this outline application. Officers raised concerns about the originally submitted scheme for 5no. dwellings (see para. 4.2). As a result and in consultation with the Council's Transportation Officer the proposed number of dwellings has been reduced to 4no. and a number of revisions made to the proposed layout and access arrangements.
- 5.13 It is proposed to provide 13no. car parking spaces within the site i.e. 2 per dwelling plus 1 visitor space. It should be noted that nos. 22A and 22B do not have off-street parking spaces at present. This level of parking provision would accord with the Council's Minimum Parking Standards, which have recently been approved for development management purposes.
- 5.14 It is proposed to locate a bin storage area (for 12 bins) closer to the access with a capacity for 2 bins per dwelling. This store would be used for collection day only because each house would have its own bin storage area. The refuse collectors currently collect waste from the existing dwellings nos. 22A and 22B with a much larger carry distance than the proposed dwellings.
- 5.15 The submitted layout now includes a hammerhead turning area within the site, which allows all vehicles to turn and exit in forward gear. A swept path analysis diagram has been submitted which demonstrates that a fire tender can enter and turn within the site.
- 5.16 The access would be improved by the removal of a boundary wall between the Old Chapel and the access (already done) and the removal of a 900mm fence adjacent to the parking area located to the front of The Old Chapel. Forward visibility down the access is good for vehicles exiting the site and drivers would be able to pull over within the site to allow vehicles to enter if conflicts occur.
- 5.17 Whilst no cycle parking is shown on the indicative plan it is envisaged that each property would have the capacity for cycle parking but some secure cycle parking could be secured at the reserved matters stage.
- 5.18 Officers have considered the possible fall back position should this outline consent be refused. There is a possibility that the Royal Mail Sorting Office use would re-commence on the site, which would create several post vans, cars and trucks using the existing access between 6.00am and 6.30pm six days a week and on Sundays during busy periods. Planning permission was recently granted for a new sorting office, which in theory could have been used in conjunction with the approved Day Nursery with its 7 staff members also using the access to park on site.
- 5.19 Officers conclude that the proposed access arrangements would be acceptable to cater for the traffic associated with the proposed and existing residential use of the site in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.20 Environmental Impacts

The site itself is currently not subject to excessive levels of noise, pollution, smell, dust or contamination. Subject to a condition to secure an appropriate scheme of drainage to include a Sustainable Drainage System (SUDS) and the submission of a coal mining report, the Council's Drainage Engineer raises no objection in principle to the proposal. A condition to control the hours of working on the site during the development phase could be reasonably imposed to reduce disturbance to neighbouring property. Subject to the aforementioned conditions the proposal would accord with Policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.21 Landscape Issues

Although the site is not generally visible from Cossham Street it was visible, over a low stone-wall, from the public footpath to the rear. The site is relatively open and part of it has the appearance of a garden, although it is unclear whether or not this was ever residential garden but more of a grassed area behind the Old Chapel. In recent years the 'garden' area had remained neglected and unkempt. What trees grew within the site were not the subject of TPO and were recently cleared. More recently the historic stone wall to the rear was demolished and a 1.8m high close board fence erected under permitted development rights. Although the stone wall was an historic feature, it was not curtilage listed. In theory therefore the fence could remain in place for the foreseeable future.

5.22 Local Plan Policy L5 seeks to protect open areas within the urban area that contribute to the quality, character, amenity and distinctiveness of the locality. Officers note that although the previous application for a block of flats on this site was refused, it was not on the basis of loss of open space contrary to Policy L5 but more on the basis of being conspicuous from the Green Belt. It is also noted that in the permission for the Day Nursery it was proposed to enclose the open space with a 1.8m high security fence. Officers consider that it would now be unreasonable to raise an objection under Policy L5, especially given the presence of the new fence and the resultant removal of the site from the public domain.

5.23 The applicant has stated that the fence has been erected for security reasons but that it is intended to re-instate the stone wall should consent be granted for the houses; the stone having been retained on site. It may be that the wall would need to be heightened but at this stage the boundary treatments remain to be secured under the landscaping of the site, which is a reserved matter. At that stage an appropriate scheme of planting and landscaping would also be secured.

5.24 Moving to the Green Belt issue, Policy GB1 states that any proposals for development within or conspicuous from the Green Belt which would have an adverse impact on visual amenity of the Green Belt will not be permitted. The previously proposed block of 12no. flats (see PK06/0908/O) was considered to be contrary to this policy however the proposed dwellings would be located further away from the Green Belt boundary and being cottages would be more in-keeping when viewed against the back-drop of the existing houses. Given that the open character of the site has already been compromised, on balance

the scheme is not considered to be so conspicuous as to justify refusal on Green Belt grounds.

5.25 Affordable Housing

The proposal is for 4no. dwellings only, which is below the Council's threshold for affordable housing provision.

5.26 Education Service

The proposal is for 4no. dwellings only, which is below the Council's threshold (5) for contributions to the Education Service.

5.27 Community Services

The proposal is for 4no. dwellings only, which is below the Council's threshold (10) for contributions to Community Services.

6. CONCLUSION

6.1 In this case there is a balance to be drawn between the need to provide residential accommodation in sustainable urban locations and the impact of the scheme on the character of the surrounding area. The Government have introduced the National Planning Policy Framework which positively supports sustainable economic growth and development and this is a further material consideration in favour of the scheme, which would create additional living accommodation as well as jobs for the construction industry. Officers consider that there are no material grounds to oppose the scheme in principle. Furthermore the proposed access arrangements to be determined at outline stage are now considered to be acceptable.

6.2 In considering the application, officers have taken into consideration the historical uses of the site and the possible fall-back position should outline consent be refused, given that there are extant planning permissions for a Day Nursery and a new Royal Mail Sorting Office that could in theory still operate in conjunction with each other from the site. Having regard to all of these matters officers raise no objection to the principle of developing the site for 4no. modest sized cottages using the access arrangements proposed.

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

6.4 The recommendation to grant outline consent with the access proposed, 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 outline planning consent be GRANTED subject to the conditions listed on the Decision Notice.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

5. No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and before the development is first occupied.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policies L17/L18/EP1/EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. No mine shaft or adit must be filled or grouted in such a manner that underground mining drainage levels or culverts are likely to become blocked or sealed in order to avoid flooding or water emergence. Prior to the commencement of development a mining report should be provided for assessment with measures of mitigation should underground mining levels or culverts be identified within the site.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policies L17/L18/EP1/EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The hours of working on the site for the period of construction of the development hereby approved, shall be restricted to 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies EP1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

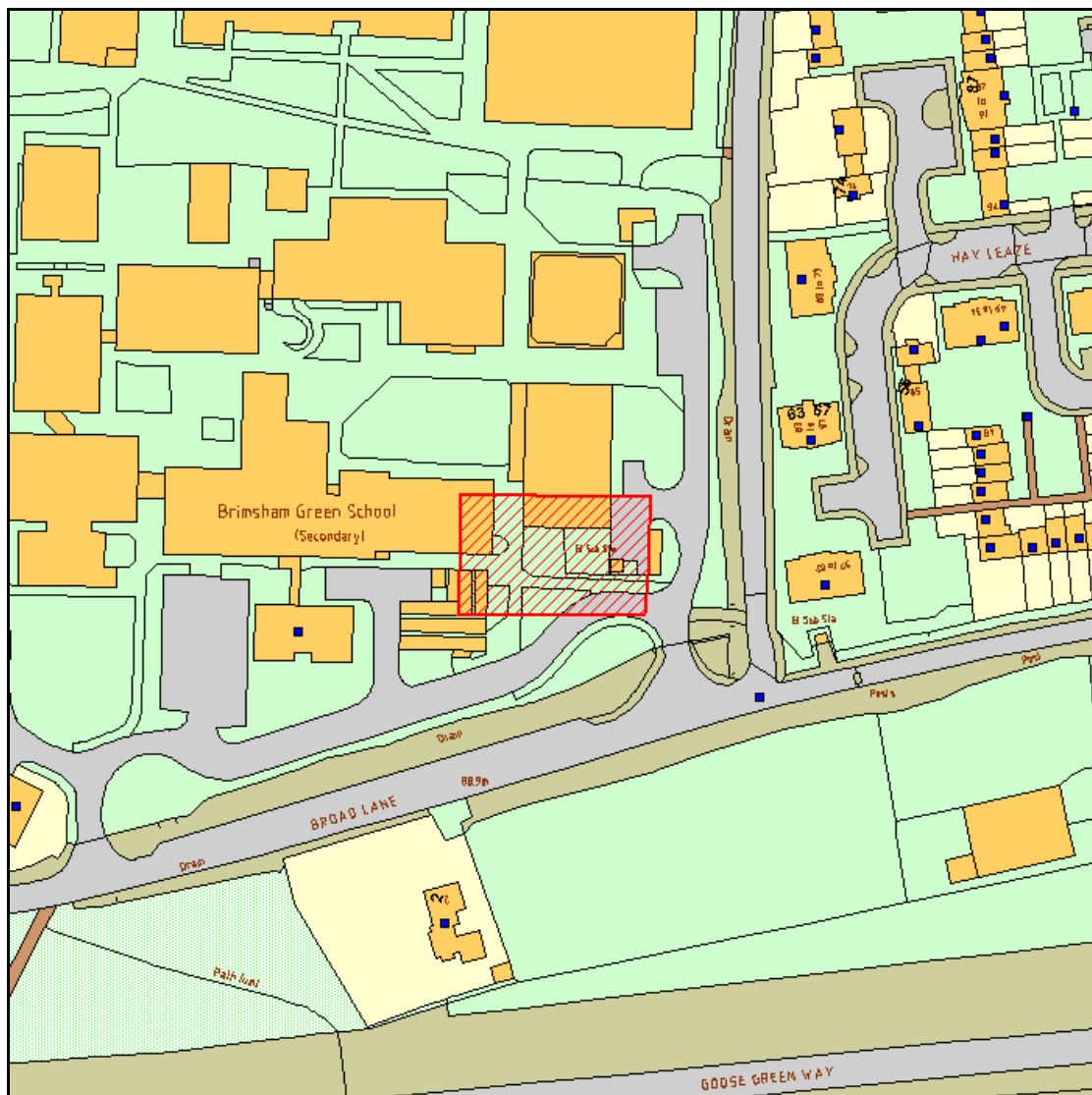
8. The access arrangements, (including removal of the 900mm fence adjacent to no.20B), hereby approved as shown on the submitted Proposed Block Plan no. PL101 received 6th Jan 2013, shall be implemented in full prior to the first occupation of any of the dwellings hereby approved.

In the interests of highway safety and to accord with Policies T12 and H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

ITEM 2

CIRCULATED SCHEDULE NO. 31/13 – 2 AUGUST 2013

App No.:	PK13/2075/R3F	Applicant:	Streetcare and Transport
Site:	Brimsham Green School Broad Lane Yate Bristol South Gloucestershire	Date Reg:	20th June 2013
Proposal:	Installation of 2no. cycle shelters and 1no. scooter stand with associated works	Parish:	Yate Town Council
Map Ref:	370651 183764	Ward:	Yate North
Application Category:	Minor	Target Date:	12th August 2013



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100023410, 2008.

N.T.S.

PK13/2075/R3F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been forwarded to the Council's Circulated Schedule of applications in accordance with the Council's adopted scheme of delegation as the applicant is the Council.

1. THE PROPOSAL

1.1 The application site is situated on the north side of Yate. The site forms part of a secondary school. The site is currently used as a fenced landscaped amenity space close to the school entrance.

The application site is situated within the settlement boundary of Yate and Chipping Sodbury as defined in the adopted Local Plan.

1.2 This application proposes installation of 2no. cycle shelters and 1no. scooter stand with associated works

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

L1 Landscape Protection and Enhancement

T12 Transportation for New Development

LC4 Education Facilities within Defined Settlement Boundaries

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.

CS1 High Quality Design

CS5 Location of Development

CS8 Improving Accessibility

2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

3.1 PK07/3497/R3F Demolition of cycle stores to facilitate the erection of single storey detached building to form resource base with offices and toilet facilities, suitable for wheelchair users. Construction of hardstanding to form lay-by.
Refused 11.01.2008

Refusal reason:

The development proposal would result in the loss of adequate cycle storage within the school grounds and would therefore be contrary to policy T7 of the adopted South Gloucestershire Local Plan.

- 3.2 PK07/3684/R3F Erection of 2 no. cycle stores.
Deemed Consent 01.02.2008
- 3.3 PK08/0399/R3F Demolition of cycle stores to facilitate the
erection of single storey detached building to form
resource base with offices and toilet facilities,
suitable for wheelchair users. Construction of
hardstanding to form lay-by. (Resubmission of
PK07/3497/R3F).
Deemed Consent 20.03.2008

4. **CONSULTATION RESPONSES**

4.1 Yate Town Council
No objection

4.2 Other Consultees
Sustainable transport – No objection. The provision of cycle shelters and scooter stand in the school is likely to encourage more sustainable modes of travelling to the school and as such is welcomed additions.

Other Representations

4.3 Local Residents
None received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The National Planning Policy Framework was published in March 2012. The document replaces most PPG/PPS guidance providing a more simplified and up to date advice in determination of planning applications. The NPPF indicates that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

It is considered that the relevant policies of the adopted Development Plan do not materially depart from the NPPF. As such full weight can be afforded to the Development Plan policies in this case.

Policy LC4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing education establishments including schools provided the site is situated in easy access by cycle and on

foot, there would be no unacceptable residential amenity, environmental and transportation impacts and there would be no resultant unacceptable additional pressure for on street parking. Policy L1 seeks to ensure that landscape features which contribute significantly to the character or distinctiveness of a locality are retained and protected.

The South Gloucestershire Core Strategy (CS) was submitted for Examination in March 2011. The Examination was initially suspended by the CS Inspector to allow for the submission of Post Submission Changes. Hearing sessions were subsequently held in June and July 2012 and the CS Inspector published his Preliminary Findings and Draft Main Modifications in September 2012. The Inspector's initial conclusion is that the Core Strategy is capable of being made 'Sound' subject to a number of Proposed Main Modifications (PMM). The PMM have been subject to a further hearing session that was held on 7 March 2013. The CS has reached an advanced stage of preparation. However, there are unresolved objections to the housing requirements, including the means of addressing the shortfall in the delivery of housing that accrued during the Local Plan period. At this stage the Core Strategy therefore remains unadopted, but is likely to be adopted in the near future once housing matters are resolved. This document is therefore a material consideration in the determination of planning applications, and the Core Strategy policies, which are not subject to Inspector modification, will now carry considerable weight at this stage.

In determination of this application there are no significant differences between the relevant adopted Development Plan policies and the Core Strategy.

5.2 Sustainability and transportation

South Gloucestershire Council has been awarded government funding under the LSTF (Local Sustainable Transport Fund) initiative, allowing the council to promote the use of green transport. Part of this funding has been allocated to allow for the installation/improvement of cycle storage facilities in order to encourage more children to cycle to school. As a result this application is submitted to provide 2no. cycle shelters and 1no. scooter stand with associated works.

The proposed stand would be located towards the front of the site in a location which is currently used as an enclosed amenity space. The proposal would encourage the use of modes of travel other than the private car and as a result would be likely to reduce vehicle movements. On this basis the proposal is considered to represent a sustainable form of development which is considered acceptable in transportation terms.

5.3 Visual amenity

The development would have a standard design typical of most modern cycle sheds/stands. The proposal would be situated in a space currently used as an enclosed green space with two trees and a hedge which would be removed to provide the proposed development. The school site benefits from a number of green spaces and a number of trees dotted around the site and on the front boundary. The trees are not significantly mature and do not stand out as

individual features within the site or from public views from Broad Lane to the south. The loss of this small green space and the loss of the two trees would not be detrimental to the character, distinctiveness and amenity of the area. The loss of the green space should be significantly outweighed by the benefits of providing facilities to encourage non car travel.

