



**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. 33/13**

**Date to Members: 16/08/13**

**Member's Deadline: 22/08/13 (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](mailto:MemberReferral@southglos.gov.uk) providing details of

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

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

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

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

## GUIDANCE FOR 'REFERRING' APPLICATIONS

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

- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Please do not leave it to the last minute
- Always make your referral request by e-mail to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk), where referrals can be picked up quickly by the Development Management Technical Support Team. If in exceptional circumstances, you are unable to e-mail your 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.

**Dates and Deadlines for Circulated Schedule**  
**August Bank Holiday Period 2013**

<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline</b>
33/13	Friday 16 Aug 2013	5pm Thursday 22 Aug 2013
34/13	Friday 23 Aug 2013	4pm Friday 30 Aug 2013

Above are details of the schedules that will be affected by date changes due to the August Bank Holiday 2013.

All other deadline dates remain as usual.

# CIRCULATED SCHEDULE – 16 AUGUST 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/0354/F	Refusal	50 High Street Oldland Common South Gloucestershire BS30 9TL	Oldland	Bitton Parish Council
2	PK13/2041/F	Approve with Conditions	Rosedown 19 Meadow Mead Yate South Gloucestershire BS37 7UT	Yate North	Yate Town
3	PK13/2161/F	Approve with Conditions	Sweet Treats 107 High Street Staple Hill South Gloucestershire BS16 5HF	Staple Hill	None
4	PK13/2185/F	Approve with Conditions	31 Poplar Road Warmley South Gloucestershire BS30 5JX	Oldland	Bitton Parish Council
5	PK13/2240/F	Refusal	Land R/o 37-43 Birgage Road Hawkesbury Upton Badminton South Gloucestershire GL9 1BH	Cotswold Edge	Hawkesbury Parish Council
6	PK13/2344/R3F	Deemed Consent	Tyndale Primary School Tyndale Avenue Yate South Gloucestershire BS37 5EX	Yate North	Yate Town
7	PK13/2374/TRE	Approve with Conditions	11 St Annes Drive Wick South Gloucestershire BS30 5PN	Boyd Valley	Wick And Abson Parish Council
8	PK13/2381/F	Approve with Conditions	10 Queensholm Close Downend South Gloucestershire BS16 6LD	Downend	Downend And Bromley Heath Parish Council
9	PK13/2571/TCA	No Objection	87 High Street Marshfield Chippenham South Gloucestershire SN14 8LT	Boyd Valley	Marshfield Parish Council
10	PT13/2057/F	Approve with Conditions	15 Wotton Road Charfield Wotton Under Edge South Gloucestershire GL12 8TP	Charfield	Charfield Parish Council
11	PT13/2085/F	Approve with Conditions	19 Pearce Close Thornbury South Gloucestershire	Thornbury South And	Thornbury Town Council
12	PT13/2190/F	Approve with Conditions	39 Wades Road Filton South Gloucestershire BS34 7EB	Filton	Filton Town Council
13	PT13/2281/F	Approve with Conditions	Tescos Stores Ltd Bradley Stoke District Centre Bradley Stoke South Gloucestershire BS32 8EF	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
14	PT13/2401/F	Approve with Conditions	115A Watleys End Road Winterbourne South Gloucestershire BS36 1QG	Winterbourne	Winterbourne Parish Council

## CIRCULATED SCHEDULE NO. 33/13 – 16 AUGUST 2013

<b>App No.:</b>	PK13/0354/F	<b>Applicant:</b>	Mr B Perry
<b>Site:</b>	50 High Street Oldland Common Bristol South Gloucestershire BS30 9TL	<b>Date Reg:</b>	5th February 2013
<b>Proposal:</b>	Change of use from Residential (Class C3) to mixed use Day Nursery and Residential (Sui Generis) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). Construction of new vehicular access from High Street.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367894 171923	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	29th March 2013



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 100023410, 2008. **N.T.S.** **PK13/0354/F**

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

This application was previously referred to Circulated Schedule no.12/13 – 21 March 2013 with a recommendation for approval subject to a legal agreement. The application was referred to the circulated schedule due to objections received from the Parish Council and member of the public and because the decision was subject to a s278 legal agreement.

Correspondence has been sent to the agent providing a date by which the legal agreement should be completed. This deadline has now passed and a completed s278 legal agreement has not been received by South Gloucestershire Council. Without the legal agreement the application is considered unacceptable.

Therefore, this application is being re-circulated with a revised recommendation for refusal on grounds of highway safety. The Early Years and Schools Officer lodged comments of support against the application, as the development would provide much needed nursery places. These comments are contrary to the revised recommendation for refusal.

### **1. THE PROPOSAL**

- 1.1 This application seeks consent for the change of use of a residential property to a mixed use consisting of a day nursery and residential (Sui Generis as defined in the Town and Country Planning (Use Classes) Order 1897 (as amended)).
- 1.2 The site is located on High Street, Oldland Common. The site is located within the existing urban area of the East Bristol Fringe and faces onto the open countryside. The countryside opposite the site forms part of the Bristol and Bath Green Belt.
- 1.3 No operational development is proposed as part of this development. However, an additional vehicular access is proposed on to High Street.
- 1.4 It is proposed to change the use of only part of the property (the ground floor of the principal building), to a Day Nursery. The nursery will cater for between 19 and 35 children and be operate between 07:00 and 19:00 Monday to Friday with no opening on the weekends or bank holidays.
- 1.5 Located on High Street, the proposed nursery is close to Redfield Edge Primary School and Sir Bernard Lovell School. A peak times this section of road encounters parking problems as children are dropped off and picked up from the nearby schools.

### **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
- EP1 Environmental Pollution
- GB1 Green Belt
- T7 Cycle Parking
- T8 Parking Standards
- T11 Traffic Management
- T12 Transportation
- E3 Employment Development
- H4 Development within Existing Residential Curtilages
- LC4 Proposals for Education and Community Facilities

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

- CS1 High Quality Design
- CS6 Infrastructure and Developer Contributions
- CS23 Community Infrastructure and Cultural Activity

2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Development in the Green Belt (Adopted) June 2007
- (c) Residential Parking Standards (adoption imminent)

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK08/2224/F Approve with Conditions 04/09/2008  
Erection of single storey rear extension to form additional living accommodation
- 3.2 PK03/3713/F Approve with Conditions 15/01/2004  
Erection of two-storey rear extension to form residential annexe. Erection of 2m high (maximum height) wall and fence.
- 3.3 P96/4287 Approved 07/08/1996  
Erection of two-storey side extension.
- 3.4 K5910/1 Approved 29/04/1991  
Two-storey side extension. Erection of detached garage with playroom/ store over, conservatory and utility room.

**4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
Objection: Insufficient information available to make an informed decision; no indication provided over the number of children attending which means the impact on traffic levels cannot be ascertained; query the level of parking provided; road suffers from parking issues at peak school hours.
- 4.2 Community Spaces  
No comment

- 4.3 Drainage  
No objection, subject to informative that surface water run-off must not discharge on to the public highway.
- 4.4 Transport  
There are parking issues along this section of High Street and there are no parking restrictions directly outside the site. The proposed development may worsen the existing parking problems and therefore a Traffic Regulation Order to promote new waiting restrictions is required. This will be achieved through a s278 legal agreement. This legal agreement will secure £5000 towards traffic management measures including a review of waiting restrictions.
- 4.5 Early Years and Schools  
Support the proposed development with comments on safeguarding and facilities. These refer to the internal layout of the development and cannot be controlled through the planning process.
- 4.6 Tree Officer  
No objection, however would recommend a replacement lime tree to mitigate the probable loss of the existing specimen.