5.4 Other issues

The proposal would be situated some distance from any neighbouring dwellings and would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development. The cycle sheds would be located within the existing site and would create no significant additional noise or disturbance.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Deemed Consent is GRANTED subject to the conditions and informatives as outlined below.

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 & Country Planning Act 1990 (as amended).

ITEM 3

CIRCULATED SCHEDULE NO. 31/13 – 2 AUGUST 2013

App No.: PK13/2120/F
Site: 125 High Street Staple Hill Bristol
South Gloucestershire BS16 5HQ
Proposal: Change of use from Estate Agents
(Class A2) to Hot Food Takeaway
(Class A5) as defined in Town and
Country Planning (Use Classes) Order
1987 (as amended). Installation of flue
to rear elevation.

Applicant: Mr Adrian Cooke
Date Reg: 18th June 2013

Parish: None

Map Ref: 364826 175941
Application Category: Minor

Ward: Staple Hill
Target Date: 8th August 2013



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100023410, 2008.

N.T.S.

PK13/2120/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been forwarded to the Council's Circulated Schedule of applications as representations have been received raising views contrary to the Officer recommendation.

1. THE PROPOSAL

1.1 The application site is situated on the north side of High Street within the central commercial core of Staple Hill. The site is currently occupied by a Class A2 Estate Agents. The site fronts onto the High Street and is bounded by bookmakers to the west, barber shop and then Class A5 takeaway (Miss Millies) to the east. A service yard is situated to the rear (north) with parking area. Residential flats are situated above the Estate Agents.

The application site is situated on a Primary Shopping Frontage and within the urban area as defined in the adopted Local Plan.

1.2 The application proposes change of use from Estate Agents (Class A2) to Hot Food Takeaway (Class A5) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of flue to rear elevation.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
EP1 Environmental Pollution
EP4 Noise Sensitive Development
T12 Transportation for New Development
RT1 Town Centres
RT9 Changes of use of retail premises within primary shopping frontages

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept 2012

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage

2.3 Supplementary Planning Guidance/Documents
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

3.1 P85/4404 Proposed new shop fronts & change of use of

first & second floors to bedsitters (Previous ID: K4887)

Approved 09.09.1985

3.2 P86/4804

Building Society, Insurance Agency
and Estate Agency (Previous ID: K4887/1)

Approved 22.12.1986

4. **CONSULTATION RESPONSES**

4.1 Consultees

Sustainable Transport – No objection. The site currently trades as Class A2 which generates some traffic. There is designated on street parking outside and opposite. The development would be within a highly sustainable location.

Drainage Engineer – No comment

Coal Authority – No objection. Although the site is located within a coal mining sensitive area, no below ground works would be necessary.

Environmental Protection – No objection. The additional information submitted regarding the new flue height, the new plant room specification, use of a silencer and use of anti vibration mounts for the flue are acceptable. A condition should be imposed stating that all works must be carried out in accordance with the specifications submitted.

Other Representations

4.2 Local Residents

8 objections received from the occupiers of 1, 44 Acacia Avenue; 42 Haynes House, Haynes Lane; Fairlawn, Soundwell (x2); 48 Midland Road; 129 High Street; 33 Broad Street; one from unnamed address raising the following concerns:

- The proposal would provide direct competition to the take away fish and chip shop at 33 Broad Street, which has been in the same family for thirty six years.
- A number of local traders did not receive notification of the application
- The street is overcrowded with fast food establishments (approx 17-20 in the area already)
- The supporting statement submitted is incorrect in stating that there is no other fish and chip shop in the area. There are other fish and chip shops on High Street in close proximity to the site.
- Removing this use would reduce the proportion of retail uses in the area which would make daytime shopping less attractive
- The proposed fish and chip shop would have a negative impact on other fish and chip shops in the immediate area and other food retailers in the area
- More rubbish will be created in the street
- More anti social behaviour would be generated
- Other food retailers in the area are already struggling

One letter of support received from the occupiers of 279 Lodge Causeway raising the following matters:

- There is no traditional fish and chip shop at present in Staple Hill
- Competition is not a planning issue
- People have the right to choose where they eat
- It will bring jobs and amenities to the area

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

The National Planning Policy Framework was published in March 2012. The document replaces most PPG/PPS guidance providing a more simplified and up to date advice in determination of planning applications. The NPPF indicates that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

It is considered that the relevant policies of the adopted Development Plan do not materially depart from the NPPF. As such full weight can be afforded to the Development Plan policies in this case.

Policy RT1 accepts retail and other development appropriate to a Town Centre within Staple Hill provided that, it is acceptable in terms of the existing vitality and viability, scale and function, accessibility, environmental and transportation effects. Policy RT9 relates specifically to primary shopping frontages within the retail centre and changes of use of existing retail uses within these Primary Shopping Frontages will not be permitted unless, the existing retail use is no longer viable or the proposed use would make a positive contribution to the viability and vitality of the centre and not undermine the retail function of the frontage or part of, and have an unacceptable environmental and transportation effect. It is important to note that the existing use of the site is as Class A2 (Professional and Financial Services) and not retail (Class A1). Policy RT9 is therefore considered not to carry significant weight.

Policy EP1 aims to ensure that new development does not result in an unacceptable harm to the environment as a result of pollution to air or through noise or vibration.

The South Gloucestershire Core Strategy (CS) was submitted for Examination in March 2011. The Examination was initially suspended by the CS Inspector to allow for the submission of Post Submission Changes. Hearing sessions were subsequently held in June and July 2012 and the CS Inspector published his Preliminary Findings and Draft Main Modifications in September 2012. The Inspector's initial conclusion is that the Core Strategy is capable of being made 'Sound' subject to a number of Proposed Main Modifications (PMM). The PMM have been subject to a further hearing session that was held on 7 March 2013. The CS has reached an advanced stage of preparation. However, there are

unresolved objections to the housing requirements, including the means of addressing the shortfall in the delivery of housing that accrued during the Local Plan period. At this stage the Core Strategy therefore remains unadopted, but is likely to be adopted in the near future once housing matters are resolved. This document is therefore a material consideration in the determination of planning applications, and the Core Strategy policies, which are not subject to Inspector modification, will now carry considerable weight at this stage.

In determination of this application there are no significant differences between the relevant adopted Development Plan policies and the Core Strategy.

5.2 Vitality and viability of the use and town centre

Viability of the existing use:

Policy RT9 seeks to control development within primary shopping frontages aiming to retain retail uses unless specific justification for an alternative use can be provided. Although the application site is situated within a primary shopping frontage, the existing use of the site falls within Class A2 (professional and financial services) as an estate agents. On this basis little weight can be afforded to Policy RT9 as no existing retail use is under threat as part of this proposal.

It could be argued that the existing Class A2 use can be changes to retail (A1) without the need for planning permission. However, the proposed use as Class A5 (take away) could change to Classes A1 (retail, A2 (professional and financial services) or A3 (restaurant) without planning permission. On this basis the potential future reuse of the site as retail would not be compromised any further through the proposed change of use.

The existing occupier is soon to move and vacate the premises. The applicant has indicated that the existing estate agent proposed to move to an alternative location within the High Street

The proposal would not result in the loss of any retail use.

Vitality and viability of the town centre:

The existing Class A2 use does not contribute significantly to attracting people to the retail centre or the increase in foot traffic in this location. Additionally, the estate agent would not result in promotion of linked trips which would attract people to the town centre.

The Council carry out a yearly audit of retailing activity in South Gloucestershire, most recently completed in 2012. For Staple Hill town centre the audit recognised 85 units with an A1 Class and of these only 4 were vacant. The audit calculated that 70.7% of the primary shopping frontage in Staple Hill falls within Class A1 retail and 29.3% within non retail uses. The proportion of Class A1 uses within the primary shopping frontage, the main shopping area in the town centre is high and this shows that in terms of vitality and viability the retail to non retail mix in Staple Hill is healthy. It is therefore considered that the continuation of the application site as non Class A1 retail will not result in a

detrimental impact on the proportion of Class A1 uses within the retail centre in the interest of the vitality of Hanham retail centre.

The proposed Class A5 use would operate from 1130am to 11pm. The site would offer an additional function to the range within the town centre, providing food to take away during daytime and evening hours. The proposed use would also provide an additional evening function which would positively contribute to the 24hr realm in the interest of crime prevention. The business would not operate after 11pm and is therefore unlikely to add to anti social behaviour. A condition is recommended to ensure that the business operates only within these times.

Local businesses have raised concern that the proposal would add yet another take away to the retail centre and this would have a negative impact on existing take away businesses in the area through further competition. The planning system is not intended to dictate or control or stifle competition in the market place beyond the impact that new development would have on the vitality and viability of a retail centre. Competition on the High Street is actually encouraged as it positively affects variety and improves the offering available to the public and often positively affects the cost and quality of goods and services for the public. On this basis, no significant weight has been afforded to the proposal in terms of providing additional competition on the High Street and this weight is considered to weigh positively in favour of the development. Competition within a retail centre inevitably results in improved quality of offering which can only have a positive impact on the vitality and viability of the centre.

5.3 Environmental pollution – noise, smell and vibration

The proposal to provide a Class A5 fish and chip shop would inevitably result in generation of smell through cooking odour. The applicant proposes to provide a mechanical ventilation system within the building and external extraction flue to control and manage odour. The system would provide a new frying range with 350mm flue with new intake and extract ventilation system. Baffle filters would provide an effective method of removing food cooking smells before air is pushed out of the flue at high velocity. The flue is proposed run down into the basement of the building through the basement to the rear elevation, then run up the back wall of the building terminating 1m above the height of a residential rooflight opening in the rear roofslope of the building, the highest residential window in the rear of the building or adjacent buildings. This new ventilation system is considered to be acceptable and would result in no material environmental pollution through odour.

The ventilation system will generate inevitably noise and could result in vibration from the mechanical system. This ventilation system would incorporate a silencer and would be designed to generate a low noise level of 54dba. The fans and motors (all mechanical parts of the system) would be located within the basement of the building away from any residential uses. Anti vibration mounts are proposed to minimise vibration.

The Environmental Protection Officer has considered the proposed mechanical ventilation system and flue and raises no objection subject to a condition requiring the development to be installed in strict accordance with the submitted ventilation system. The condition will also ensure that the ventilation scheme is implemented prior to the use commencing. Subject to this condition, the proposal is considered to be acceptable in terms of odour, noise and vibration and is therefore considered to have no significant impact in terms of environmental pollution.

All future maintenance of the approved ventilation system would most effectively be controlled through Environmental Health legislation and as such no other condition is recommended for the future and continued use of the system.

Concern was raised that the proposal could result in littering on the High Street to the detriment of amenity. There is no evidence to suggest there is an overriding littering issue in this location. However, a condition is recommended to require the provision of a scheme for littering control and for the approved scheme to be implemented prior to the use commencing.

5.4 Highway considerations

The application site is located the commercial centre of Staple Hill, located close to amenities and services and public transport routes and as such its location is considered sustainable. Designated [permitted] parking is available on both side of the High Street outside the site and this helps with parking for some customers. Designated car parking (free of charge) is located within easy walking distance of the site. On this basis it is considered that the proposal would result in no significant highway safety issues.

5.5 Visual impact

The proposal relates to change of use. The only operational change to the building would be the provision of a flue on the rear elevation terminating at the height of the ridge. The flue would not be visible from the main street. The rear of the site is an enclosed service yard only open to the west onto Berkeley Road. The Miss Millies take away business to the east (no.129) has a large ventilation system at the rear which was implemented some decades ago. The proposed flue would be significantly smaller than the flue of no.129. Considering the context of the rear of the site, the lack of visual prominence of the flue it is considered that the proposal would preserve the character, distinctiveness and amenity of the locality and surrounding area.

5.6 Other issues

Some concerns have been raised through objections by local businesses that they were no notified of the application. The application was publicised in accordance with the Council's adopted Statement of Community Involvement. No differentiation is made between local businesses and residents and local businesses are not notified as a matter of course unless they are situated adjacent to the site.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Consent is GRANTED subject to the conditions and informatives as outlined in the attached decision notice:

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 & Country Planning Act 1990 (as amended).

2. The use hereby permitted shall not be open to customers outside the hours of 1130 to 2300 Monday to Saturday and 1200 to 2130 on Sundays and Public Holidays.

Reason:

To protect public, visual and residential amenity to accord with Policies EP1, RT1 of the adopted South Gloucestershire Local Plan (2006).

3. The use hereby permitted shall not commence until a scheme for the storage of refuse and the provision of a litter disposal facility for customers has been first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the use hereby permitted commencing and retained thereafter.

Reason:

To protect public, visual and residential amenity to accord with Policies EP1, RT1 of the adopted South Gloucestershire Local Plan (2006).

4. The development shall be implemented in strict accordance with the approved mechanical ventilation system and flue in Drawing no.4 A (Proposed Elevations and Specification) and the Planning Design, Access and Justification Statement. The approved system shall be implemented in full prior to the use hereby permitted commencing.

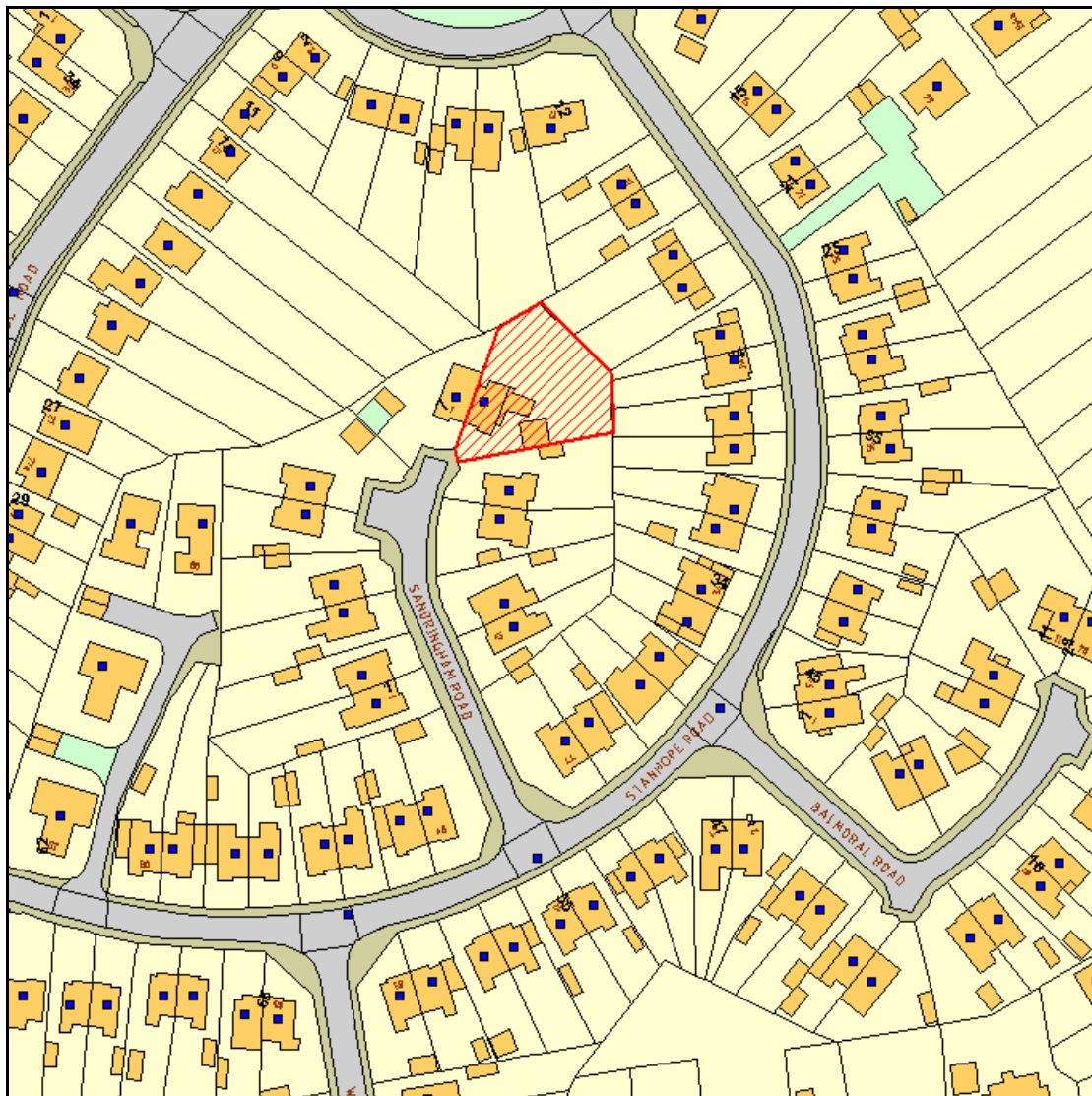
Reason:

In the interest of protection of the environment from pollution through noise, odour and vibration and to accord with Policies EP1 and RT1 of the adopted South Gloucestershire Local Plan (2006).

ITEM 4

CIRCULATED SCHEDULE NO. 31/13 – 2 AUGUST 2013

App No.:	PK13/2168/F	Applicant:	Mr Keith Ball
Site:	8 Sandringham Road Longwell Green Bristol South Gloucestershire BS30 9AQ	Date Reg:	19th June 2013
Proposal:	Erection of single storey rear extension to provide additional living accommodation	Parish:	Hanham Abbots Parish Council
Map Ref:	365749 170838	Ward:	Longwell Green
Application Category:	Householder	Target Date:	9th August 2013



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100023410, 2008. **N.T.S.** **PK13/2168/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been forwarded to the Council's Circulated Schedule of applications as a representation has been received raising views contrary to the Officer recommendation.

1. THE PROPOSAL

1.1 The application site is situated within a predominantly residential suburb of Longwell Green. The site is bounded by residential development on all sides with vehicular access onto Sandringham Road in the south west corner. The site comprises a relatively modern bungalow with accommodation in the roof. The bungalow has been extended a number of times to the side and rear.

The application site is situated within the urban area as defined in the adopted Local Plan.

1.2 The application proposes erection of single storey rear extension to provide additional living accommodation

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

H4 Development within Existing Residential Curtilages

T8 Parking Standards

T12 Transportation for New Development

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept 2012

CS1 High Quality Design

2.3 Supplementary Planning Guidance/Documents
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

3.1 P75/4691 Erection of a single storey extension to provide a lounge . (Previous ID: K1071)
Approved 11.12.1975

3.2 P96/2165 Elevational alterations to facilitate conversion of garage to living accommodation.
Approved 07.10.1996

- 3.3 P97/4449 Erection of rear dormer extension
Approved 12.09.1997
- 3.4 P98/4618 Erection of single storey side extension
Approved 13.10.1998
- 3.5 PK04/3167/F Alterations to existing roof to facilitate the
creation of additional living accommodation.
Erection of rear dormer.
Refusal 14.10.2004

Refusal reason:

The proposed roof and dormer extensions, by reason of their size, design and external appearance, would be out of keeping with the existing dwellinghouse and other nearby properties and, if allowed, would have a detrimental effect upon the character of the dwellinghouse and would detract from the visual amenities of the locality.

4. CONSULTATION RESPONSES

4.1 Hanham Abbots Parish Council

No objection

4.2 Other Consultees

Wessex Water – No objection. However, A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter.

Drainage Engineer – No objection. The site would be located close to a Wessex Water sewer and a standard informative should be attached to the decision requesting the applicant contact Wessex Water and before commencing development.

Other Representations

4.3 Local Residents

One letter of objection received from the occupiers of 18 Stanhope Road raising the following concerns:

- Loss of privacy/overlooking of the entire rear garden and rear elevation of no.18
- No.18 is situated at a significantly lower ground level and the proposal would appear as a two storey building when viewed from no.18
- The increased presence of the dwelling as extended would create an eyesore and reduce light to no.18.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework was published in March 2012. The document replaces most PPG/PPS guidance providing a more simplified and up to date advice in determination of planning applications. The NPPF indicates that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

It is considered that the relevant policies of the adopted Development Plan do not materially depart from the NPPF. As such full weight can be afforded to the Development Plan policies in this case.

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.

The South Gloucestershire Core Strategy (CS) was submitted for Examination in March 2011. The Examination was initially suspended by the CS Inspector to allow for the submission of Post Submission Changes. Hearing sessions were subsequently held in June and July 2012 and the CS Inspector published his Preliminary Findings and Draft Main Modifications in September 2012. The Inspector's initial conclusion is that the Core Strategy is capable of being made 'Sound' subject to a number of Proposed Main Modifications (PMM). The PMM have been subject to a further hearing session that was held on 7 March 2013. The CS has reached an advanced stage of preparation. However, there are unresolved objections to the housing requirements, including the means of addressing the shortfall in the delivery of housing that accrued during the Local Plan period. At this stage the Core Strategy therefore remains unadopted, but is likely to be adopted in the near future once housing matters are resolved. This document is therefore a material consideration in the determination of planning applications, and the Core Strategy policies, which are not subject to Inspector modification, will now carry considerable weight at this stage.

In determination of this application there are no significant differences between the relevant adopted Development Plan policies and the Core Strategy.

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 a bungalow with converted roofspace dwelling. The proposed extension would be barely visible from public vantage points being located at the rear of the dwelling. The design and materials would be of reasonable 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.

Concern was raised from the occupiers of 18 Stanhope Road to the north east that the proposal would be an eyesore when viewed from their site. The view of the proposal from no.18 would be from a private viewpoint only. As the planning system operates in the public interest no significant weight can be attached to the disruption or degradation of a private view. The view of the extension from no.18 is not considered to carry sufficient weight in visual amenity terms to outweigh the benefits of the scheme as identified above.

5.3 Residential Amenity

Adequate rear amenity space to the property would be retained following the erection of the proposed extension. The neighbour to the north west (no.7) would be screened by a 2m high fence and a higher ground level. The proposal includes provision of a balcony to the new bedroom adjacent to the boundary with no.7. The floor level of the balcony would be at ground floor level within the building. Due to the 2m high fence screen to no.7, the balcony would result in no additional overlooking to no.7.

Concern was raised by the occupiers of no.18 Stanhope Road to the rear (north east) in relation to loss of privacy/overlooking and loss of light. The rear boundary of no.18 would be situated 17m from the rear of the proposed extension and the rear elevation of no.18 would be situated 39m from the rear elevation of the extension. Although it is recognised that the ground level falls from the rear boundary of no.18 to the rear elevation of no.18, due to the significant distance of the proposed extension to the rear boundary and rear elevation of no.18 the proposed extension would not prejudice to the amenity of the occupiers of no.18 or any other adjacent dwelling (which are all situated a similar distance from the site) in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development.

5.4 Other issues

The proposal would be built over or close to an existing sewer, which is controlled by Wessex Water who has legislative controls to ensure development near to or over existing sewers is built to avoid any detrimental impact on the sewer. Additionally, Building Regulations would control the technical construction of buildings and ensure that building on or close to a sewer would not impact on the sewer itself. Therefore the matter of building over or close to a sewer would be most effectively controlled by legislation outside the planning system (Wessex Water controls and Building Regulations). Therefore significant weight has not been attached to this issue as a material planning consideration and this matter is considered not to outweigh the planning merits of the scheme as explained above in the report. An informative would be attached to the decision notice to bring the matter to the applicant's attention and advise that they contact Wessex Water for approval prior to commencement of any development.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 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 conditions and informatives as outlined in the attached decision notice:

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 & Country Planning Act 1990 (as amended).

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

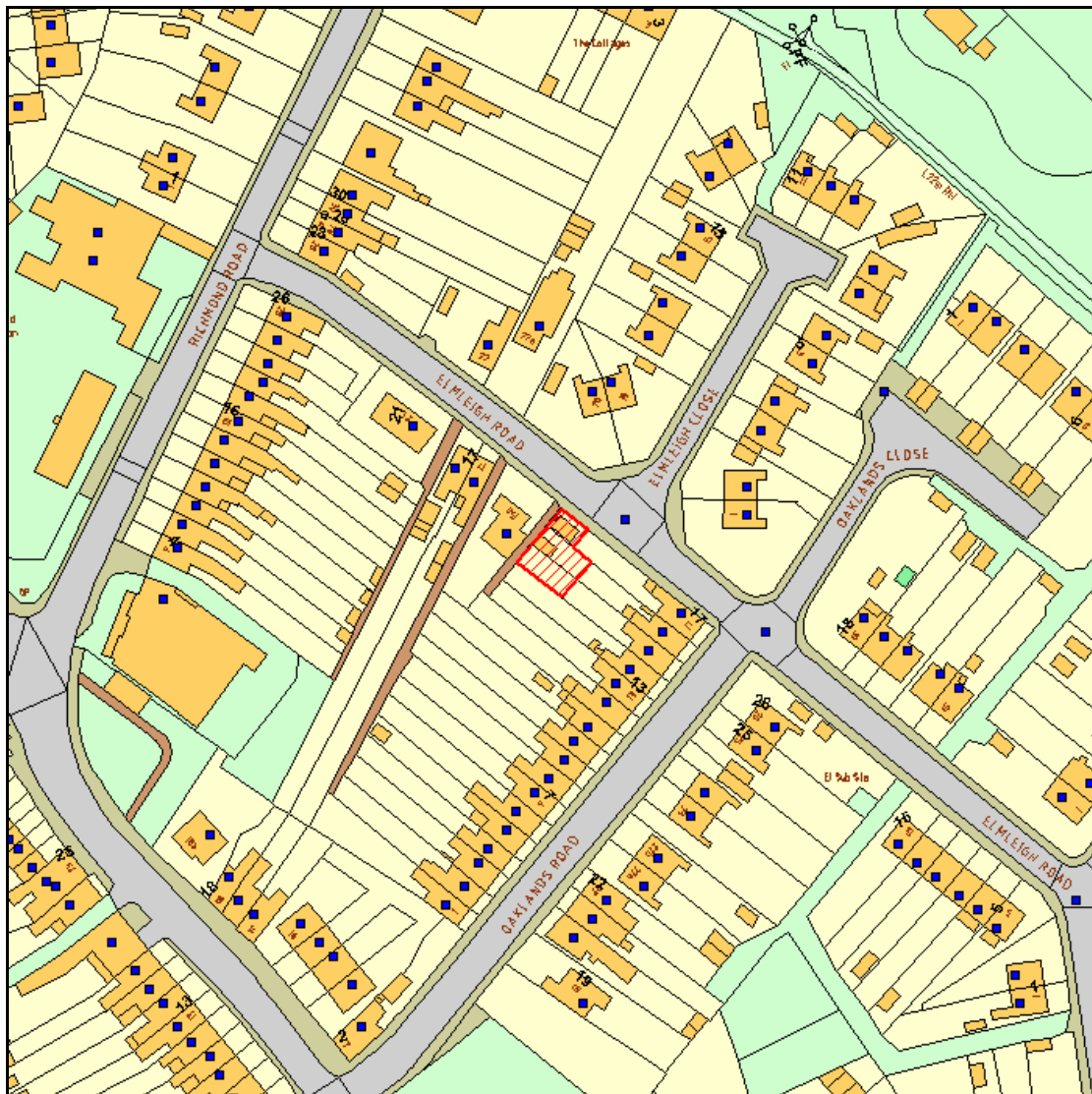
Reason

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

ITEM 5

CIRCULATED SCHEDULE NO. 31/13 – 2 AUGUST 2013

App No.:	PK13/2177/F	Applicant:	Mr Matthew Pressland
Site:	Land Rear Of 15 And 16 Oaklands Road Mangotsfield Bristol South Gloucestershire BS16 9EY	Date Reg:	24th June 2013
Proposal:	Erection of one detached dwelling and associated works.	Parish:	None
Map Ref:	366484 176301	Ward:	Rodway
Application Category:	Minor	Target Date:	14th August 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

A letter of objection has been received, contrary to the officer recommendation.

1. THE PROPOSAL

1.1 This application seeks planning permission for the erection of a dwelling, with new access and associated works. The site is formed from the end of the rear gardens of nos. 15 and 16 Oaklands Road, a terrace. The entrance to the site faces Elmleigh Road, beyond the end of the garden of no. 17, Oaklands Road which is shorter than the others. In the end of the garden of no. 17 there is a parking space associated with that property. The proposal is for two further off-street parking spaces parallel to this and behind this a one bedroom housing with small rear garden/ patio. The scheme was scaled down from a two bedroom dwelling in response to officer concerns about the minimal amenity space provision. This led to the original application being withdrawn in 2012 and a subsequent application this year which was refused for the following reason:

The development would lead to sub-standard living conditions for future occupiers of the proposed dwelling to the detriment of their residential amenity due to the overbearing nature of the boundary treatments along the site's front and rear boundaries on habitable rooms. This is contrary to policy H2 of the adopted South Gloucestershire Local Plan.

1.2 The proposed dwelling would have two storeys and is proposed to reflect the end-of-garden location by utilising wood at first floor level on the front elevation. The rear garden would be 3 metres deep and 9 metres wide, giving a total space of 27 square metres, accessed from the rear of the dwelling and also from a path around the side of the proposed house.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Dwellings within residential cartilages
L17 and L18 Water environment
EP1 Environmental Pollution
T12 Highway safety

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design

Supplementary Planning Guidance
Residential Parking Standards (April 2013)

3. RELEVANT PLANNING HISTORY

3.1 PK12/3220/F Dwelling and access Withdrawn

3.2 PK13/0114/F Dwelling and access Refused

4. **CONSULTATION RESPONSES**

4.1 Parish/Town Council
Unparished area

4.2 Other Consultees [including internal consultees of the Council]

Transportation

No objection, subject to the inclusion of conditions governing the provision of parking prior to occupation and using a bound surface.

Environmental Protection

No objection in principle

Technical Services

No objection in principle subject to the inclusion of a condition requiring the submission of drainage details.

Other Representations

4.3 Local Residents

The proposed dwelling would remove the privacy from rear gardens of houses in Oaklands Road, prevent afternoon sunlight in those gardens and is unnecessary with the number of houses being built in Emersons Green.

5. **ANALYSIS OF PROPOSAL**

5.1 Introduction

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 defined on the Local Plan proposals map and therefore policy H2 is satisfied in principle, subject to the following detailed analysis on the design of the proposed dwelling under policy H4, the impact on surrounding levels of residential amenity, the residential amenity created for the occupiers of the dwelling and transportation issues. The task of this application is to overcome the refusal reason cited for the previous design.

5.2 Design and Impact the Street Scene

The design has been largely retained from the previous proposal. The footprint remains the same. The front of the property would feature a broken roof slope and a projecting two storey element with a timber clad first floor. This material would contrast with the render proposed for the remainder of the walls. It is considered that the width of the proposed dwelling would be in keeping with that of the adjoining property, No. 15A. The scale would be appropriate to a street scene where two storey properties dominate. The proposed path to separate the site from the host dwellings and the pedestrian path between the site and No. 15A are considered to give the proposed dwelling an appropriate setting. The design is considered to be crisp, modern and recognises the rear garden setting through the use of a lightweight feature material. Overall, the design is for as small a house as possible and is considered to be successful

and appropriate to the established street scene and therefore the proposal accords with policy D1 of the adopted Local Plan.