### **Other Representations**

- 4.3 Local Residents  
Redfield Edge Pre-School: Object for the following reasons –
- Proposed nursery would jeopardise the number of attendees at Redfield Edge Pre-School, and therefore the rent paid to the Parish Council;
  - Children numbers are unknown. It is also unknown as to whether the proposed nursery would be accepting the Early Years Grant;
  - Traffic does not adhere to the speed limit, which reduces near to the proposed development;
  - The road is used by a large number of lorries;
  - The road is subject to a high volume of traffic;
  - There is insufficient parking and the road is already subject to inappropriate parking.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 This application seeks consent for the change of use of an existing residential property in Oldland Common into a children's day nursery. The nursery will accommodate a maximum of 35 children.
- 5.2 Principle of Development  
Policy LC4 of the Local Plan (Adopted) is generally supportive of proposals for education and community facilities, such as children's day nurseries, within the existing urban areas. Within the District there is a shortage of early years accommodation, and the proposed development could provide an additional 35 spaces to meet the shortfall. Under policy LC4 an assessment of accessibility, amenity, environment, and transport must be made to determine the



- acceptability of the scheme. The development of a day nursery would also be supported by policy CS23 of the Core Strategy, which manages community infrastructure and cultural activity.
- 5.3 The change of use of the site to a day nursery would provide an employment use at the site. The National Planning Policy Framework (NPPF) strongly promotes economic development. Paragraph 19 of the NPPF states that ‘the planning system [should do] everything it can to support sustainable economic growth’. This is endorsed by policy E3 of the SGLP. This policy is supportive of employment uses within the existing urban area, including the conversion and re-use of existing buildings, subject to an assessment of the impacts of the development on the environmental, traffic, highways, amenity, and character of the area.
- 5.4 As existing, the site has a residential use. The proposed development would establish a mixed use on the site with residential retained on the first-floor, within a flat for the caretaker, and nursery accommodation provided on the ground floor. The annexe would remain unaltered, providing ancillary residential accommodation. Policy H4 is used to manage development proposals within existing residential curtilages. This policy is generally supportive of development, including development to facilitate working from home. A mixed use, providing residential and nursery accommodation within one planning unit, is commensurate with policy H4.
- 5.5 Therefore, the principle of the development is established by the NPPF, Local Plan and Core Strategy as outlined above. A balanced view needs to be taken between the provision of nursery school places and the impact the development may have on highway safety. In this instance it is considered that the harmful impact on highway safety is not outweighed by the other considerations and on that basis the application is recommended for refusal.
- 5.6 Transport  
Development must not have an unacceptable transportation effect. If the proposed development is likely to exacerbate an existing transportation issue, it should either be refused or a form of mitigation should be sought.
- 5.7 This section of High Street already experiences parking related issues. There are no parking restrictions directly outside the site. The change of use of the building to a day nursery has the potential to worsen the existing street parking issues. This would be an unacceptable impact.
- 5.8 It is considered that this impact could be mitigated through a Traffic Regulation Order (TRO). A financial contribution towards the TRO is required under a s278 agreement. Without a TRO, the development would not be acceptable on highways grounds. A completed s278 legal agreement has not been received. Therefore, the impacts of the proposed development can not be adequately mitigated and the proposal fails to ensure satisfactory levels of highway safety in the vicinity of the site.
- 5.9 Financial obligations should only be sought when the tests of paragraph 204 of the NPPF are met. The TRO is necessary to make the development

- acceptable. A TRO is required in direct relation to the proposed development; the day nursery will generate a number of trips and lead to an intensification of parking within the vicinity of the development. The TRO is required to manage this additional parking to ensure the public highway remains safe for all users.
- 5.10 A financial contribution of £5000 from the applicant (towards traffic management measures, including a review of waiting restrictions in the area) through a s.278 legal agreement has not been received. The proposed development cannot therefore adequately mitigate traffic movements or parking associated with the proposed use. As a result the proposal is contrary to policies T12, E3, LC4 and H4 of the Local Plan.
- 5.11 Parking  
Parking must be provided in accordance with the use of the site. The Local Planning Authority has recently introduced a residential parking standard. This standard sets a minimum parking requirement for residential properties. Parking standards for non-residential properties will remain to be set by policy T8 of the Local Plan. This policy uses maximum allowances rather than set a minimum parking provision. A total of seven parking spaces are indicated.
- 5.12 Under policy T8, for the day nursery, one space per two employees is required. It has been indicated that there would be ten employees, thus requiring a maximum of five parking spaces.
- 5.13 The minimum parking requirement for the residential element would be two spaces (based on there being four bedrooms), as set by the residential parking standard.
- 5.14 However, on a mixed-use site these spaces are likely to be occupied by different uses at different times of day and should be considered as a whole rather than for individual elements of the same planning unit. It is not therefore necessary to provide a cumulative total of parking spaces to accord with the standards set by policy T8 and the residential parking standard. As such, the proposed parking provision of seven spaces is considered to be commensurate with the proposed use of the site.
- 5.15 Bicycle parking is also a requirement of policy. No bicycle parking has been included in the development proposal. Bicycle parking requirements are set by policy T7 of the SGLP. For the day nursery, facilities for two bicycles are required. With regard to the residential units a total of two secure and undercover bicycle parking facilities are required.
- 5.16 Although these have not be shown in the proposal, there is sufficient space on site for them to be provided. Bicycle parking, to the requirement set out above, could have been secured by condition.
- 5.17 Accessibility  
The site is highly accessible, located on the A4175 and near to the Bristol to Bath Railway Path. In addition, the location of the development is considered to be highly sustainable as it is in close proximity to Redfield Edge Primary

School. As a result, it is likely that a number of trips to the proposed nursery will be joint trips to the nearby school.

5.18 Residential Amenity and Character

No residential properties lie immediately to the north of the site. A farm is located to the east on the opposite side of the road and a residential property is located to the south, between the application site and Redfield Edge Primary School.

5.19 As the site is in close proximity to Redfield Edge Primary School, Redfield Edge Pre-School, and Sir Bernard Lovell School playing fields, the proposed change of use does not have a material impact on the general character or amenity of the locality. An intensification of the use on the site will occur as a result of the development. It is proposed that the day nursery will be open between 07:00 and 19:00 Monday to Friday (excluding bank holidays). To protect amenity, these opening times would have been enforced by condition.

5.20 Parking is confined to the front of the property only. There will be no additional vehicular traffic along the south boundary of the property, to the detriment of the adjacent property's amenity. The day nursery will not operate in the evenings and weekends, and therefore will not affect the amenity of residents.

5.21 Therefore it is concluded that the proposed change of use will not have a prejudicial impact on amenity or the character of the area. A condition would have been attached restricting the operational hours of the nursery in order to protect residential amenity of nearby occupiers.

5.22 Landscape and Green Belt

Located next to the green belt boundary, the site is conspicuous from the green belt. However, the sole element of operational development is the formation of an additional vehicular access. Therefore the development does not have an impact on the green belt, the open nature of the land contained within the green belt, or the reasons for and purposes of the green belt. The proposed development complies with SGLP policy GB1.

5.23 The very small amount of operational development required to form the new access is de-minimis in terms of the impact on the landscape. However, a mature Lime tree, which offers high levels of visual amenity, is located adjacent to the proposed new access. The works to create the access are likely to have a serious impact on the health and well being of the Lime tree.

5.24 Previous works have been undertaken to the Lime tree, including pollarding the tree to obtain a smaller canopy. As a result it would be good practice to re-pollard the tree in the future. The tree therefore does not fulfil the criteria of a Tree Preservation Order.

5.25 Although it is not proposed to fell this tree as part of the development, the engineering works to create the new access are likely to have a detrimental impact on the health of the tree. As the tree offers high levels of visual amenity, a landscaping scheme for the front boundary would have been sought by condition to mitigate against the loss of the tree.

5.26 Environment

The proposed development will not have an unacceptable impact on the environment as defined by SGLP policy EP1.

5.27 Design

No change to the external appearance of the buildings is proposed. A new access onto High Street is proposed. The access therefore should be assessed against policies D1 and T12 of the Local Plan. A good general layout to the site has been achieved providing means of egress from the site without reversing onto the public highway. The proposed access is located near to an existing dropped kerb and provides a safe and convenient entrance to the site. The development meets the design standard set by policy D1.

5.28 Internal arrangements are not something of which the planning system has control. Therefore, the specific arrangement of accommodation is not subject to meeting the design standard of policy D1. Should the internal layout have a bearing on the suitability of the site and building for use as a day nursery, this would be dealt with outside the planning system through means such as licences obtained from Ofsted.

5.29 Other Considerations

An objection has been lodged on the grounds that the proposed development may affect the numbers of children attending Redfield Edge Pre-School (jeopardising the rent paid to the Parish Council). Whilst it is accepted that the proposed development would increase the competition between different providers of nursery accommodation in the locality, it is not a material planning consideration. It was also queried as to whether or not the proposed nursery would be accepting the Early Years Grant. Again, this is beyond the remit of the planning system.

**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.

6.3 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 It is recommended to REFUSE permission subject to the reasons set out below.