5.3 Residential Amenity

The only windows shown in either side elevation of the proposed dwelling would light the stairs, a non-habitable room, as shown on the elevation drawing. The floor plan at ground floor level shows another window below this to light the stairs. Views from the other windows would be onto the road at the front and over the rear gardens of the properties in Oaklands Road from the rear. Views would only be obtained from first floor level and these are not considered sufficient to harm residential amenity in the rear gardens, which are already subject to overlooking from the other houses in the terrace in an oblique fashion. The proposed dwelling is not therefore considered to result in harm to existing levels of residential amenity by way of overlooking and loss of privacy. In terms of potential overbearing impact, there is considered to be none that would be experienced by No. 15A which has a blank side wall which extends up to the footpath which divides the properties. The terrace of Oaklands Road is at least 15.5 metres away from the proposed dwelling, when measured building to building. At such a distance from habitable room windows, it is not considered that any overbearing impact nor overshadowing would occur, particularly as the proposed dwelling would be to the north-east of the rear gardens and northwest of the residual gardens on site. Therefore the proposed development is not considered to have any harmful effect on existing levels of residential amenity enjoyed by the surrounding housing and accords with policy H4 in this regard.

5.4 Transportation Issues

The proposed dwelling would be a one bedroom house which would provide family accommodation. Two parking spaces are proposed and this is considered appropriate to meet the likely maximum demand for parking generated by the dwelling by a couple. The spaces shown also meet the requirements of the parking standards SPD. The space retained for the use of No. 17 is considered satisfactory by the same reasoning. In any event, the site is close to the local centre and bus routes and this location is considered to offer a choice of transport modes to future occupiers. In terms of highway safety no problems have been identified and the proposal is considered to accord with policies T8 and T12 of the adopted Local Plan. A condition recommended below ensures the provision of parking prior to occupation of the dwelling, using a bound surface.

5.5 Living Conditions for Occupiers of the Proposed Dwelling

This issue led to the refusal of the previous application for a similar proposal. The refusal reason is reproduced in the introduction to this report. The first floor rooms are considered to have a reasonable outlook, given that they would be above the level of the surrounding boundary treatments. The 'missing corner' at the front of the site is at present bounded by a 1.8 metre tall fence and under this proposal, a 2 metre tall fence would be erected at the rear of the site, to separate it from the access to the rear of 15 Oaklands Road. These are the constraints on views out of the proposed dwelling and reflect the relatively cramped nature of the site. With this revised layout, the previous problem of the living room window facing a fence at a distance of less than 1 metre at the front

and at 3 metres to the rear is considered to have been overcome by switching the kitchen and living room to the other end of the house and making them open plan. The result is one large habitable room lit from front and rear, which is considered to overcome the previous refusal reason. The living conditions for future occupiers of this proposed one bedroom dwelling are therefore considered to be acceptable and the proposal accords with policy H2 of the adopted Local Plan in this regard.

5.6 Drainage Issues

Full drainage details for this proposal have not been submitted at this stage, but have been required by the relevant condition shown below. The drainage details will need to incorporate Sustainable Drainage principles in accordance with policies L17, L18 and EP1. Subject to this there are considered to be no drainage problems in principle arising from this proposal.

5.7 Other Issues

The consultation process has raised the issue of need for the proposed dwelling in light of other development in the area. The need for the dwelling is in playing an, albeit small, part in meeting the 5 year housing requirement that the Council faces. Policy H2 allows for dwellings to be erected in the urban area, subject to analysis such as has been applied to this proposal and in this instance it is considered that there would be no untoward effects arising from this proposal.

6. CONCLUSION

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

6.2 The recommendation to 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.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

To protect the privacy and amenity of neighbouring occupiers and to maintain the current solid to void ratio as approved,, and to accord with Policy H2, D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The off-street parking facilities shown on the plan hereby approved shall be provided in a bound, permeable surface before the dwelling 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 T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Residential Parking Standards (2013)..

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

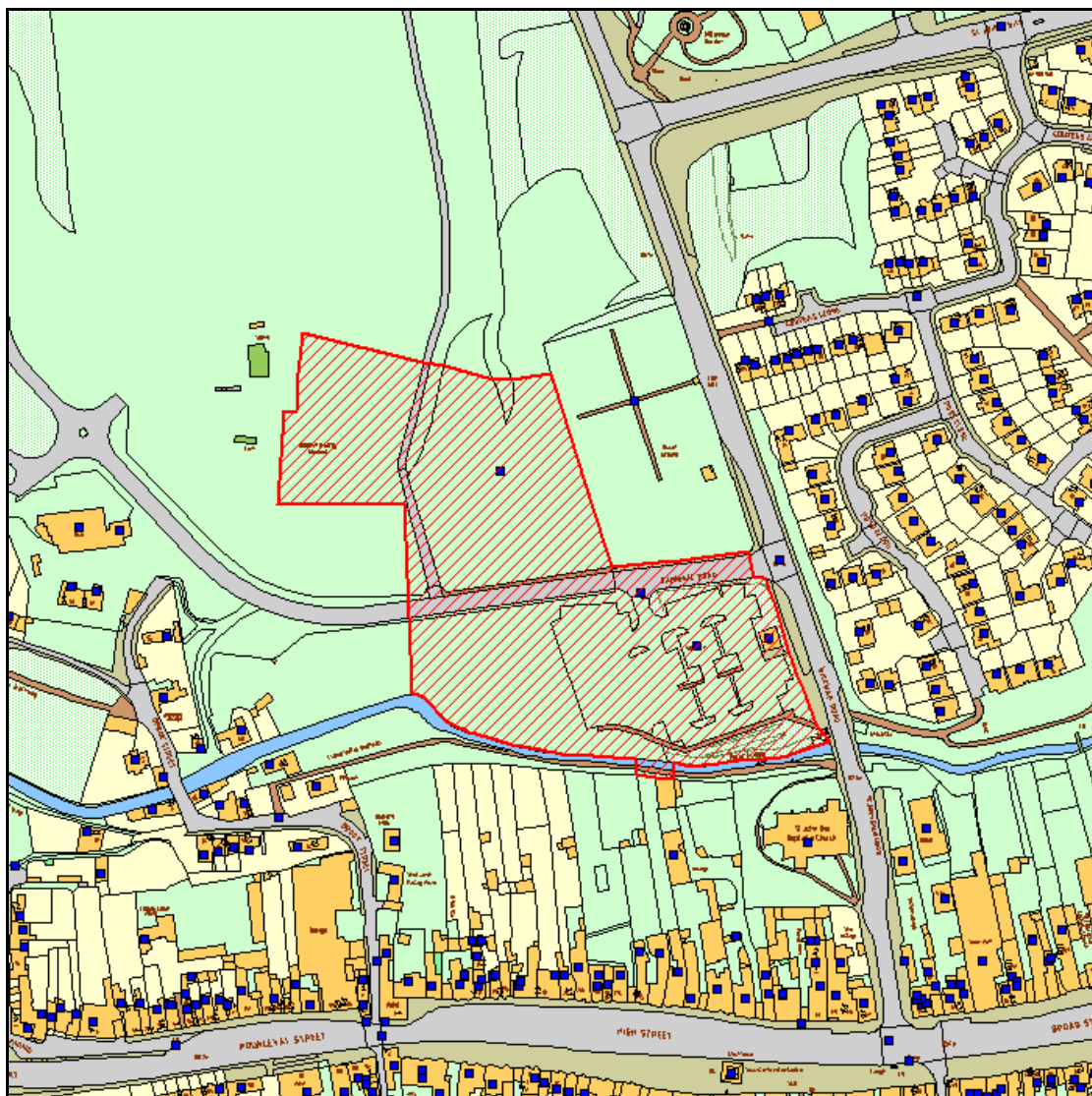
Reason

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

ITEM 6

CIRCULATED SCHEDULE NO. 31/13 – 2 August 2013

App No.:	PK13/2204/ADV	Applicant:	John Lewis Group
Site:	Waitrose Wickwar Road Chipping Sodbury South Gloucestershire BS37 6BQ	Date Reg:	24th June 2013
Proposal:	Display of 9 no. internally illuminated lettering signs, 1 no. internally illuminated J C Decaux sign, 2no. cafe window vinyls, 1no. non-illuminated hanging sign, and 18 no. non illuminated information/directional signs. (Resubmission of PK13/1094/ADV).	Parish:	Sodbury Town Council
Map Ref:	372789 182292	Ward:	Chipping Sodbury
Application Category:	Minor	Target Date:	14th August 2013



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PK13/2204/ADV

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule as a representation has been made by a local resident, which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks advertisement consent for the installation of 9no. internally illuminated lettering signs; 1no. internally illuminated J C Decaux sign; 1no. non-illuminated hanging sign, and 18no.non-illuminated information/directional signs.
- 1.2 The application is a re-submission of PK13/1094/ADV, which was withdrawn on 28th May 2013 following concerns raised by Officers relating to the design and amount of the proposed signage.
- 1.3 The application relates to the Waitrose foodstore in Chipping Sodbury (refs. PK12/1311/RM and PK10/1675/O), which is currently under construction. The site is situated partially within the Chipping Sodbury Conservation Area and is adjacent to a number of Grade II listed buildings.
- 1.4 During the course of the application the description of the proposal was amended in order to reflect the changes made to the number of signs following the withdrawal of the previous application and subsequent re-submission. A 21 day re-consultation period was undertaken. Minor changes have also been made to two of the proposed signs. Sign 14 was amended to include the store opening hours, and the height of sign T1 (entrance signs) was reduced by 250mm in response to the comments made by the Council's Conservation Officer. A re-consultation period was not undertaken for these amendments as they are considered minor in scale.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
Planning (Listed Buildings and Conservation Areas) Act 1990
The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2012
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
L12 Conservation Areas
L13 Listed Buildings

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 The site has an extensive planning history, most of which is not directly relevant to this application for advertisement consent. The relevant application history is outlined below:
- 3.2 PK13/1094/ADV - Display of 9 no. internally illuminated Building Letters signs, 2 no. internally illuminated totem signs, 23 no. non illuminated directional/information signs, 1 no. cafe window vinyl and 4 no. DFT site signage. **Withdrawn 28th May 2013.**
- 3.3 PK12/1311/RM - Construction of foodstore (A1) and associated car park; new pedestrian footbridge across River Frome; and associated landscaping and infrastructure works - implementation of phases 1, 2a and 2b of the approved Masterplan. (Approval of all reserved matters to be read in conjunction with planning permission PK10/1675/O). **Approved 18th July 2012**
- 3.4 PK10/1675/O - Mixed use development comprising the construction of a new foodstore (A1).... **Approved 6th June 2011**

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No objection
- 4.2 Transport Officer
No objection
- 4.3 Conservation Officer
Approval recommended

Other Representations

- 4.3 Local Residents
Two letters of objection have been received from a local resident. The comments relate to the number of signs proposed being excessive.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements that will clearly have an appreciable impact on a building or their surroundings

should be subject to the Local Planning Authorities detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

5.2 Residential Amenity

The foodstore is positioned on the northern side of Barnhill Road and to the west of the existing municipal cemetery. Its associated short stay car park lies to the south of the store, largely between Barnhill Road and the River Frome. The ground level ascends in gradient from the River Frome in a northerly direction towards the quarry. The store is situated to the north of Chipping Sodbury high street adjacent to the existing public carpark. As existing the nearest neighbouring dwellings are situated on the high street to the south and to the east of Wickwar Road. It is, however, noted that outline permission has been granted for additional residential development to the north and west of the foodstore.

- 5.3 The proposal includes some internally illuminated signage within the site, including internally illuminated lettering signs to all elevations with a maximum lettering height of 1200mm. Although it is acknowledged that the lettering signs will be visible from the surrounding residential development, the scale of the signs and distance from the dwellings is considered adequate to ensure that they would not have a detrimental impact on residential amenity. The time of illumination will be conditioned accordingly to ensure that they are not turned on outside of the store opening hours. The internally illuminated JC Deceaux sign would be contained entirely within the site and as such is not considered to affect residential amenity. All other proposed signs are non-illuminated and as such would not have an adverse impact on nearby residents.

5.4 Visual Amenity

In terms of visual amenity the application has been subject to pre-application discussions following the withdrawal of the previous advertisement application. The number of signs have been reduced in response to Officer comments in order to reduce visual clutter, and signs have been amended in order to remain sensitive to the nature of the site, its location within the Chipping Sodbury Conservation area, and its proximity to the nearby listed buildings.

- 5.5 In terms of amount, a large proportion of the application consists of the provision for 18no. different information/ directional signs. The number of signs has been rationalised when compared to the previous application in order to avoid unnecessary clutter. Although the number of signs may appear excessive it is considered that this is reflective of a foodstore of this scale and provides necessary informational/ direction for the foodstore customers. The signs are considered appropriate in terms of scale and remain simple in appearance. The proposed information/ directional signs have been considered cumulatively and on reflection are not considered to detract from the visual amenity of the site, the locality, or the Conservation Area. Two of the proposed information signs would be situated at the entrance to the pedestrian walk through/ access from Chipping Sodbury High Street. Sign 19 would not be highly visible from the street scene and as such is not considered to detract from the visual amenity of it. The proposed hanging sign (18) is non-illuminated and includes a traditional bracket, which is appropriate for the character of the locality.

- 5.6 In terms of the lettering signage the previously proposed sign on top of the roof of the store has been moved to the elevation of the building, which is supported by Officers. The proposed internally illuminated lettering signs are considered acceptable in terms of scale and design, and provided illumination is restricted to store opening hours, would not detract from the visual amenity of the locality or the Conservation Area.
- 5.7 A contentious issue in the previously withdrawn application was the design and location of the proposed internally illuminated totem signs at the entrance to site. The previously proposed totem signs were considered unacceptable in principle, with significant concerns relating to the impact of the proposed signs on the semi-rural character of the locality, the character of the Conservation Area and in particular the sensitive views down Wickwar Road towards the Grade I listed church. In response to concerns raised the entrance signs have been reduced to one double sided sign, and has been re-designed in line with the existing sign on site. The proposed entrance sign (t1) now consists of green aluminium panels with white writing on stainless steel supports. During the consultation period for this application the Conservation Officer raised concern that the proposed entrance sign was still excessive in scale. In response CGI images have been provided in order to demonstrate the overall impact of the signs in the locality and the overall height of the sign has been reduced by 250mm. Although the height of the sign has not been reduced as much as requested it is considered a positive improvement, and on balance is considered acceptable.
- 5.8 Cumulative Impact
The proposed signage has been considered both individually and cumulatively and it is considered that the proposal would not have an adverse impact on the character or distinctiveness of the site or the locality, would not prejudice the character and appearance of the Chipping Sodbury Conservation Area, and nearby heritage assets would be preserved.
- 5.9 Public Safety
The majority of the proposed signage would be contained within the application site and would provide information/ direction to foodstore customers. The proposed entrance signs located on Wickwar Road would be set back from the highway within the landscaped area on the boundary of the site. The application has been considered by the Council's Transport Officer, who raises no objection to the proposal in terms of highway or public safety.

6. **CONCLUSION**

- 6.1 The proposed advertisements are not considered to cumulatively or individually impact the visual amenity of the site or the locality, the Chipping Sodbury Conservation Area, or the nearby heritage assets. The proposal is not considered to prejudice residential amenity or public safety. Accordingly, in line with guidance contained within the National Planning Policy Framework, the recommendation is to grant advertisement consent.

7. RECOMMENDATION

7.1 **No Objection** to the proposed advertisements.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

1. The internally-illuminated signs hereby permitted shall be switched off outside of the hours of 07.30 to 22:30 Mondays to Sundays (inclusive).

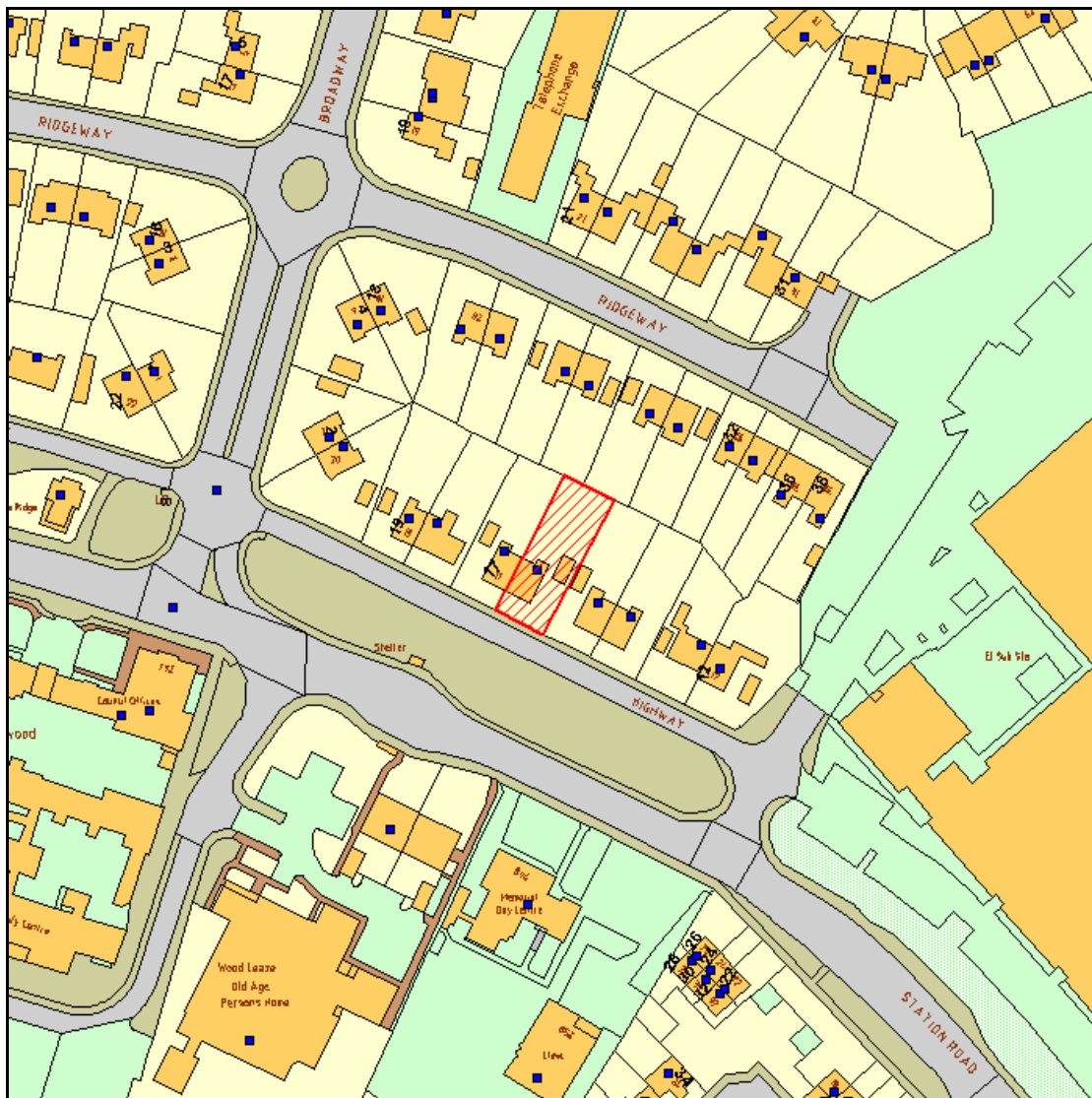
Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity; to protect the residential amenity of the neighbouring occupiers; and to accord with the National Planning Policy Framework. (2012).

ITEM 7

CIRCULATED SCHEDULE NO. 31/13 – 02 August 2013

App No.:	PK13/2225/F	Applicant:	Mr D Pursey
Site:	16 Highway Yate Bristol South Gloucestershire BS37 7AB	Date Reg:	24th June 2013
Proposal:	Erection of two storey side and single storey rear extension to form additional living accommodation. (Resubmission of PK13/1208/F).	Parish:	Yate Town Council
Map Ref:	372024 182480	Ward:	Yate Central
Application Category:	Householder	Target Date:	14th August 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

There is an objection from the Town Council, contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to convert a three bedroom semi-detached two storey house to a four bedroom property, through the addition of a two storey side and single rear extension. The extension would create two under cover parking spaces in a car port at ground floor level, with two bedrooms and an en-suite over this area, which would project beyond the rear building line of the house. Infilling the corner that this L shape would create would be a single storey extension to form an enlarged kitchen diner. This application follows a proposal to enlarge the dwelling to six bedrooms, for which sufficient car parking provision could not be found. The current scheme, following the receipt of revised plans, brings the car parking requirement down to two spaces, the same as for the provision current dwelling, which has open parking where the extension would be situated.
- 1.2 The house on site is a semi-detached property of red brick and tile, set back from the A432 by a wide verge and then the Highway, a residential road with further semi detached properties forming a strong front building line. Parking is currently on the area to the side of the dwelling where the extension is proposed.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 House extensions
- South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
Residential Parking Standards (April 2013)

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/1208/F Two storey side and single storey rear extension. Installation of rear dormer to facilitate loft conversion Withdrawn

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
Object due to overbearing impact and loss of privacy.

4.2 Other Consultees

Transportation

Parking provision is satisfactory on the revised plans and no objection is raised.

Technical Services

The agent has provided a completed a flood mitigation form and the proposal is considered to be satisfactory.

4.3 Other Representations Local Residents

No replies received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This proposal stands to be assessed against the policies listed above, in the light of all material considerations. The issues to be resolved are the visual affects of the proposal, its impact on the existing levels of residential amenity and whether it meets the parking provision set out as a minimum in the Supplementary Planning Guidance.

5.2 Design/ Visual Amenity

Along with the proposal being scaled down for this submission, a further amendment is that at first floor level, the front building line has been set back and its roof set down, so that the proposed extension can be read as subservient to the host dwelling. Given the mass of the proposed extension, this is considered to be a necessary step to enable the enlarged dwelling to fit the street scene, of a regular street, set well back from the main road through Yate and Sodbury. In addition, the proposed garage has been changed into a car-port in order to guarantee that it will be used for the 'garaging' of vehicles, rather than for domestic storage purposes. This change is not considered to have a significant impact on the street scene. Materials are shown to match the existing dwelling and it is considered that the extension, albeit wide and almost up to the edge of the site, respects local distinctiveness and is appropriately designed. The scheme is considered to accord with policy D1 of the adopted Local Plan.

5.3 Residential Amenity

The Town Council has responded that the proposal would cause an overbearing impact and would compromise privacy. In regard to the former point, the extension would project, at two storeys, 3.6 metres beyond the common rear building line and 5 metres to the side, slightly set back from the front building line to demonstrate subservience to the host dwelling. The side of the adjacent property, No. 15, has windows facing the site, serving hall, landing and a kitchen extension. The rear garden of the site is bounded by a 1.8 metre close-boarded fence. It is considered that the proposed extension would not have an overbearing impact on existing levels of residential amenity for No. 15 because the rooms served by the side-facing windows in that property either do not serve habitable rooms or are not principle windows. With regard to overbearing impact at the rear, it is noted that the 3.6m projection proposed is not excessive and any impact is offset by the width of the drive to the side of

No. 15. Overall, it is considered that the proposal would not result in any loss of existing levels of residential amenity for No. 15 due to overbearing impact.

With regard to the impact of this proposal on privacy, the proposed window positions at first floor level are in the rear elevation only. A condition has been recommended below to ensure that side windows can only be inserted later following further scrutiny of a planning application. The rear facing window proposed at first floor level would take the form of inward opening double doors, with a protective low level screen attached to the outside of the extension. Any 'balcony' would therefore be within the extension, rather than projecting outside it. In comparison with the current rear-facing bedroom window, it is considered that having a bedroom window 3.6 metres beyond the existing rear building line would not compromise current levels of residential amenity as it would not intensify the current situation of oblique overlooking between adjacent properties in the urban area. The impact of ground floor rear-facing windows on the neighbouring property would be curtailed by the existing boundary treatment referred to above. Overall, therefore, it is considered that the proposal would not compromise existing levels of residential amenity and complies with policy H4 in that regard.

5.4 Transportation

Revised plans were submitted, showing that the garage has now been altered and the internal dimensions provided are considered satisfactory to meet the provisions of the Parking Standards in terms of parking space sizes. A parking space is shown as provided to the front of the garage which will be partly in a covered car port with the remainder on the driveway in front. The proposal accords with the recently adopted standards and it is considered that it satisfies Local Plan policy T12 in respect of highway safety.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

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

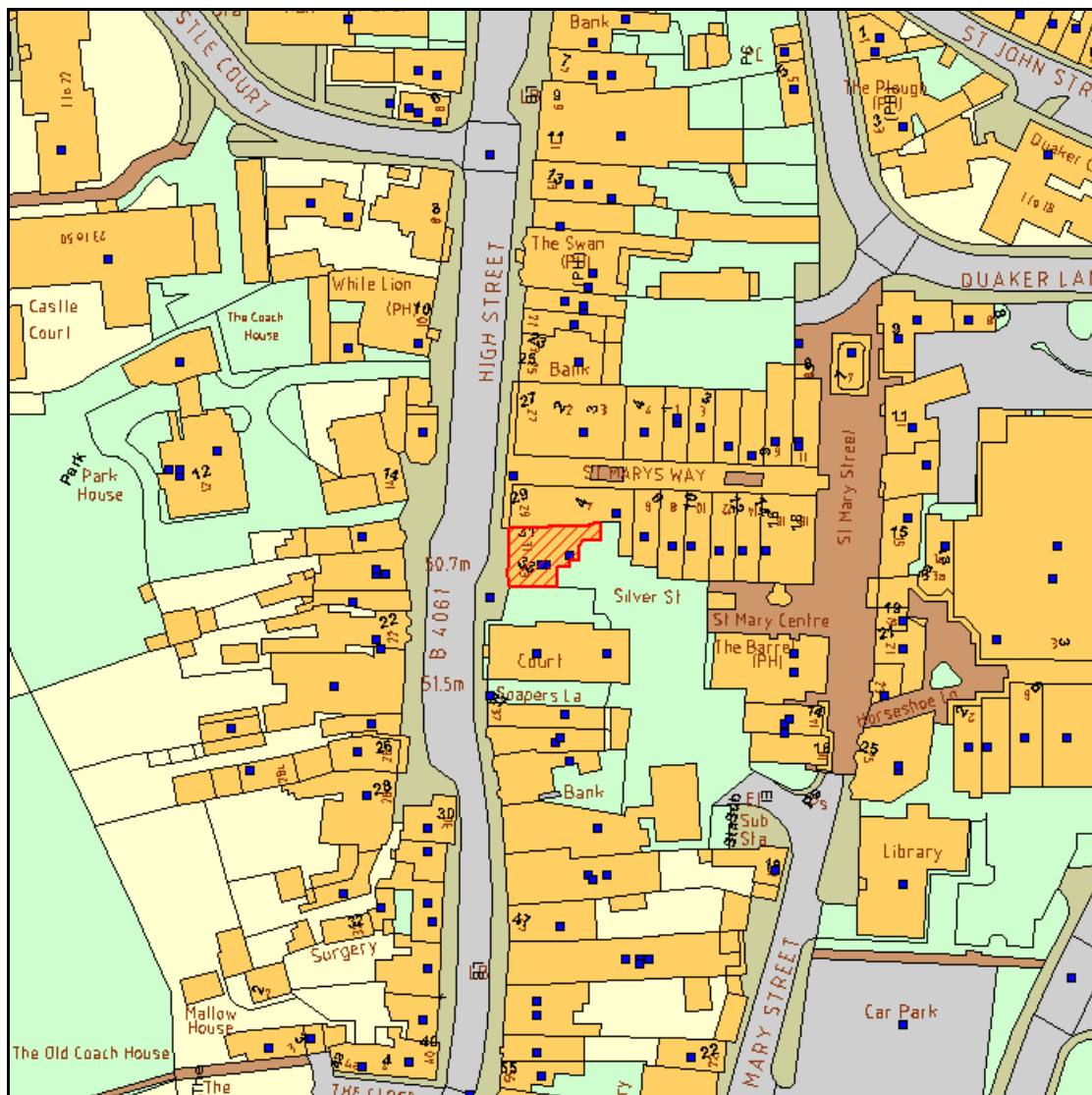
Reason

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

ITEM 8

CIRCULATED SCHEDULE NO. 31/13 – 2 AUGUST 2013

App No.:	PT13/1892/ADV	Applicant:	Co Operative Group
Site:	31 - 33 High Street Thornbury South Gloucestershire BS35 2AR	Date Reg:	12th June 2013
Proposal:	Display of 1no. internally illuminated fascia sign and 1 no. externally illuminated projecting sign.	Parish:	Thornbury Town Council
Map Ref:	363683 190023	Ward:	Thornbury North
Application Category:	Minor	Target Date:	31st July 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred as a result of the objection from Thornbury Town Council which conflicts with the officer recommendation.

1. THE PROPOSAL

1.1 This application seeks advertisement consent for two signs at The Britannia Building Society which now operates for/as the Co-operative Bank on High Street, Thornbury. The first sign consists of a 7.5cm thick aluminium box fascia sign measuring 3.4m by 65cm. This sign is internally illuminated with halo illumination lettering around 'co-operative' and acrylic lettering for 'The' and 'Bank' which allow the text to be illuminated. The second sign is a hanging sign 60 by 45cm and 2.5cm thick constructed in powder coated aluminium and is proposed to be externally illuminated by two LED trough lights.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

L12 Conservation Areas

T12 Transportation

L19 Display of adverts

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012

CS1 High Quality Design

2.3 Supplementary Planning Guidance

(a) South Gloucestershire Design Checklist (Adopted) August 2007

(b) Shopfronts and Advertisements (Adopted) April 2012

3. RELEVANT PLANNING HISTORY

3.1 PT06/3332/ADV Display of 1 no. externally illuminated fascia sign and 1 no. externally illuminated projecting sign on front elevation. Approved subject to a condition restricting lighting to hanging sign.

3.2 PT06/2386/ADV Erection of 1 no. internally illuminated fascia sign and 1 no. internally illuminated projecting sign. Refusal

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

Object. Any internally illuminated signs are inappropriate to the character of the area and contrary to established policy for signage within the Conservation Area.

4.2 Conservation Officer

No comment

4.3 Transport Officer

There are no transportation comments relating to the proposed signage.

Other Representations

4.4 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Guidance within the National Planning Policy Framework states that advertisements should only be controlled in the interests of amenity, public safety and cumulative impact. Design is assessed in terms of visual amenity and cumulative impact using policy D1 and L19 of the Local Plan as well as the Shopfronts and Advertisements SPD. As the site is located within the Thornbury Conservation Area, the design is also assessed against policy L12 of the Local Plan. Public safety is assessed using policy T12 to ensure that the signage is not detrimental to highway safety or presents a traffic hazard.