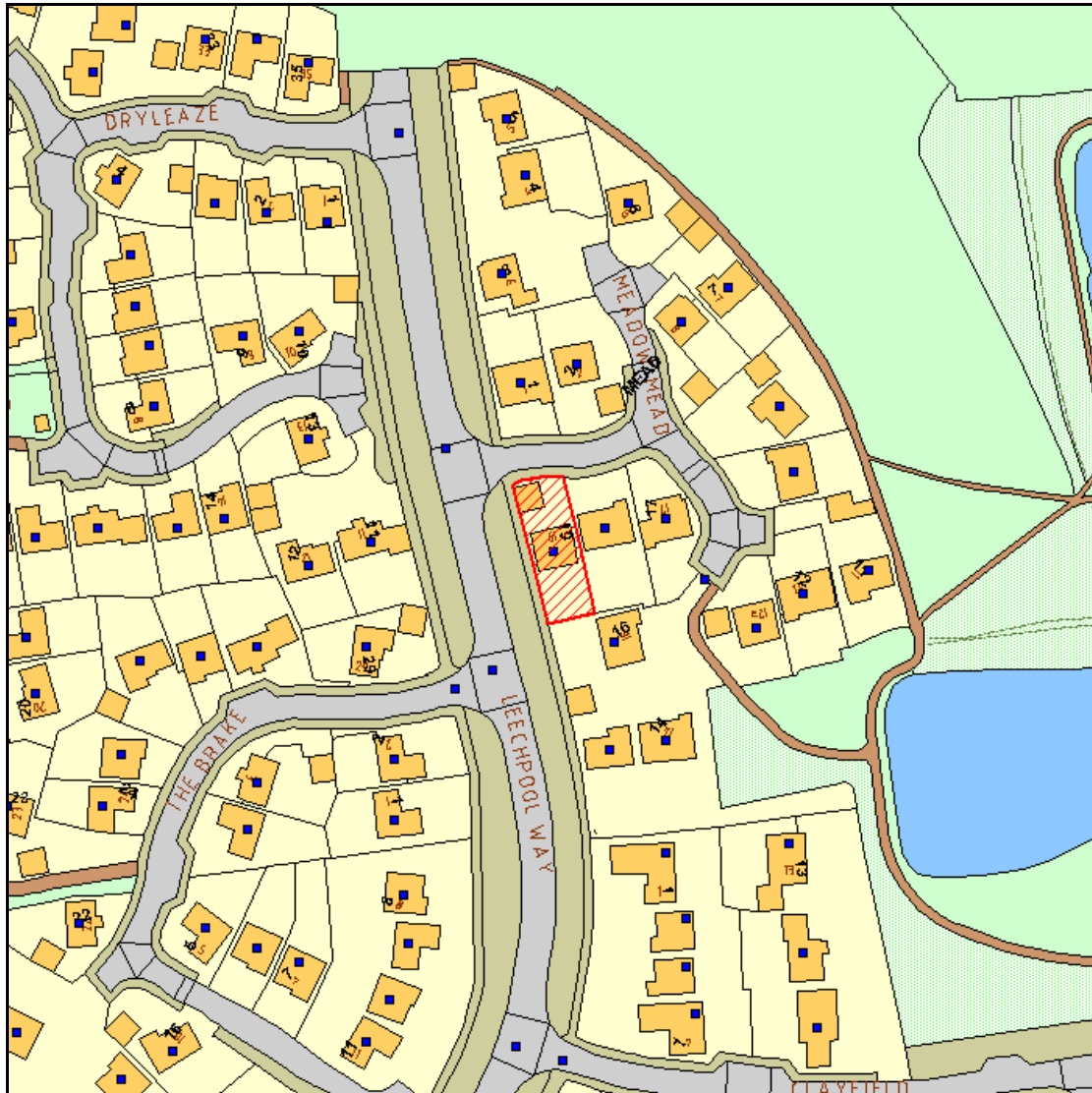
**Contact Officer: Griffith Bunce**  
**Tel. No. 01454 863438**

## REASONS FOR REFUSAL

1. The increased level of on-street parking and vehicle manoeuvring during peak times would add unduly to the hazards of road users and be detrimental to highway safety, contrary to Policy T12, E3, LC4 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 33/13 – 16 AUGUST 2013

<b>App No.:</b>	PK13/2041/F	<b>Applicant:</b>	Mr Francis Gray
<b>Site:</b>	Rosedown 19 Meadow Mead Yate Bristol South Gloucestershire	<b>Date Reg:</b>	24th June 2013
<b>Proposal:</b>	-Alterations to boundary wall to increase height to 2.8 metres.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371323 184214	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	14th August 2013



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PK13/2041/F



- boundary wall to a height of 1.95 metres to replace existing metal railings.  
Approved 13.08.2008
- 3.2 PK10/3014/F  
Erection of two storey front extension to provide additional living accommodation.  
Withdrawn
- 3.3 PK11/0240/F  
Erection of two storey front extension to provide additional living accommodation.  
(Resubmission of PK10/3014/F).  
Approved 22.03.2011
- 3.4 PK12/1609/NMA  
Non-material amendment to PK11/0240/F to revise windows, door, meter cabinets, boiler flue and boundary wall.  
No objection 07.06.2012

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

- 4.1 Yate Town Council  
Objection to design and visual appearance
- 4.2 Other Consultees  
Sustainable transport – No objection  
Highway Drainage – No comment

#### **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 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 development in question relates to an approved single storey side extension of lean to form which was proposed to be located in an alley between the side elevation of the dwelling and the outer boundary wall with lean to roof covering the alley to create additional floorspace. The boundary wall is a prominent feature in the Leechpool Way street scene running the full length of the side boundary of the dwelling.

The applicant has built up the side boundary wall to a height of 3.4m with the aim of screening the side extension which has also been built higher than the approved scheme and includes bubble designed rooflights which sit prominently in the roofslope. The unauthorised wall was considered to represent an incongruous feature in the street and after negotiation with Officers the applicant has agreed to reduce the height of the external wall to a lower height of 2.8m. This would significantly improve the visual appearance of the wall feature ensuring it would be far less imposing. The design of the wall as amended would not be ideal and would be unorthodox. However, at the reduced height, the wall would not draw the eye significantly and it would be difficult to justify the wall as visually harmful in the public interest. As such, on

balance it is considered that the wall as amended is considered to be acceptable and would respect the character distinctiveness and amenity of the surrounding area.

The existing unauthorised development is considered to be harmful to the character, distinctiveness and amenity of the surrounding area. As such a timescale of 1 year will be imposed by condition to ensure the development is amended to the acceptable height. This will allow the Council to retain control over implementation of the approved and acceptable scheme whilst giving the applicant a reasonable timescale to achieve this.

### 5.3 Residential Amenity

The wall is located on the side boundary of no.19 adjacent to the highway and away from other residential dwellings. As such the proposed extension not prejudice to the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development.

### 5.4 Highway matters

The proposal would create no additional floorspace over that which was approved under PK11/0240/F and would require no additional off street parking in line with the Council's adopted parking standard and as such would have no significant highway safety impact.

## 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. A summary of reasons for granting planning permission in accordance with Article 31 of the Town and Country Planning (Development Management Procedure) Order 2010 is given below:
  - a) Due to its scale and position in relation to the adjacent dwellings, the proposed development as amendment to the existing unauthorised development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
  - b) It has been assessed that the proposed extension as amendment to the existing unauthorised development has been designed to respect and maintain the massing, scale, proportions, materials and overall design and character of the street scene and surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local

## **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**

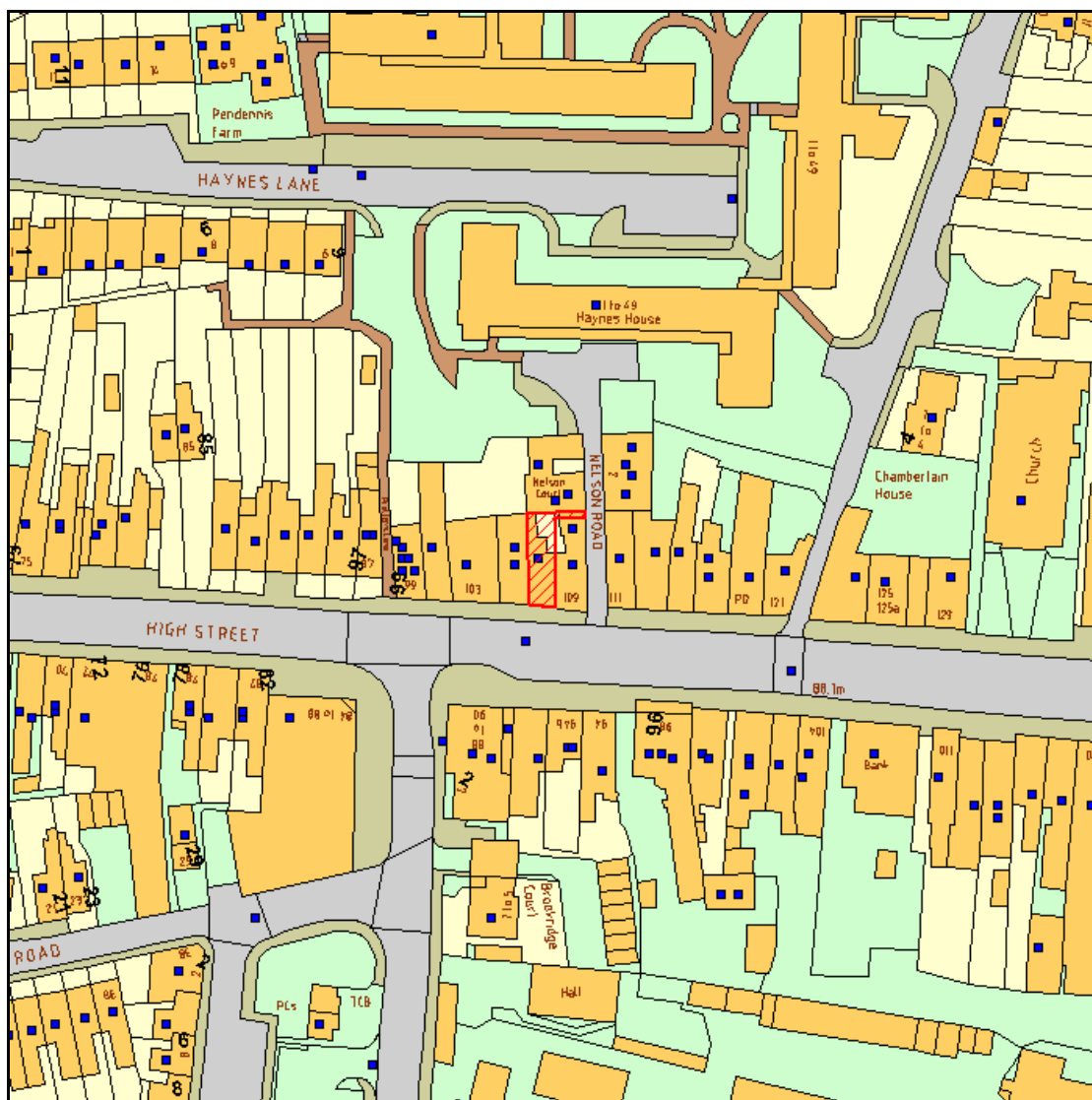
1. The development hereby approved shall be completed in full within 1 year of the date of this decision.