5.2 Design and Amenity

The signs proposed are to be located in the same location as the existing externally illuminated fascia (4m by 57cm as approved) and hanging sign (40 by 80cm as approved). Both of the external signs are externally illuminated, the fascia by a trough light above the sign facing down. The existing hanging sign is also trough lit from above on both sides.

The proposals are smaller overall than the consented signage and would sit well on the building above the bay window and door. Whilst internal box lighting is not supported in conservation areas this proposal uses high quality materials to create signs appropriate to the form of the building. Halo illumination of the limited wording on the fascia sign is a simple way of creating illumination without the need to maintain the existing trough lighting. This is similar to the illumination on 'M and Co' and 'HSBC', very close to the site and is considered acceptable.

In terms of the hanging sign a sleeker form of lighting is proposed than the existing sign but the illumination of the existing sign is unauthorised and contrary to the new Shopfronts and advertisements Design guidance. The sign becomes bulky when viewed with the lighting and yet the sign itself is generally acceptable in form and materials. As such a condition is necessary to prevent the illumination of the proposed hanging sign. As such the proposed two signs are considered acceptable and would in fact improve the appearance of the building and the Conservation Area.

5.3 Public Safety

The proposed signs are well located out of public reach, without moving lights. As such there is no adverse impact on transportation or harm to public safety.

6. **RECOMMENDATION**

6.1 It is recommended that this application be APPROVED subject to the condition listed below.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

1. Notwithstanding the external illumination shown on drawing G8555 -A 03 there shall be no illumination of the hanging sign.

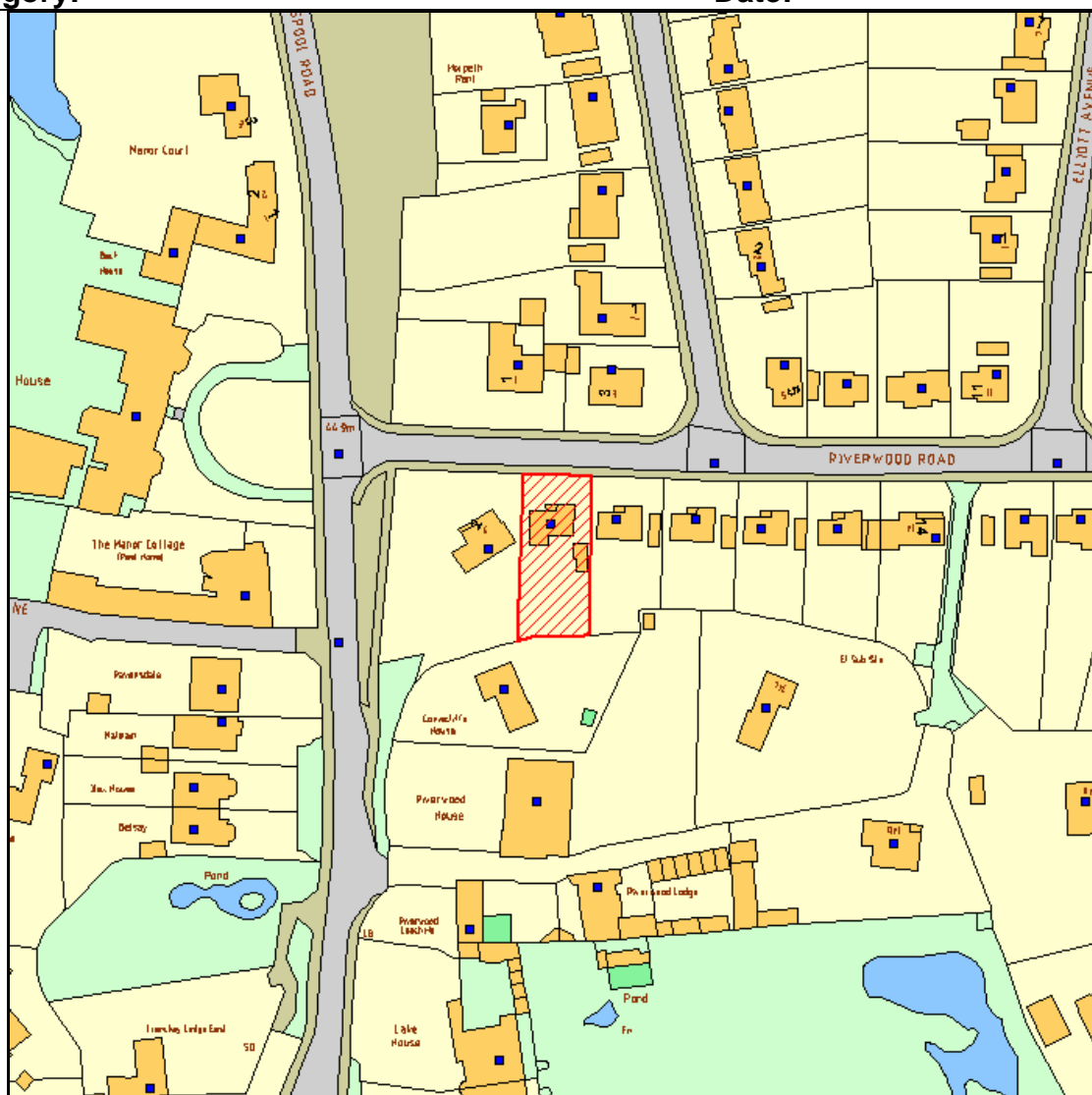
Reason

To ensure a satisfactory standard of external appearance in the Thornbury Conservation Area, and to accord with and Policy D1, L19 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Shopfronts and Advertisements Design Guidance (Adopted) April 2012.

ITEM 9

CIRCULATED SCHEDULE NO.31/13 – 02 AUGUST 2013

App No.:	PT13/2074/F	Applicant:	Mr And Mrs N Scarrett
Site:	4 Riverwood Road Frenchay South Gloucestershire BS16 1NX	Date Reg:	18th June 2013
Proposal:	Erection of two storey side extension and single storey rear and side extension to provide additional living accommodation.	Parish:	Winterbourne Parish Council
Map Ref:	364211 178081	Ward:	Frenchay And Stoke Park
Application Category:	Householder	Target Date:	8th August 2013



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PT13/2074/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as there is an objection to the proposed development, whilst the officer recommendation is approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two storey side and single storey rear and side extension to provide additional living accommodation.
- 1.2 The application site comprises a two storey detached property located on the southern side of Riverwood Road. The site is located within the established residential area of Frenchay and just outside of the Frenchay Conservation Area.
- 1.3. The proposed development includes the removal of part of the front boundary wall at the property to allow additional vehicular access. The removal of this length of wall would not require planning permission in its own right and as such cannot be considered as part of this planning application.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
H4 Residential Development within Existing Residential Curtilages

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Residential Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/0714/F Enlargement of existing conservatory.
Approved, 10th April 2008.
- 3.2 P99/1410 Erection of two storey rear extension.
Approved, 21st May 1999.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection

4.2 Drainage Officer

No comment

4.3 Transportation DC Officer

No objection

4.4 Local Residents

One response has been received from a neighbouring occupier raising no objections to the proposal. An additional response has been received from a neighbouring occupier objecting to the development proposed. The following is a summary of the main reasons for objecting:

- Two-storey extension extends onto flank boundary just 1.1 metres from the side of the neighbouring property;
- The topography of the site is such that the ridge height is 1.1 to 1.2 metres higher than the neighbouring dwellings ridge height;
- The eaves of the single storey extension are higher than the existing garage eaves height by 400 to 500mm and along with the two-storey extension it will form a huge blank wall;
- It will have an adverse impact on our residential amenity due to loss of light and the overbearing impact;
- Other extensions referred to in the estate are different in context;
- There is a tree within close proximity to the proposed extension;
- The extension will appear cramped.

5. ANALYSIS OF PROPOSAL

5.1 The application details domestic extensions to an existing dwelling within the existing residential curtilage. The site is located within Frenchay and is within the settlement boundary of the Bristol North Fringe Urban Area.

5.2 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this planning application. The policy indicates that the development is acceptable in principle subject to the following considerations.

5.3 Design and Appearance

The dwelling is located within a volume built housing development dating from the mid 20th Century. The majority of the dwellings on the development are constructed in re-constituted Bath/Cotswold stone masonry with distinctive features and detailing evident across the development. This gives the development a distinctive character, although it should be noted that the dwellings are not exclusive to this housing development.

5.4 It is considered that the distinctive character of the surrounding housing development and the dwelling itself should inform the design and appearance of new extensions. The subject dwelling has received domestic extensions which have been constructed to the rear. The immediate context of the site (neighbouring properties) contains dwellings also with extensions to the rear, however, there are no examples development which affects the appearance of

- the dwellings when viewed directly from the street in the immediate context. A dwelling located on Park Crescent (No.2) has received substantial side extensions which are clearly visible from the street. This dwelling is situated approximately 60 metres from the subject dwelling and does not affect the immediate context. On this basis, it is important to ensure that new extensions are designed in such a way that the distinctive nature of the area is respected.
- 5.5 Visually, the development proposal can be split into two distinct parts. Firstly, the two storey extension to the East side of the dwelling; and, secondly the single storey extension positioned further back on the East side of the dwelling continuing beyond its rear elevation.
- 5.6 Two Storey Side Extension
This would be clearly visible from the public realm. The proposed extension extends the existing eaves and ridge of the dwelling across by approximately 4 metres to the extent of the eastern boundary of the property. An integral garage is proposed at ground floor level, which would be served by a timber up and over vehicular door. A bedroom (with en-suite) is proposed above. During the course of the assessment of this application, officers have requested amendments to the proposal such that the two-storey side extension is reduced in height (ridge and eaves height and floor and window levels) by approximately 500mm.
- 5.7 The existing dwelling is characterised by a projecting gable on the east side of the front elevation. This project by approximately 1½ metres from the remainder of this elevation. The west side of the house includes a half dormer window at first floor level. Generally, the eaves of the existing dwelling are below window head level. This characteristic is consistent with other dwellings in the immediate context. The proposed two storey side extension would also be set back in this way and would include a half dormer window in the front elevation. It is noted that the site falls by approximately ½ metre to the east. In order to account for this the overall height of the two storey extension is reduced accordingly. This has allowed the ridge and eaves to appear subservient to the original dwelling whilst providing matching detailing and appropriate proportions to the extension. It is considered that the proposal is well design and proportioned and would not undermine the strong distinctive character of the existing dwelling and surrounding dwellings. The applicant has indicated that the development would use matching reconstituted stone and render. This approach is acceptable in principle; however, given the relatively sensitive nature of the surrounding housing development it is considered appropriate that samples of the materials are provided for agreement (prior to the commencement of development) by the Local Planning Authority in the event that planning permission is granted.
- 5.8 The single storey element of the proposal extends from the rear elevation of the two-storey extension for approximately 7.6 metres, and is 4.6 metres in width. This would provide a day room. The extension uses a pitched roof. Five and three pane full glazed white powder coated aluminium bi fold doors are proposed in the southern rear and western side elevation respectively. This would effectively replace the existing garage located to the east of the existing dwelling.

- 5.9 This element of the proposal would not be easily seen from the street and as such, there is more scope for providing a more contemporary extension. In this instance, the single storey element of the proposal would take a modern appearance using modern materials and detailing; whilst using traditional pitched roof and scaling. It is considered that the single storey element of the proposal is acceptable in design terms.
- 5.10 It is noted that comments received raise concern that the proposed extension would be close to the neighbouring dwelling, leaving a narrow gap between the dwellings. This concern is made having regards to the relatively well spaced nature of the surrounding housing development. Officers fully acknowledge this issue and agree that the spacing of the dwellings is a strong element of the character of the housing development. The position of the proposed two storey side extension is such that it would be in line with the general building line in the immediate context of the site. It is accepted that the extension would close the gap between the existing dwelling and the neighbouring dwelling at number 6 Riverwood Road. However, given the amendments which would allow the extension to appear subservient to the host dwelling, it is considered that the impact of the development in the street scene is acceptable; and that this would adequately mitigate against the reduction in the distance between the existing dwellings.
- 5.11 Having regards to the above, it is considered that the design of the proposed development is acceptable, and the combined extensions (two storey side and single storey side and rear extensions) would not have a detrimental impact upon the distinctive character of the dwelling and the surrounding context. Comments received have suggested that nearby developments should not be used to influence (allow) the proposed development. This is not the case. All planning applications are dealt with on the individual planning merit associated with them. In this instance, regard has been given to the character of the dwelling and the context of the site and the impact of the proposed development upon it in reaching the above conclusion.
- 5.12 Residential Amenity
Comments received raise concern over the impact of the proposed development upon the living conditions of the occupiers of the adjacent dwelling to the east (no. 6 Riverwood Road). The principle areas for concern is the impact of the extension on the amenity value of the conservatory, the proximity of the extension to the existing dwelling and the introduction of a large area of blank wall along the boundary between the dwellings.
- 5.13 The existing arrangement at the subject property is that there is a driveway leading to a modest garage constructed with the original dwelling. The existing spacing between the two dwellings is approximately 5 metres. The existing garage is positioned approximately 200mm from the east boundary of the property and approximately 700 mm from the original rear elevation of the subject dwelling. The garage effectively extends along the boundary with the adjacent dwelling by 3 metres with as small gap between the front of the garage and the rear elevation of the dwelling at no 6 (excluding the conservatory extension).

- 5.14 It is accepted that the two storey element of the proposal will enclose the existing driveway and significantly reduce the gap between the subject dwelling and the dwelling at no.6 Riverwood Road. It is necessary to consider the impact of this part of the proposal in respect of the existing amenity of the residential dwellings. In this instance the gap would be reduced to less than two metres and the extension would be constructed on the line of the east boundary of the application site. However, the extension is designed so it is in line with the front elevation of the adjacent dwelling, and would not extend beyond the rear elevation of the adjacent dwelling. On this basis, it is considered that very limited overbearing impact would occur as the development would not protrude beyond the main elevations of the adjoining dwelling. There are no windows in the west elevation of the adjoining dwelling and as such the two-storey element would not result in the loss of light into the dwelling. Clearly, the development would close down the perceived width of the access along the west side of the adjacent dwelling. However, this would not reduce the physical width, which is already limited. This area is not considered to be an area of the adjoining curtilage which would have any amenity value; except that it would provide access along the side of the adjoining dwelling. That would not be affected by the proposed development.
- 5.15 The single storey element of the proposal would replace the existing garage located to the east of the subject dwelling. Concern is raised that the development would result in a continuous blank wall along the boundary of the site with the adjoining property to the east. The existing garage positioned approximately 200mm from the boundary of the properties. The proposed extension would follow this line. However, the development would increase the eaves level by approximately 400mm (from 2.7m to 3.1m) and the extension would enclose an existing gap between the front of the garage and the rear elevation of the adjoining dwelling. This would have the effect of increasing the length and height of wall in close proximity to the boundary. The height is further emphasised by the fact that ground level of the adjacent curtilage is approximately ½ metre lower than the ground level of the application site.
- 5.16 Given that there is already a garage; and therefore an established length of wall along the boundary of the properties, it is necessary only to consider the overall impact of the additional height and length. In this instance the neighbouring property includes a small conservatory extension to the rear of the dwelling. This is adjacent to the boundary of the properties and its amenity value would be affected by the proposal.
- 5.17 As discussed above, the proposed development would be higher and longer than the existing garage. However, the increase in the overall height of the eaves is relatively small when considered against the overall height of the existing situation. Furthermore, the development would utilise a pitched roof that would slope away from the boundary and the neighbouring conservatory extension. As such, given the angle of the pitched roof and overall ridge height, it is considered that there would be some but limited impact upon the amount of light allowed to pass into the neighbouring property. The orientation of the homes along this length of Riverwood Road is such that the rears of the dwellings face almost directly south. The neighbouring conservatory extension

would benefit from sunlight for most of the day as a result particularly in the summer months. During the winter this would naturally be reduced however it is considered that this would occur even in the event that the proposed development is not constructed. It is accepted that the proposed development would effectively close the existing gap between the existing garage and rear elevation of the neighbouring dwelling. There would be some impact as a result. Nonetheless, this gap is relatively small. Given its position, the loss of the gap would not result in a material loss of natural light into the conservatory. It is not considered that this gap provides a significant level of amenity benefit for the occupiers of the adjacent dwelling and as such its impact is not considered to unacceptably compromise the residential amenity. It should be noted that currently there is no boundary fence along this boundary, with only a very low parapet wall at ground level in place. It is possible to provide a fence in this position of up to 2 metres in height without the benefit of planning permission; which would also have the effect of closing this gap. Although the new development would increase the amount of wall visible from the adjacent garden and conservatory, it is not considered that this would have an unacceptable impact in amenity terms as it would not preclude the view of the private garden; nor would there be a significant change over the existing situation and potential situation if a fence were to be constructed on the boundary.