### Reason

The unauthorised development is harmful to the character, distinctiveness and amenity of the locality. As such it is important that the approved scheme which would improve the visual appearance of the dwelling is implemented in a timely fashion, to ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 33/13 – 16 AUGUST 2013**

<b>App No.:</b>	PK13/2161/F	<b>Applicant:</b>	Miss Hannah Payne Sweet Treats
<b>Site:</b>	Sweet Treats 107 High Street Staple Hill Bristol South Gloucestershire	<b>Date Reg:</b>	27th June 2013
<b>Proposal:</b>	Installation of front and rear dormers to facilitate loft conversion to form 1no. self contained flat	<b>Parish:</b>	None
<b>Map Ref:</b>	364767 175945	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th August 2013



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

This application is referred to the Circulated Schedule for determination as an objection has been received from a nearby occupier.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission to install two dormer windows (one front, one rear) at a property on the High Street in Staple Hill. The installation of the dormer windows would facilitate the conversion of the existing attic into a flat. There is already a residence at first floor level.
- 1.2 Planning permission is not required for the change of use to a flat as it is permitted development by virtue of Part 3 Class F (a) of The Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.
- 1.3 Therefore, the principle of the use of the site for residential purposes (for up to two flats) is established and accepted as permitted development. The proposed development can only be assessed on the merits of the scheme and not the underlying change of use.
- 1.4 Design amendments have been sought to the proposal to improve the design of the proposed dormer windows to better reflect the character and appearance of the property. It is on these amendments that the application will be determined. It should be noted that although amendments have been received, the application was not sent out for reconsultation as the amendments did not address any of the objection points raised. Therefore the application appears on the circulated in its amended form for the reasons of objection as outlined below.

### **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  
H2 Residential Development  
RT12 Use of Upper Floors in Town [...] Centres  
  
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  
South Gloucestershire Design Checklist (Adopted) August 2007

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

- 3.1 PK10/0977/F Approved with Conditions 22/06/2010  
Change of use from Tanning Studio and Hairdressing Salon (sui generis) to Retail (Class A1) on ground floor and Residential (Class C3) on first floor as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of new shopfront and erection of external staircase and door to rear elevation.
- 3.2 PK03/2860/F Approved 17/10/2003  
Change of use from shop (Class A1) to Hairdressing, tanning and beauty therapy centre (sui generis) as defined in Town & Country Planning (Use Classes) Order 1995 (Retrospective).

### **4. CONSULTATION RESPONSES**

- 4.1 Drainage  
No comment
- 4.2 Sustainable Transport  
The application site is within Staple Hill and whilst no parking is provided by this development, there is good access to alternative modes of transport that the car. Therefore there is no objection.
- 4.3 Coal Authority  
No objection and a Coal Mining Risk Assessment is not necessary. However, the Coal Authority request an informative be attached to the decision notice should permission be granted.
- 4.4 Environmental Protection  
Staple Hill is in an air quality management area. As the proposal is for a loft conversion, there is limited exposure. There is no recommendation of remedial mitigation but consideration should be given to reducing the cumulative impacts of poor air quality and preventing further deterioration.

A construction operations condition is requested.

#### **Other Representations**

- 4.5 Local Residents  
One objection has been received from local neighbours. This objects as there are parking problems in the area which would be worsened by the proposed development.

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

- 5.1 This application seeks planning permission for the installation of two dormer windows (one front, one rear) at a shop in Staple Hill.

## 5.2 Principle of Development

The principle of this development is established through the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Under Class F of Part 3 of the second Schedule of the above Order, the change of use of a site to an A1 (Shop) and up to two flats is permitted development. Therefore only the dormer windows need planning permission, not the change of use.

5.3 Notwithstanding the above, the use of the upper floors for residential purposes would be supported in principle by policy H2 and RT12 of the Local Plan should planning permission have been required.

5.4 This application will therefore be assessed on the dormer windows alone. All development in the district must meet the design standard set by policy D1 of the Local Plan. Policy H2 sets a number of criteria to assess the suitability of residential development as does policy RT12. Therefore, the proposal is acceptable subject to the analysis below.

## 5.5 Design

Two dormer windows are proposed; each will be assessed in turn. The front dormer is located directly over the first floor window. This window has the vertical proportions of a sliding sash window. The window comprises three sash windows surrounded by a stone lintel and moulding.

5.6 The proposed dormer has been amended to reflect the appearance of this window. A projecting gable is proposed which will be externally finished in a vertically hung tile. Within the dormer, three vertically proportioned windows are proposed.

5.7 Within the vicinity of the application site a number of other buildings have front facing dormers. The proposed design is in keeping with both the character and appearance of the existing property and the surrounding area.

5.8 At the rear a dormer is proposed over the existing projecting wing. This will include two, small, square windows set slightly above eaves height. Located at the rear of the building, there are few and limited direct views of the proposed structure. The dormer remains within the limits of the rear roof slope. Although it is slightly bulky, the dormer still reaches an acceptable standard of design to accord with policy D1.

## 5.9 Amenity

Policies H2 and RT12 of the Local Plan state that development should not prejudice residential amenity. The proposed fenestration of both of the windows does not materially affect the existing outlook from the property or make previously private areas visible. The dormers would also not result in intervisibility between habitable rooms.

5.10 It is not considered that the proposal would impact upon the amenities of any nearby occupier or the occupier of the flat in the building, and as such the development accords with policy.

#### 5.11 Environment

The site is located in the Staple Hill Air Quality Management Area. Development should not lead to a decrease in air quality or introduce new receptors into an area will air quality issues.

5.12 However, the proposed dormer is located above the existing eaves in the roof slope and is therefore elevation from the ground where air quality issues are most pressing. There is no objection to the development on grounds of air quality as, in this instance, it would not be possible to mitigate the development.

#### 5.13 Transport

Located within the centre of Staple Hill, the site is considered to be highly sustainable with good connections to other forms of transport (other than the private car). No parking is provided within the development although there is access to good public car parking in the vicinity.

5.14 On the basis of accessibility to public transport and availability of car parking in the vicinity, the proposal is considered to be acceptable on transport grounds.

### 6. CONCLUSION

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

6.2 The proposed development has been assessed against policies D1, EP1 H2 and RT12 of the Local Plan. An acceptable standard of site planning and design has been achieved and the development will not have a prejudicial impact on air quality, residential amenity or highway safety. It is therefore recommended that planning permission be granted.

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

### 7. RECOMMENDATION

7.1 It is recommended that planning permission be GRANTED for the proposed development subject to the conditions listed below.

**Contact Officer: Griffith Bunce**  
**Tel. No. 01454 863438**

#### CONDITIONS

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

Reason

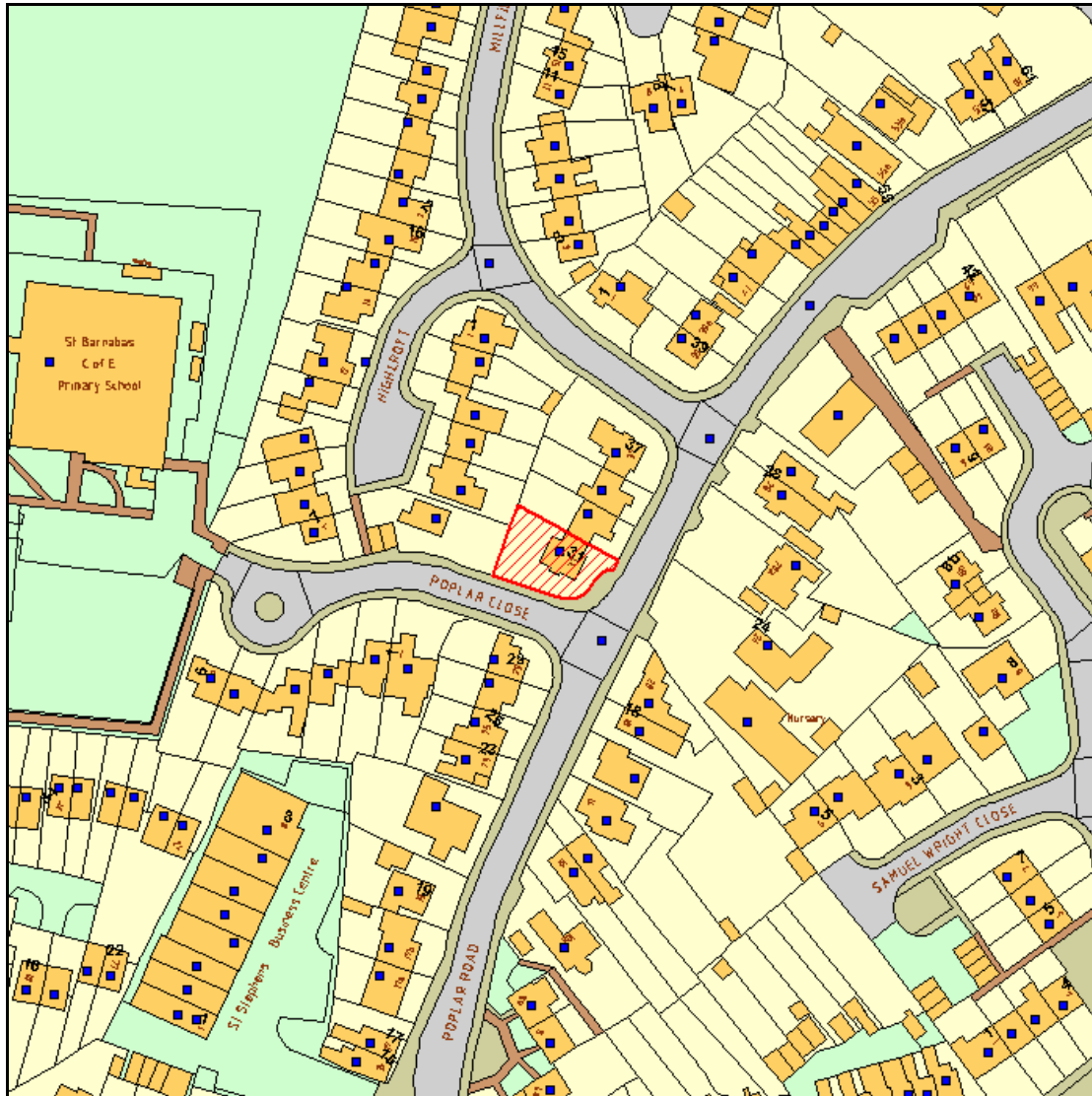
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).



**CIRCULATED SCHEDULE NO. 33/13 – 16 AUGUST 2013**

**App No.:** PK13/2185/F  
**Site:** 31 Poplar Road Warmley South  
 Gloucestershire BS30 5JX  
**Proposal:** Erection of carport.  
**Map Ref:** 367478 172540  
**Application Category:** Householder

**Applicant:** Mr S Buck  
**Date Reg:** 20th June 2013  
**Parish:** Bitton Parish Council  
**Ward:** Oldland Common  
**Target Date:** 12th August 2013



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 100023410, 2008. **N.T.S.** **PK13/2185/F**

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

This application has been referred to the Circulated Schedule as an objection has been received from the parish council, contrary to the officer's recommendation. It should be noted that the reason for the objection has been addressed by the applicant since the objection was received.

### **1. THE PROPOSAL**

- 1.1 The proposal seeks consent for a carport and retaining wall within the grounds of a link detached residential dwellinghouse in Warmley.
- 1.2 The property is a two storey detached house built in the 1960s with a linked garage which is attached to the neighbouring property's garage at 33 Poplar Road. The property occupies a corner location at the junction of Poplar Road and Poplar Close and the principal elevation faces onto Poplar Close. Access to the carport will be onto Poplar Close, which is a cul-de-sac with residential properties and St Barnabas Primary School at its end.

The plot slopes upwards from south to north away from Poplar Close, and thus requires installation of a retaining wall at the rear (north) of the carport to retain the land forming the rear garden in position.

The property is bounded to the west by the rear gardens of properties of Highcroft and to the north with the rear garden of no. 33. The shared boundaries are bordered with timber fencing and leylandii hedging.

### **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, including extensions and new dwellings

T12 Transportation Development Control

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 K2713/AP1: Erection of 150 dwellings with associated garages, estate roads and footpaths, joint cycling and walking link. Decision date 07.08.1981.  
**Approved with conditions.**

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

- 4.1 Bitton Parish Council  
Objection on materials proposed as were felt to be incongruous in the street scene.
- 4.2 Highway Drainage  
No comment
- 4.3 DC Sustainable Transport  
No objection subject to ensuring sufficient visibility upon accessing and exiting the proposal and confirmation on the existing car parking arrangements.
- 4.4 Public Rights of Way  
No objection.

#### **Other Representations**

- 4.5 Local Residents  
No comments received.

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

- 5.1 Principle of Development  
Development within the curtilage of existing dwellings (including extensions) is assessed through policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. The policy is supportive of such development subject to tests of design and character, effect on residential amenity, street scene, and public highway safety and parking provision. Overall design standards for the district are set out in policy D1.

Policy T12 requires new development to provide safe and attractive access, and not having an unacceptable effect on road, pedestrian and cyclist safety.

- 5.2 Design and amenity  
The original plans submitted with this application were for the proposal to be constructed of metal scaffolding poles for the uprights with uPVC sheeting for the roof. It was considered these materials were not appropriate for a permanent structure in a prominent position and would harm the character of the site and street scene. In addition the overall form of the structure would not appear as a robust, permanent feature, which was considered crucial to its acceptability.

Following discussion the applicant has submitted amended plans to amend the position, appearance and form of the structure. The revised form now appears more robust and appropriate for its proposed use. The final selection of materials will be subject to a condition requiring samples to be approved.

The position of the carport has been moved further into the site, and now abuts the south west corner of the property. Due to the location of the site and position of the property within the plot the availability of private outdoor space is limited. Although the siting of the carport is not considered to be ideal from a site layout perspective, positioning the structure further north into the site would restrict residential amenity space to an unacceptable degree. As such the position proposed is felt to be acceptable given the scale and 'open' form of the development.

In conclusion it is considered the proposal is acceptable in terms of policy D1 and H4 of the Local Plan.

### 5.3 Highway safety

The original plans submitted with this application were for the proposed carport to be sited in the south west corner of the site, hard against the boundary with the rear of 6 Highcroft and the highway in Poplar Close. This position was unacceptable in terms of highway safety as visibility to the west for vehicles exiting the site and for pedestrian users on the highway would have been very restricted due to the fencing on the west boundary of the site. This was of particular concern in this location as levels of vehicle and pedestrian traffic would be high at certain times of the day, due to the primary school at the end of Poplar Close.

The revised plans have repositioned the carport further into the site which now provides a suitable amount of visibility onto and along the highway for vehicles leaving the site. In addition as the carport is 'open sided', this will further improve sideward visibility when manoeuvring into and out of the site.

In conclusion it is considered the proposal is acceptable in terms of policy T12.

### 5.4 Other matters

In responding to the consultation request the Transportation Officer queried whether the proposal included any amendments to the existing parking arrangements and facilities. The applicant has confirmed there are no changes to the existing garage and driveway on the north side of the plot, thus these parking facilities will be retained.

## 6. CONCLUSION

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

6.2 It is considered that the proposal would not have an unduly detrimental impact on the residential amenity of the occupiers of the development site. The design of the proposal is acceptable and respects the character of the site and locality. The proposal is considered to not be detrimental to highway safety in the vicinity.