5.18 The subject dwelling has benefited from a previous two-storey extension to the rear of the dwelling. This includes a bedroom window, which faces due east allowing some views across the adjacent residential curtilage. The proposed development would introduce a higher ridge as part of the new single storey extension; which in turn would act to obscure the view from the bedroom window across the adjacent residential curtilage. It is considered that this would offer some improvement in respect of the privacy of the adjacent property.

5.19 Having regards to the above, it is considered that the proposed development would not have an unacceptable impact on the privacy and residential amenity of the occupants of nearby dwellings. Notwithstanding this (and in the event that this application is approved), it is considered appropriate to apply a 'construction working hours' condition to ensure that the amenity of the nearby residents is not unacceptably harmed during the construction of the development.

5.20 Transportation

The proposal would not result in a material loss of off street parking associated with this dwelling, and there would be sufficient off street parking space to accommodate the increase in the size of the dwelling (in terms of bedroom spaces). It is not considered that the introduction of the additional access onto Riverwood Road would have any material impact upon highway safety and amenity.

5.21 Existing Trees

The applicant has indicated that no trees would be removed as a result of the proposed development. However, comments received have drawn attention to a tree that exists in the neighbouring curtilage close to the existing garage. This tree was noted during the officer site visit. The proposed extension would be

built following the line of the existing garage and as such would not alter the position of built structures in relation to it. However it is noted that the new development is likely to involve more substantial foundations than those supporting the existing garage. This could result in the roots of the tree being affected. Nonetheless, the tree is not protected and the site is not within a conservation area. In the event that the tree is damaged or harmed during the construction of the development then this is a civil matter between the two private owners. This matter carries very limited weight in the determination of this application and is not a valid reason to refuse the application.

6. CONCLUSION

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

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

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

Reason

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

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

Reason

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

3. The hours of working on site during the period of construction shall be restricted to and no working shall take place on Sundays or Public Holidays. The term 'working'

shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

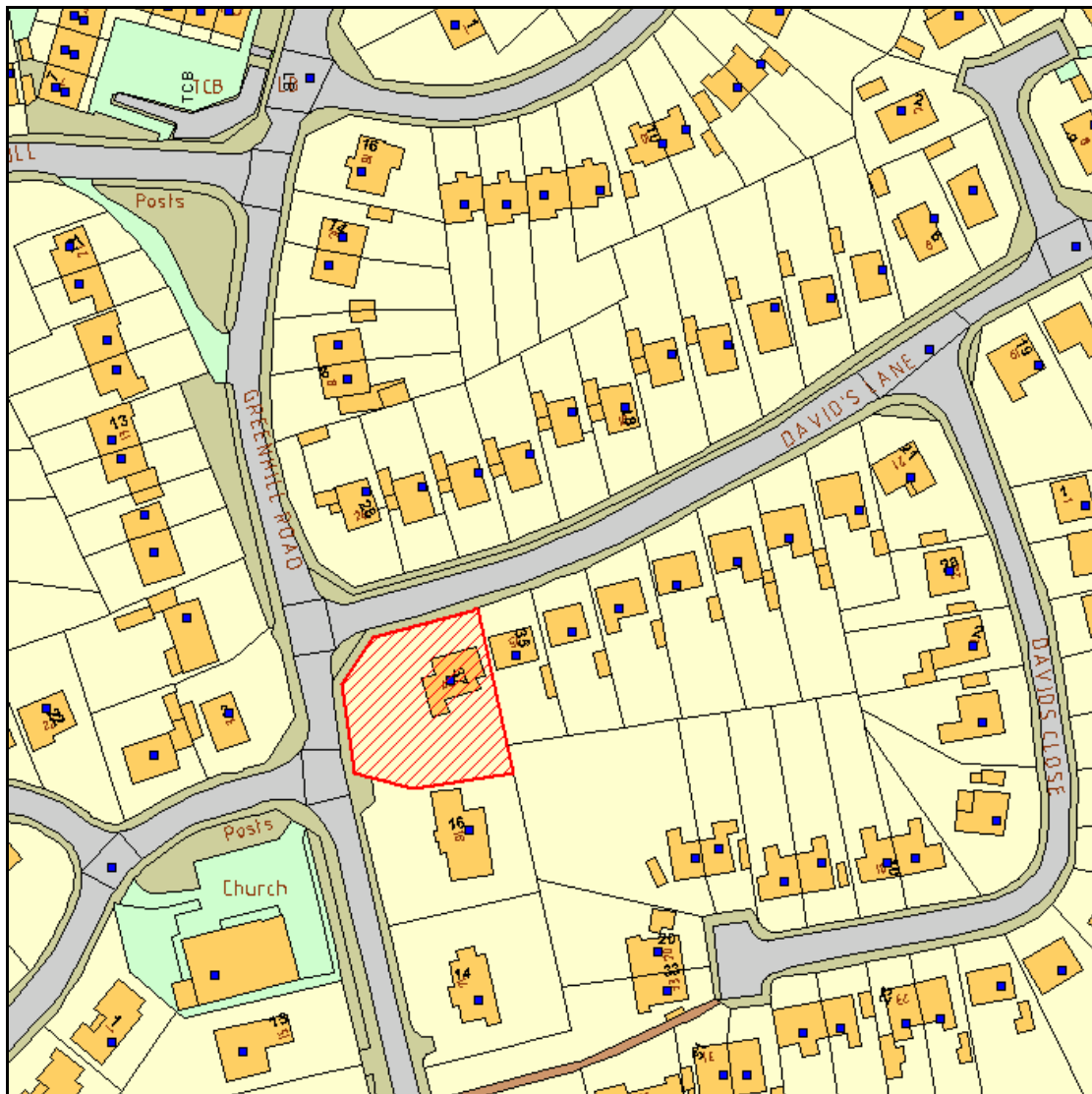
Reason

To protect the occupants of the adjacent residential properties from unacceptable levels of noise in the interests of residential amenity; and in order to comply with Policy EP4 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 10

CIRCULATED SCHEDULE NO. 31/13 – 2 AUGUST 2013

App No.:	PT13/2170/F	Applicant:	Mrs Nicky Edwards
Site:	37 Davids Lane Alveston South Gloucestershire BS35 3LN	Date Reg:	21st June 2013
Proposal:	Erection of rear canopy.	Parish:	Alveston Parish Council
Map Ref:	363288 187892	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	13th August 2013



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REASON FOR REFERRAL TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule owing to the letters of support that have been received.

1. THE PROPOSAL

- 1.1 The application seeks the variation of condition 6 attached to planning permission PT09/5524/RVC to allow outside play between the hours of 09.00-17.30. Condition 6 reads as follows:

Hours of outside play shall be restricted to between 09.00-16.00. Any use outside of these hours shall have the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Planning Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 1.2 The application relates to Natural Choice Nurseries Ltd on the corner of David's Lane and Greenhill Road, Alveston. The premises comprise a converted dwelling located within the Alveston settlement boundary that is washed over by the Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

LC4: Educational and Community Facilities

T12: Transportation Development Control Policy for New Development

GB1: Development within the Green Belt

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.

CS1: High Quality Design

CS5: Location of Development

CS23: Community Infrastructure and Cultural Activity

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

Development in the Green Belt (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 N2964: Single-storey addition to provide music room & lobby. Permitted: 17 June 1976
- 3.2 P98/1475: Erection of dwelling and garage. Permitted: 9 June 1998
- 3.3 PT01/2186/F: Detached dwelling & garage. Permitted 24 August 2001
- 3.4 PT02/0123/F: Detached dwelling with attached garage to include balcony & utility room (amendment to previous scheme). Permitted: 11 February 2002
- 3.5 PT02/2627/F: Alterations to existing access and erection of boundary fence. Permitted 21 October 2002
- 3.6 PT06/1114/F: Change of use from residential (Class C3) to day nursery (Class D1) as defined in the Town & Country Planning (Use Classes) Order 1987 (as amended); construction of vehicular access. Permitted: 23 June 2006
- 3.7 PT09/5524/RVC: Variation of condition 7 attached to planning permission PT06/1114/F dated 23rd June 2009 to allow the number of children to be increased from 36 to 44. Permitted: 24 November 2009
- 3.8 PT13/2170/F: Erection of rear canopy. Decision Pending

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No objection
- 4.2 Other Consultees
Drainage Officer: no comment
Highways DC: no objection

Other Representations

- 4.3 Summary of Local Residents comments:
13 letters received in support of the proposal:
 - o Although in a residential area, there is also a school, play park and pre-school and young families and children have become more popular in the local area so there is always the noise of children;
 - o It is unfair that children are not allowed out to play after 4.00;
 - o Parents would like to see children outside when they pick them up;
 - o Will allow children to use excellent facilities for a longer period of time;
 - o Policy LC4 was sited as a reason for the current 4:00pm curfew, yet nowhere in this 'clause' are children playing listed as a nuisance;
 - o Location is about as noisy as Alveston gets;
 - o Why has noise of happy children been picked on with a curfew at all?
 - o Surely the council does not believe that the needs of the few outweigh the needs of the many just because the many happen to be children?
 - o Would make a big difference to the children who enjoy outside time;

- o Hard to believe that the extension of the hours would impact in a big way on the surrounding properties;
 - o Application does not ask for times outside of the normal working day.
- 4.4 Four letters of objection expressing the following concerns (three letters relate to the applications PT13/2170/F and PT13/2172/RVC):
- o Will increase noise making neighbours living conditions unacceptable;
 - o Neighbours do not lead conventional 9- 5 lifestyle and work from home which is extremely difficult;
 - o Neighbours driven out of garden by noise;
 - o Concerns that inability to pay for professional help puts neighbours at a disadvantage;
 - o Is predominantly a retirement area;
 - o Nursery holds annual BBQ on Saturdays contrary to condition;
 - o Shelter will mean children outside in poorer weather;
 - o No circumstances changed to justify change to 4pm restriction;
 - o Neighbours windows only be opened in rain, canopy to prevent this;
 - o Erosion of safeguards with children number already increased;
 - o Neighbour suffers ill health and constant noise and heat (due to shut windows) severely exacerbates illness/ side effects;
 - o Nursery has devalued property dictating that move is not possible;
 - o 4pm restriction and adverse weather helps provide balance
 - o Boundary acoustic fence does little to offset impact;
 - o Contrary to NPPF which speaks of the needs of people;
 - o Application misrepresents/ misinterprets the NPPF;
 - o Would provide no economic gain for the applicants;
 - o NPPF seeks to resist the inappropriate development of rear gardens;
 - o NPPF cite that unacceptable development might be made permissible through the use of conditions- existing conditions seek to do this;
 - o OFSTED reports do not advise of need for a covered area or extended outdoor hours;
 - o Other outdoor activities are available- i.e. a trip to the shops/ walk etc (as advised by good practice guidance);
 - o Will unacceptably prejudice residential amenity contrary to LC4 & EP1;
 - o The Council has failed to stipulate a noise level condition;
 - o Noise levels exceed that defined by building regulations;
 - o Noise level a nuisance in respect of environmental health legalisation;
 - o Nursery will have a greater number of letters in support of the proposal given the number of parents who will write;
 - o Financial compensation to be awarded to the neighbours if approved;
 - o Covered area will move children closer to the neighbouring dwelling;
 - o Owners of nursery have taken no precautions to limit impact on neighbours (that otherwise stipulated by the Council);
 - o World Health Organisation report identifies risk of heart attack at level of noise recorded on site;
 - o Is irrelevant that there would no restrictions on outdoor use if not a nursery as no household would have 44 children;
 - o Has only been one complaint to date because the neighbours have not complained- not because conditions have not been breached;
 - o Objection to the canopy does not centre upon the structure itself;
 - o Neighbours would be forced to move;

- o Compromise suggested with outside play until 17.00.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy LC4 advises that the development, expansion or improvement of educational and community facilities within the existing urban areas and the defined settlement boundaries will be permitted provided that:

- o Proposals are located on sites that are (or will be) highly accessible on foot and bike; and
- o Development would not unacceptably prejudice residential amenity; and
- o It would not have unacceptable environmental/ transportation effects; and
- o It would not give rise to unacceptable levels of on street parking to the detriment of the amenities of the surrounding area and highway safety.

5.2 The Proposal

The application seeks to extend the hours of permissible outdoor play by an additional 1.5 hours each weekday. The planning statement advises:

'...it should be noted that the original restriction was offered by the applicant in the context of the original application on the clear acceptance that it would be unreasonable for immediate neighbours to accept the sound of children's play outdoors late into the evening during the hours of daylight in the summer. That said, it was anticipated at that time that the Day Nursery could operate quite happily with outdoor play being restricted to no later than 16.00 and the offer was made on that basis...'

'The need to extend the time-period within which outdoor play would be permitted has been identified, not least, given the wet weather experienced over the last two summers, which has highlighted just how limited the opportunities for outdoor play really are. This is a mandatory requirement of OFSTED and while we accept that it would be unreasonable to expect neighbours to live with children playing outdoors in the Nursery Garden until late into the evening, the cut-off point of 16.00 appears anomalous when similar planning restrictions on 'hours of operation' are imposed elsewhere; i.e. usually 17.30 or 18.00; the end of a normal working day.'

5.3 Analysis

The key issue for consideration in respect of this application is considered to be that of residential amenity. This is because this provided the sole reason for this condition as detailed above.

- 5.4 Application PT09/5524/RVC relates to the variation of condition to allow an increased number of children at the nursery. Instead, application PT06/1114/F relates to the original change of use for the nursery and provides an explanation of the need for the condition:

'...it is considered that if the hours of use concerning the garden area can be limited, and with the facility to be closed on weekends and bank/ public holidays, then on balance no significant adverse impact in residential amenity would be caused...'