Accordingly the proposal is considered acceptable in terms of policies H4, T12 and D1 of the South Gloucestershire Local Plan (Adopted) 2006.

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

## **7. RECOMMENDATION**

- 7.1 That permission is **GRANTED** subject to the conditions on the decision notice.

**Contact Officer: Christopher Roe**  
**Tel. No. 01454 863427**

## **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 samples of the brick, roofing and columns 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.

**CIRCULATED SCHEDULE NO. 33/13 – 16 AUGUST 2013**

<b>App No.:</b>	PK13/2240/F	<b>Applicant:</b>	Messrs Bendeaux, Starling And Gardener
<b>Site:</b>	Land R/o 37-43 Birgage Road Hawkesbury Upton Badminton South Gloucestershire GL9 1BH	<b>Date Reg:</b>	27th June 2013
<b>Proposal:</b>	Erection of 3 no. dwellings with access, parking and associated works.	<b>Parish:</b>	Hawkesbury Parish Council
<b>Map Ref:</b>	377890 186636	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th August 2013



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

This application appears on the circulated schedule due to the receipt of many letters of support from local residents. This application also appeared on last weeks schedule but re-appears to allow for alterations to the wording of the suggested conditions.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the construction of three detached dwellings on a green field site adjacent to the village of Hawkesbury Upton. The three dwellings would all be single storey only and would each have two bedrooms and a study. The remainder of the site would then be split up to provide parking and garden space.
- 1.2 The application states that the three homes would all be for residents over the age of 55 with a local connection and have expressed a willingness to enter into a S106 agreement to ensure this.

### **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
L2	Cotswolds Area of Outstanding Natural Beauty
H3	Residential Development in the Countryside
H6	Affordable Housing
H7	Affordable Housing – Rural ‘Exceptions’ Schemes
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control

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

CS1	High Quality Design
CS5	Location of Development
CS18	Affordable Housing
CS19	Rural Housing Exception Sites
CS34	Rural Areas

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

South Gloucestershire Residential Parking Standards SPD (Adopted for Development Management Purposes) March 2013

Affordable Housing SPD Adopted September 2008

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

- 3.1 Approval on adjacent site - P94/1758 Erection of 10 dwellinghouses.  
Construction of estate road and associated works.  
Approved 1994

### **4. CONSULTATION RESPONSES**

- 4.1 Hawkesbury Parish Council  
"The Parish Council Objects to the proposed planning application for the following reasons;
- The Parish Council is aware the Planning application falls outside the village development boundary
  - It comes without a supporting housing survey;
  - It also pre-empted the PSP DPD.
- 4.2 Highway Drainage  
No Objection subject to conditions
- 4.3 Environmental Protection  
No Objection subject to conditions
- 4.4 Councils Landscape Architect  
Objects to the scheme
- 4.5 Councils Transportation Officer  
No Objection
- 4.6 PROW officer  
No Objection
- 4.7 Housing Enabling  
Objects

#### **Other Representations**

- 4.8 Local Residents  
Approximately 43 letters of support have been received in relation to this application. The letters primarily support the application as the writers all believe Hawkesbury Upton to be in need of this type of accommodation.

Approximately 6 letters of objection have also been received

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

- 5.1 Principle of Development  
The application site lies outside of the defined settlement boundary. The application is to develop the site for retirement bungalows (NOT recognised as affordable housing). As the development is outside of the settlement boundary and not within an existing residential curtilage, the application stands to be assessed against the requirements of Policy H3 of the adopted local plan.



- 5.2 Residential Development in the Open Countryside  
Policy H3 of the South Gloucestershire Local Plan states that '*proposals for new residential development outside the existing urban areas and the boundaries of settlements, as defined on the proposals map, will not be permitted with the exception of the following – Affordable housing on Rural Exception sites, Housing for agricultural or forestry workers, or replacement dwellings.*' The application is for three retirement dwellings and therefore the proposal does not fall within one of the three limited categories of development and the application is contrary to the requirements of Policy H3.
- 5.3 Rural Exceptions Policy  
Whilst this application is not for affordable housing and therefore is not a rural exception site, the approval of housing on the adjacent site also outside of the village development boundary in 1994 has been raised by the agent. In the interest of completeness therefore, the rural exceptions policy will also be discussed.
- 5.4 It is indeed true that in 1994, the erection of 10 houses was allowed on a site immediately adjacent to this application site. These 10 houses were also outside of the defined settlement boundary. However, the 10 houses subject of the 1994 application were true affordable houses and a S106 agreement was signed to secure this. Therefore, there are no planning similarities between this 1994 approval and the scheme currently for consideration in terms of the policies that apply.
- 5.5 Planning Policy H7 of the South Gloucestershire Local Plan and Policy CS19 of the Core Strategy (which relate to rural exceptions sites) allow for small scale proposals for affordable housing to meet a local need where market housing would not normally be acceptable because of planning policy constraints. Although the applicant proposes to restrict occupation of the 3 dwellings for purchasers aged 55 and over with a local connection, this type of tenure is not deemed affordable housing as defined by the NPPF i.e. *social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market* and therefore would be contrary to Planning Policy H7 of the South Gloucestershire Local Plan and Policy CS19 of the Core Strategy.
- 5.6 Visual Amenity/Area of Outstanding Natural Beauty  
The site is located on the south west corner of Hawkesbury Upton and is located outside the Settlement boundary. Hawkesbury Upton is washed over by the AONB. Although the open and exposed character of the surrounding landscape make it potentially highly sensitive to change, with regards to Policy L1 the development would not significantly change the landscape character of the area. The proposed development would be viewed against the back drop of the existing relatively modern properties currently forming the edge of Hawkesbury. The South Gloucestershire Landscape Character Assessment has noted that "More recent built development, such as at Hawkesbury Upton, is situated on higher ground on the edge of the older village core, where the new rooftops break the skyline and there is little tree cover, making it visually prominent within the wider landscape."

5.7 There is scope to improve the southern approach to Hawkesbury with hedge and tree planting which would help to screen, soften and integrate the settlement edge within the surrounding landscape. There is scope therefore for the development to enhance the settlement edge of Hawkesbury Upton. However the combined footprints of the proposed bungalows do not leave adequate space for boundary hedges and standard native trees to mature. Any planting on the boundary should be mixed native hedge, but not the hornbeam and beech as proposed as this would have a domesticating effect on the rural landscape character. One of the proposed trees is located under the existing telegraph wires – this would need to be relocated. By blocking the views of the open countryside the proposed development would have a detrimental effect on the outlook of the existing adjacent properties and allotment holders. This impact would be reduced by the fact that they are bungalows. However the overall layout and mass of the combined dwellings would need to be altered and reduced in order to help maintain views out of from the existing settlement. With regards to Policy L1 and L2 the development could enhance the southern approach to Hawkesbury Upton through robust hedge and tree planting on the boundary however, given that there is a strong policy objection to the proposal, this has not been pursued further.

5.8 Design

The proposal is for the erection of three bungalows with very large footprints. The dwellings would be constructed of natural stone and have slate roofs. The plans appear to show that the dwellings will share the garden space with no formally defined private gardens. The site also appears to lie on a backland plot, being accessed by an existing agricultural access lane to the site tucked up behind the existing dwellings on Birgage Road.

5.9 Whilst, in the opinion of your officer, the dwellings will appear quite out of keeping with the immediately adjacent dwellings, this on its own is not put forward as a reason for refusal. The neighbouring properties are of no special architectural merit and so it is not considered that there is any merit in reflecting the existing built form. Therefore, there is no objection to the style and design of the dwellings

5.10 Access

The Councils highway officer has raised no objection to the proposed development. Adequate off street parking and turning provision is made to meet the needs arising. Although there is some concern regarding the distance the bins would have to be wheeled, this alone is not of sufficient concern to warrant the attachment of an additional refusal reason.

5.11 Residential Amenity

Whilst not shown on the plans, the site does have a slight gradient to it whereby the site slopes up gently away from the rear of dwellings 37 to 48. As a result, the proposed bungalows will be at a slightly higher level than the floor level in the existing properties. There is also an existing single storey extension on the rear of No. 37 that is not shown on the plans.