- 5.5 Since this time, there is considered to have been no material change in circumstance that would relax the need to need to safeguard the relationship with the neighbouring dwellings and in particular, with that property which immediately adjoins the application site along its east boundary. On the contrary, the number of children accommodated by the nursery has increased. For this reason, there is an objection to the proposal with the existing condition considered to provide a reasonable balance between the needs of the nursery and the residential amenities of the neighbouring occupiers.
- 5.6 In reaching the above conclusion, regard has been had to the benefits of the proposal that would allow children to play outside for longer periods. However, it is not considered that these benefits outweigh the harm that would be caused to the neighbouring occupiers; particularly given that it is already permissible for children to play outside for the majority of the day time period. In this regard, Officers are of the understanding that refusal of this application would not prejudice the future running of the nursery.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning Permission is **REFUSED** for the following reason:

Contact Officer: Peter Burridge
Tel. No. 01454 865262

REASONS FOR REFUSAL

1. The proposed canopy would enable children to play outside for longer periods of time thereby intensifying the existing site use when having regard to issues of noise and residential amenity. It is considered that this would adversely impact upon the balance between the needs of the nursery and those of the adjoining residential occupiers achieved by the extant planning permission. The proposal is therefore considered to be contrary to Planning Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 11

CIRCULATED SCHEDULE NO. 31/13 – 2 AUGUST 2013

App No.:	PT13/2172/RVC	Applicant:	Natural Choice Nurseries Ltd
Site:	37 Davids Lane Alveston South Gloucestershire BS35 3LN	Date Reg:	21st June 2013
Proposal:	Variation of condition 6 attached to planning permission PT09/5524/RVC to allow hours of outside play between 09.00-17.30.	Parish:	Alveston Parish Council
Map Ref:	363288 187892	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	13th August 2013



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100023410, 2008. **N.T.S.** **PT13/2172/RVC**

REASON FOR REFERRAL TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule owing to the letters of support that have been received.

1. THE PROPOSAL

- 1.1 The application seeks the variation of condition 6 attached to planning permission PT09/5524/RVC to allow outside play between the hours of 09.00-17.30. Condition 6 reads as follows:

Hours of outside play shall be restricted to between 09.00-16.00. Any use outside of these hours shall have the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Planning Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 1.2 The application relates to Natural Choice Nurseries Ltd on the corner of David's Lane and Greenhill Road, Alveston. The premises comprise a converted dwelling located within the Alveston settlement boundary that is washed over by the Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (March 2012)
National Planning Policy Framework (Technical Guidance)

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

LC4: Educational and Community Facilities

T12: Transportation Development Control Policy for New Development

GB1: Development within the Green Belt

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.

CS1: High Quality Design

CS5: Location of Development

CS23: Community Infrastructure and Cultural Activity

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

3. RELEVANT PLANNING HISTORY

- 3.1 N2964: Single-storey addition to provide music room & lobby. Permitted: 17 June 1976
- 3.2 P98/1475: Erection of dwelling and garage. Permitted: 9 June 1998
- 3.3 PT01/2186/F: Detached dwelling & garage. Permitted 24 August 2001
- 3.4 PT02/0123/F: Detached dwelling with attached garage to include balcony & utility room (amendment to previous scheme). Permitted: 11 February 2002
- 3.5 PT02/2627/F: Alterations to existing access and erection of boundary fence. Permitted 21 October 2002
- 3.6 PT06/1114/F: Change of use from residential (Class C3) to day nursery (Class D1) as defined in the Town & Country Planning (Use Classes) Order 1987 (as amended); construction of vehicular access. Permitted: 23 June 2006
- 3.7 PT09/5524/RVC: Variation of condition 7 attached to planning permission PT06/1114/F dated 23rd June 2009 to allow the number of children to be increased from 36 to 44. Permitted: 24 November 2009
- 3.8 PT13/2170/F: Erection of rear canopy. Decision Pending

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No objection
- 4.2 Other Consultees
Drainage Officer: no comment
Highways DC: no objection

Other Representations

- 4.3 Summary of Local Residents comments:
13 letters received in support of the proposal:
 - o Although in a residential area, there is also a school, play park and pre-school and young families and children have become more popular in the local area so there is always the noise of children;
 - o It is unfair that children are not allowed out to play after 4.00;
 - o Parents would like to see children outside when they pick them up;
 - o Will allow children to use excellent facilities for a longer period of time;
 - o Policy LC4 was sited as a reason for the current 4:00pm curfew, yet nowhere in this 'clause' are children playing listed as a nuisance;
 - o Location is about as noisy as Alveston gets;
 - o Why has noise of happy children been picked on with a curfew at all?
 - o Surely the council does not believe that the needs of the few outweigh the needs of the many just because the many happen to be children?

- o Would make a big difference to the children who enjoy outside time;
- o Hard to believe that the extension of the hours would impact in a big way on the surrounding properties;
- o Application does not ask for times outside of the normal working day.

4.4 Four letters of objection expressing the following concerns (three letters relate to the applications PT13/2170/F and PT13/2172/RVC):

- o Will increase noise making neighbours living conditions unacceptable;
- o Neighbours do not lead conventional 9- 5 lifestyle and work from home which is extremely difficult;
- o Neighbours driven out of garden by noise;
- o Concerns that inability to pay for professional help puts neighbours at a disadvantage;
- o Is predominantly a retirement area;
- o Nursery holds annual BBQ on Saturdays contrary to condition;
- o Shelter will mean children outside in poorer weather;
- o No circumstances changed to justify change to 4pm restriction;
- o Neighbours windows only be opened in rain, canopy to prevent this;
- o Erosion of safeguards with children number already increased;
- o Neighbour suffers ill health and constant noise and heat (due to shut windows) severely exacerbates illness/ side effects;
- o Nursery has devalued property dictating that move is not possible;
- o 4pm restriction and adverse weather helps provide balance
- o Boundary acoustic fence does little to offset impact;
- o Contrary to NPPF which speaks of the needs of people;
- o Application misrepresents/ misinterprets the NPPF;
- o Would provide no economic gain for the applicants;
- o NPPF seeks to resist the inappropriate development of rear gardens;
- o NPPF cite that unacceptable development might be made permissible through the use of conditions- existing conditions seek to do this;
- o OFSTED reports do not advise of need for a covered area or extended outdoor hours;
- o Other outdoor activities are available- i.e. a trip to the shops/ walk etc (as advised by good practice guidance);
- o Will unacceptably prejudice residential amenity contrary to LC4 & EP1;
- o The Council has failed to stipulate a noise level condition;
- o Noise levels exceed that defined by building regulations;
- o Noise level a nuisance in respect of environmental health legalisation;
- o Nursery will have a greater number of letters in support of the proposal given the number of parents who will write;
- o Financial compensation to be awarded to the neighbours if approved;
- o Covered area will move children closer to the neighbouring dwelling;
- o Owners of nursery have taken no precautions to limit impact on neighbours (that otherwise stipulated by the Council);
- o World Health Organisation report identifies risk of heart attack at level of noise recorded on site;
- o Is irrelevant that there would no restrictions on outdoor use if not a nursery as no household would have 44 children;
- o Has only been one complaint to date because the neighbours have not complained- not because conditions have not been breached;
- o Objection to the canopy does not centre upon the structure itself;

- o Neighbours would be forced to move;
- o Compromise suggested with outside play until 17.00.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy LC4 advises that the development, expansion or improvement of educational and community facilities within the existing urban areas and the defined settlement boundaries will be permitted provided that:

- o Proposals are located on sites that are (or will be) highly accessible on foot and bike; and
- o Development would not unacceptably prejudice residential amenity; and
- o It would not have unacceptable environmental/ transportation effects; and
- o It would not give rise to unacceptable levels of on street parking to the detriment of the amenities of the surrounding area and highway safety.

5.2 The Proposal

The application seeks to extend the hours of permissible outdoor play by an additional 1.5 hours each weekday. The planning statement advises:

'...it should be noted that the original restriction was offered by the applicant in the context of the original application on the clear acceptance that it would be unreasonable for immediate neighbours to accept the sound of children's play outdoors late into the evening during the hours of daylight in the summer. That said, it was anticipated at that time that the Day Nursery could operate quite happily with outdoor play being restricted to no later than 16.00 and the offer was made on that basis...'

'The need to extend the time-period within which outdoor play would be permitted has been identified, not least, given the wet weather experienced over the last two summers, which has highlighted just how limited the opportunities for outdoor play really are. This is a mandatory requirement of OFSTED and while we accept that it would be unreasonable to expect neighbours to live with children playing outdoors in the Nursery Garden until late into the evening, the cut-off point of 16.00 appears anomalous when similar planning restrictions on 'hours of operation' are imposed elsewhere; i.e. usually 17.30 or 18.00; the end of a normal working day.'

5.3 Analysis

The key issue for consideration in respect of this application is considered to be that of residential amenity. This is because this provided the sole reason for this condition as detailed above.

5.4 Application PT09/5524/RVC relates to the variation of condition to allow an increased number of children at the nursery. Instead, application PT06/1114/F relates to the original change of use for the nursery and provides an explanation of the need for the condition:

'...it is considered that if the hours of use concerning the garden area can be limited, and with the facility to be closed on weekends and bank/ public

holidays, then on balance no significant adverse impact in residential amenity would be caused...'

- 5.5 Since this time, there is considered to have been no material change in circumstance that would relax the need to need to safeguard the relationship with the neighbouring dwellings and in particular, with that property which immediately adjoins the application site along its east boundary. On the contrary, the number of children accommodated by the nursery has increased. For this reason, there is an objection to the proposal with the existing condition considered to provide a reasonable balance between the needs of the nursery and the residential amenities of the neighbouring occupiers.
- 5.6 In reaching the above conclusion, regard has been had to the benefits of the proposal that would allow children to play outside for longer periods. However, it is not considered that these benefits outweigh the harm that would be caused to the neighbouring occupiers; particularly given that it is already permissible for children to play outside for the majority of the day time period. In this regard, Officers are of the understanding that refusal of this application would not prejudice the future running of the nursery.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning Permission is **REFUSED** for the following reason:

Contact Officer: Peter Burridge
Tel. No. 01454 865262

REASONS FOR REFUSAL

1. The proposed extension to the hours of outdoor play would be prejudicial to the residential amenities of the neighbouring occupiers with no supporting change in circumstance understood to have occurred since the original imposition of this condition. The proposal would therefore be contrary to Planning Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 12

CIRCULATED SCHEDULE NO.31/13 – 02 AUGUST 2013

App No.:	PT13/2302/F	Applicant:	Mr And Mrs Davies
Site:	16 The Close Little Stoke Bristol South Gloucestershire BS34 6JS	Date Reg:	27th June 2013
Proposal:	Erection of 1no. attached dwelling with associated works. (Resubmission of PT13/1504/F)	Parish:	Stoke Gifford Parish Council
Map Ref:	361257 180844	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	19th August 2013



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REASON FOR REFERRAL TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule owing to the letters of objection that have been received.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a two-storey detached attached dwelling.
- 1.2 The application relates to a plot of land within The Close, Little Stoke situated at the end of a short cul-de-sac.
- 1.3 The application comprises a resubmission of PT13/1504/F that sought planning permission for an attached dwelling. This was refused for the following reason:

The proposal would comprise a cramped form of development on this restricted plot that would provide a detached dwelling that would also be at odds to the general character of the area which is formed of semi-detached and terraced properties. The proposal is therefore considered to be contrary to Planning Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (March 2012)
National Planning Policy Framework (Technical Guidance)

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

H2: Proposals for Residential Development

H4: Development within Existing Residential Curtilages

T12: Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.

CS1: High Quality Design

CS5: Location of Development

CS17: Housing Diversity

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/1504/F: Erection of 1 detached dwelling with associated works. Refused: 10 June 2013

- 3.2 PT08/2905: Erection of single storey rear extension to provide additional living accommodation. Permitted: 3 December 2008
- 3.3 P89/1249: Erection of 42 houses and two bungalows together with garages, screen walls and fences; construction of associated estate road and car parking spaces (in accordance with the amended plans received by the council on 20th February 1989). Permitted: 16 March 1989

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

No objection:

- Conditions of working should be restricted during week days and Saturday, no working on Sunday or Bank Holidays;
- Traffic congestion within this site is probable and consideration/ plans should be put in place to 'elevate' this issue.

4.2 Other Consultees

Environmental Protection: no objection in principle

Technical Services (Drainage): no objections in principle

Highways DC: no objection

4.3 Summary of Local Residents Comments:

Seven letters (3 residents) of objection expressing the following concerns:

- Will devalue existing properties;
- Three house terrace will look out of place in a small cul-de-sac of small semi-detached homes;
- Terrace to form focal point detracting from peaceful residential nature;
- Existing property is least well kept in the cul-de-sac due to its short term rental tenancy;
- Is a small cul-de-sac and there is only enough parking spaces for residents;
- Neighbours have had to request cars be moved that block drives;
- No 16 has parking space for 3 cars that will reduce to 1;
- Another house will cause even more problems with parking, access and traffic;
- Proposal will overlook existing homes;
- There are no footpaths for pedestrians;
- Unnecessary to increase density of housing here when there are many new builds being erected on the new housing sites in the locality;
- Will be hazardous for children to play safely in the street
- Highways engineer comments overlook access problems and subsidence of road;
- Road not suitable for heavy construction vehicles;
- Will hinder access for emergency vehicles.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework carries a presumption in favour of sustainable development and speaks of the need to 'boost significantly the supply of housing' (paragraph 47) and to deliver a wide choice of high quality homes and widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraph 50). Further, it is advised that '*Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay*'. These considerations should be attributed significant weight in the assessment of this application.

5.2 Planning policies H2 and H4 are permissive of proposals for residential development within the settlement boundaries subject to considerations related to design, residential amenity and highway safety. Therefore, the principle of residential development is considered to be acceptable.

5.3 Design/ Visual Amenity

The application relates to a plot of land to the side of an existing two-storey semi-detached dwelling at the far north east end of an existing cul-de-sac. The application would allow a two-storey three-bedroom attached dwelling that would occupy a slightly wider footprint than the existing semi-detached dwellings and which would be stepped back owing to the tapered flank boundary with the plot narrowing in width towards the front.

5.4 It is considered that this revised proposal overcomes the refusal reason attached to the previous application pertaining to the cramped form of the development given that the dwelling is now attached and no longer adopts an 'L' shaped footprint. This ensures a rectangular footprint that better reflects the adjoining properties and an area of separation to the tapered side boundary. Further, the window design of the proposal has also been amended as part of pre-application discussions to better reflect the design of the neighbouring dwellings. It is however noted that the applicant has resisted suggestions to replicate the size and design of these existing properties instead introducing a slightly larger dwelling.

5.5 For the above reasons and notwithstanding the suggestion of replicating the size and design of the existing dwellings, there is now no objection to this application on design/ visual amenity grounds. In this regard, it is also noted that there is an existing terrace of three dwellings within the cul-de-sac to the west of the application site.

5.6 Residential Amenity

Properties to the west of the application site comprise the aforementioned terrace of three dwellings facing the application site (given that these are orientated eastwards). The proposal would stand at an appreciable distance from these dwellings and would also be offset away from these neighbouring units. On this basis, as at the time of the previous application, it is not considered that any harm caused would be sufficient to substantiate a refusal reason. Further, any views gained would be at an oblique only and set apart from these neighbouring properties.

5.7 All other dwellings are at an appreciable distance from the site of the proposal and it is not considered that any significant adverse impact in residential amenity would be caused. In respect of the host dwelling, views would be at an oblique angle (not uncommon within a residential area) and with each property to benefit from an acceptable level of amenity space. The applicant has confirmed that the side facing window serves a bathroom with adequate ventilation equipment installed in the event that planning permission is granted (with the window covered).

5.8 Highway Safety

The proposal would use the existing driveway to provide two spaces for the new dwelling and create a new vehicular access to the front of no. 16 to provide one parking space. Comments from the Council's Highways Engineer advise that this level of parking is within the Council's new minimum parking standards and is therefore considered to be acceptable. On this basis, as before, no transportation objection has been raised.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the following conditions:

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the new dwelling hereby permitted shall match those used in the existing adjoining dwelling.

Reason

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

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

Reason

In the interests of residential amenity and to accord with Planning Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No windows other than those shown on the plans hereby approved shall be inserted at any time in the northwest and southeast (side) elevations of the property.

Reason

To safeguard the residential amenity of the neighbouring occupiers and to accord with Planning Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

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

Reason

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