- 5.12 There is concern that one of the proposed bungalows, that is the bungalow at the bottom of the gardens of No's 37 and 39, will have a detrimental impact on the existing level of amenity afforded to these dwellings. Whilst the proposal is or bungalows only, the eaves height will be 2.4 metres with a maximum height up to 5.4 metres. The rear wall of the proposed bungalow will be less than 13.5 metres from the rear extension on No. 37 and less than 18 metres from the main rear wall of No. 39. Windows and doors are shown in the rear elevation of the proposed dwelling facing towards No's 37 and 39 and due to the lack of sections, your officer cannot be certain that the existing boundary treatment will obstruct visibility.
- 5.13 Because of the massing and height of the proposed bungalow, its proximity to the existing boundary fence and the fact that it will span almost the entire rear boundary of numbers 37 and 39 Birgage Road, it is considered that the proposed development will have an overbearing impact on the existing level of residential amenity afforded to these properties. The application is therefore contrary to the requirements of Policy H3 of the South Gloucestershire Local Plan (Adopted).
- 5.14 Whilst the level of amenity space proposed is minimal, given that children will not reside in the development, the level is considered to be acceptable to meet the needs of the development.
- 5.15 Policy  
It has been suggested through the consultation process that the village development boundary should be adjusted to accommodate this development. It is therefore appropriate just to clarify the current policy position.
- 5.16 The South Gloucestershire Core Strategy is at an advanced stage of preparation and merits substantial weight in determining current planning applications. The Core Strategy in Policy CS5 (and Policy CS34) re-confirms the current settlement boundaries around villages.
- 5.17 Policies CS5 (Location of Development) and CS34 (Rural Areas) set the context for development affecting a rural area. As the proposal is outside the settlement boundary of Hawkesbury Upton the site is regarded as being in the open countryside and therefore contrary to Policy CS5 (and CS34). Policy CS5 of the Core Strategy states that "in the rural areas communities will be empowered to shape the future of their own area through opportunities presented by Neighbourhood Planning." Policies CS5 and CS34 of the Core Strategy also require the council to review the rural settlement boundaries in the Policies Sites and Places Development Plan Document (PSP DPD) and undertake a review of the approach to the distribution of housing in the rural areas to include engagement with the local community and other stakeholders/parties. Should the local community, via the parish council, identify a need for housing in their area, to sustain the village, this could be delivered either through neighbourhood planning or the PSP DPD. Both approaches would require a thorough and transparent assessment of all site/location options in order to identify the most appropriate and deliverable site/ location. Initial work on the Policies Sites and Places DPD has

commenced. However at this stage no weight can be given to this document when determining planning applications.

## **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 That the application be refused for the following reasons;

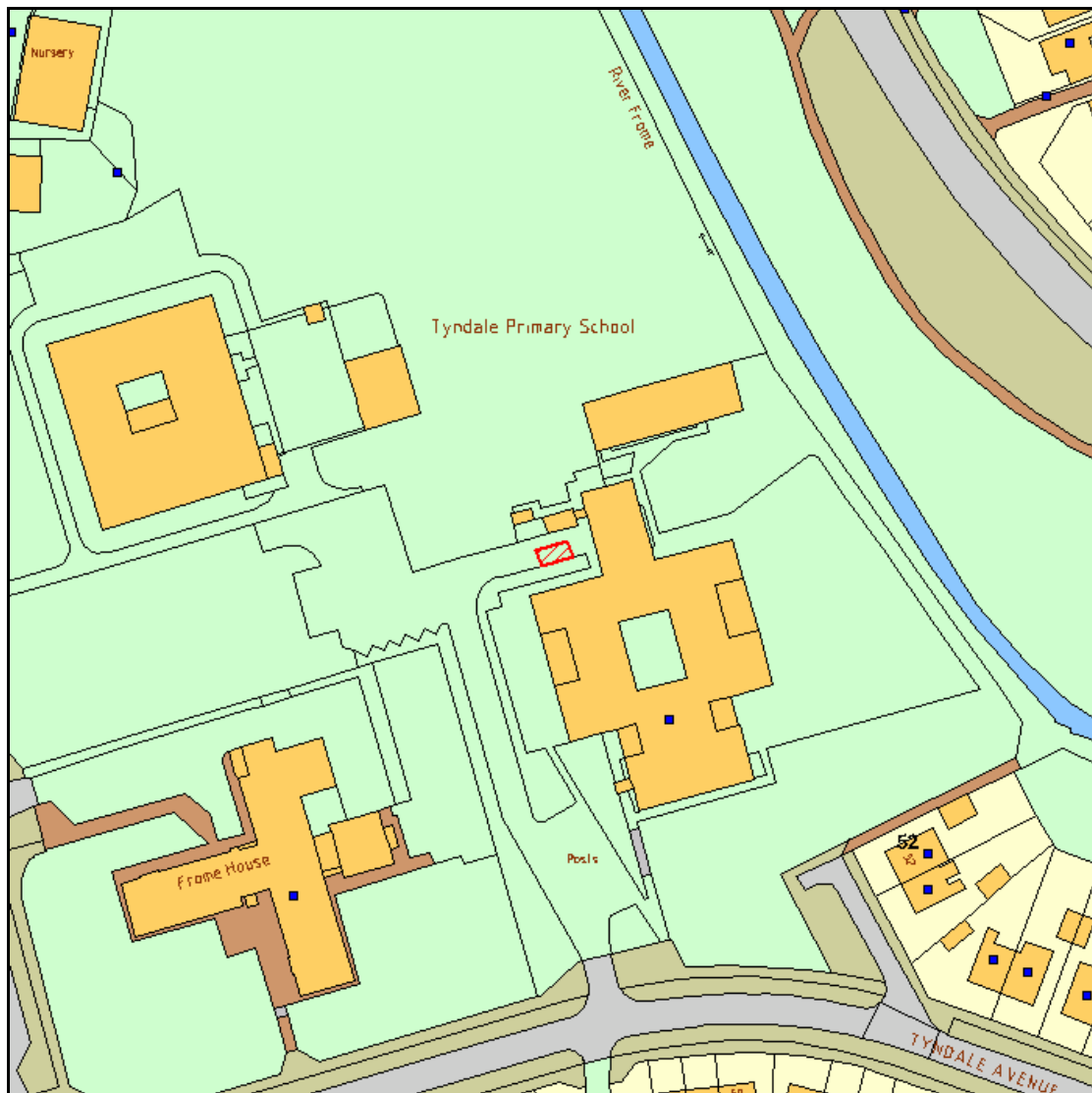
**Contact Officer: Marie Bath**  
**Tel. No. 01454 864769**

1. Planning Policy H7 of the South Gloucestershire Local Plan and Policy CS19 of the Core Strategy (which relate to rural exceptions sites) allow for small scale proposals for affordable housing to meet a local need where market housing would not normally be acceptable because of planning policy constraints. Although the applicant proposes to restrict occupation of the 3 dwellings for purchasers aged 55 and over with a local connection, this type of tenure is not deemed affordable housing as defined by the NPPF i.e. social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market and therefore would be contrary to Planning Policy H7 of the South Gloucestershire Local Plan and Policy CS19 of the Core Strategy. Policy H3 of the South Gloucestershire Local Plan states that 'proposals for new residential development outside the existing urban areas and the boundaries of settlements, as defined on the proposals map, will not be permitted with the exception of the following – Affordable housing on Rural Exception sites, Housing for agricultural or forestry workers, or replacement dwellings.' The application is for three retirement dwellings and therefore the proposal does not fall within one of the three limited categories of development and the application is contrary to the requirements of Policy H3 of the Adopted Local Plan and CS5 of the Core Strategy.
2. Because of the massing and height of the proposed bungalow closest to No's 37 to 49 Birgage Road, its proximity to the existing boundary fence and the fact that it will span almost the entire rear boundary of numbers 37 and 39 Birgage Road, it is considered that the proposed development will have an overbearing impact on the existing level of residential amenity afforded to these properties. The rear wall of the proposed

bungalow will be less than 13.5 metres from the rear extension on No. 37 and less than 18 metres from the main rear wall of No. 39. Windows and doors are shown in the rear elevation of the proposed dwelling facing towards No's 37 and 39 and due to the lack of sections and the existing change in ground levels, your officer cannot be certain that the existing boundary treatment will obstruct visibility. The application is therefore contrary to the requirements of Policy H3 of the South Gloucestershire Local Plan (Adopted).

## CIRCULATED SCHEDULE NO. 33/13 – 16 AUGUST 2013

<b>App No.:</b>	PK13/2344/R3F	<b>Applicant:</b>	Streetcare And Transport
<b>Site:</b>	Tyndale Primary School Tyndale Avenue Yate South Gloucestershire BS37 5EX	<b>Date Reg:</b>	5th July 2013
<b>Proposal:</b>	Erection of cycle shelter.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370761 183086	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	27th August 2013



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**N.T.S.**

**PK13/2344/R3F**

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

This application appears on the Circulated Schedule because it comprises an internal submission.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the erection of 1no, 'Broxap Wardale' type cycle shelter to accommodate 10no cycles, and 5no. galvanised 'Sheffield' type stands. The shelter would be situated on an area of existing hardstanding adjacent to the existing cycle storage facilities on the site.
- 1.2 The application site comprises Tyndale Primary School situated adjacent to an established residential area of Yate.

### **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 Achieving Good Quality Design

LC4 Provision for Education and Community Facilities within the Existing Urban Area and Boundaries of Settlements

T12 Transportation Development Control Policy for New Development

T8 Parking Standards

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

The South Gloucestershire Design Checklist SPD (adopted) 2006

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

- 3.1 The site has an extensive planning history, none of which is directly relevant to the proposed cycle shelter.

### **4. CONSULTATION RESPONSES**

#### 4.1 Yate Town Council

No objection

#### 4.2 Highway Drainage

No comment

4.3 Natural England

From the information provided with this application, it does not appear to fall within the scope of the consultations that Natural England would routinely comment on.

4.4 The Coal Authority

No objection, informative recommended.

**Other Representations**

4.3 Local Residents

No comments received

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application seeks permission for the erection of 1no, 'Broxap Wardale' type cycle shelter to accommodate 10no cycles, and 5no. galvanised 'Sheffield' type stands. Policy LC4 of the adopted Local Plan allows for expansion and improvement to education and community facilities in principle provided there is no adverse impact on residential amenity or transport.

5.2 Residential Amenity

The proposed cycle shelter would be located entirely within the boundary of the school site and would not be visible from the surrounding residential dwellings. It is considered that the proposal would not prejudice the residential amenity of nearby occupiers.

5.3 Transport

The application site consists of existing cycle storage facilities and hardstanding area. The proposal would be in addition to the existing cycle facilities on the site and would be located adjacent to them on the existing hardstanding. It is considered that the proposal would positively contribute to the provision of more sustainable methods of transport to serve the School. The proposal raises no concerns in terms of highway safety and is therefore acceptable in terms of policies LC4, T8, and T12 of the adopted local plan.

5.4 Design/ Visual Amenity

The proposed cycle shelter would be constructed in a steel frame with glazing on the roof situated on the existing hardstanding area. The proposal is considered minor in scale and the design of it is considered acceptable in the context of the school and the local area. As such the proposed shelter is considered acceptable in terms of policy D1 of the South Gloucestershire Local Plan (Adopted).

**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 That the application is **APPROVED** subject to the conditions on the decision notice.

**Contact Officer: Sarah Fordham**  
**Tel. No. 01454 865207**

## **CONDITIONS**

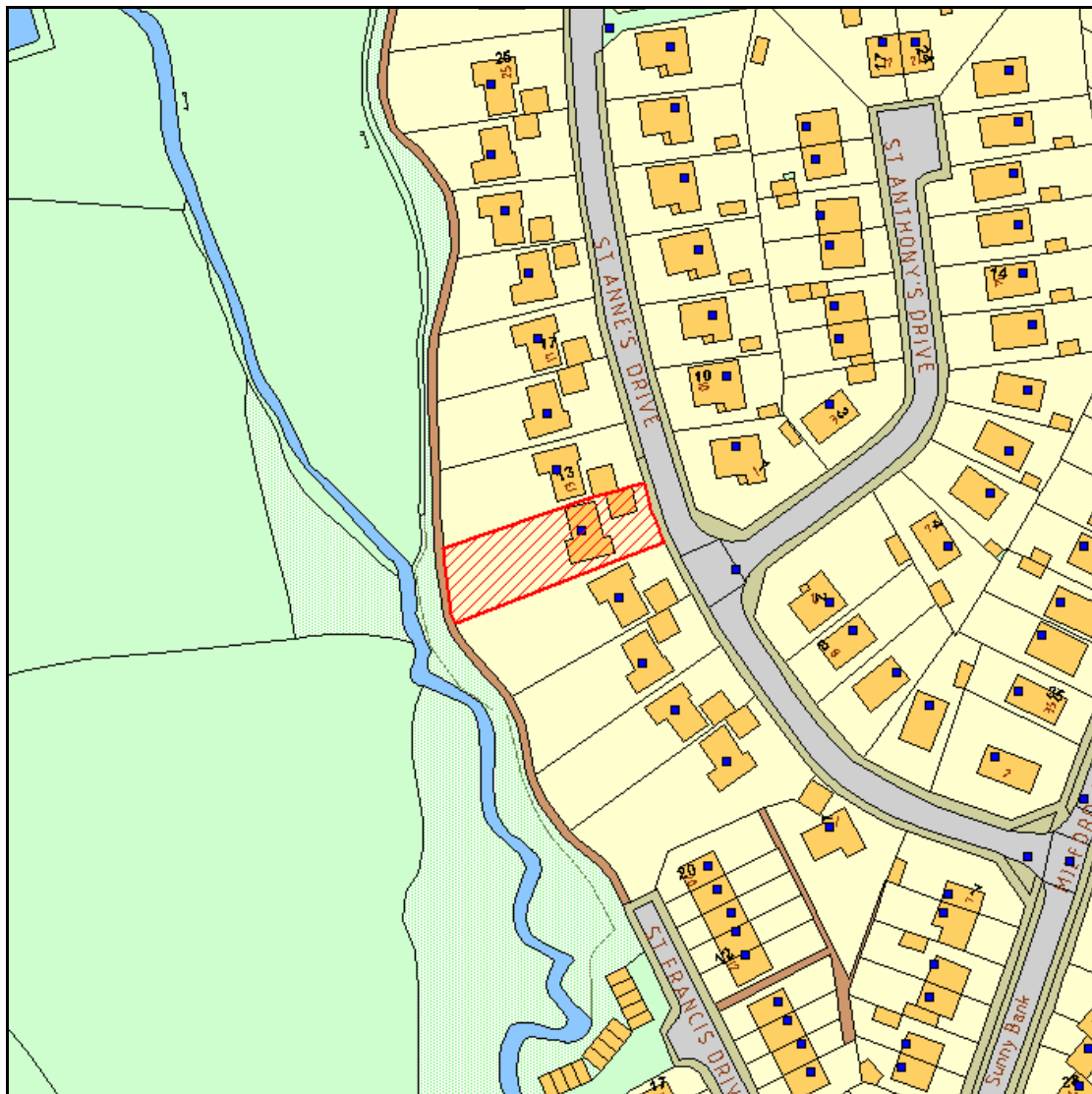
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 33/13 – 16 AUGUST 2013

<b>App No.:</b>	PK13/2374/TRE	<b>Applicant:</b>	Mr Hall
<b>Site:</b>	11 St Annes Drive Wick South Gloucestershire BS30 5PN	<b>Date Reg:</b>	4th July 2013
<b>Proposal:</b>	Works to 3no.Oak trees to crown thin by 15% and crown lift to 3metres covered by Tree Preservation Order TPO447 dated 7 October 1993.	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	369864 173231	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>		<b>Target Date:</b>	26th August 2013



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**N.T.S.**

**PK13/2374/TRE**

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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks consent for works to 3no. Oak Trees covered by Tree Preservation Order TPO447 dated 7<sup>th</sup> October 1993, to lift the crown of the tree by 3 metres and thin the crown of the trees by 15%.
- 1.2 The trees are situated in the rear garden of 11 St Annes Drive, Wick.

### **2. POLICY CONTEXT**

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

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Wick and Abson Parish Council  
No objection
- 4.2 Tree Officer  
No objection
- 4.3 PROW  
The proposed works are unlikely to affect the public footpath LWA41 which runs adjacent to the rear of the property. However, the applicant must ensure that a risk assessment is undertaken prior to works commencing.

### **Other Representations**

- 4.3 Local Residents  
One letter of objection has been received from a local resident. The comments are outlined as follows:
  - I object to any works on trees being undertaken during the bird nesting season as per the Wildlife and Conservation Act 1981. It is illegal to disturb any nesting birds and the Council should ensure that applicants are aware of this.

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

- 5.1 Principle of Development

The only issue to consider in this application is whether the proposed works will adversely affect the health and appearance of a tree, which makes a significant contribution to the character and visual amenity of the area.

#### 5.2 Consideration of proposal

The application relates to 3no. Oak trees located within the rear garden of 11 St Annes Drive, Wick. The proposal is to lift the crown of the trees by 3 metres and thin the crown by 15%. The proposed works have been considered by the Council's Tree Officer and it is considered that the proposed works are not major and as such would not prejudice the health or visual amenity of the trees. The works are therefore in accordance with The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

5.4 The Wildlife and Countryside Act 1981 makes it a criminal offence to damage or destroy the nest of any wild bird whilst that nest is in use or being built. Established working practice avoids works to any hedgerow, tree or other vegetation where birds may reasonably be expected to make their nest (such as scrub) between 1 March and 31 August in any year. Care should be taken outside of this exclusion period as variations in climate may extend the nesting season. In light of this Act it is not necessary to condition this, however an informative is attached to the decision notice to notify the applicant of these restrictions.

### 6. CONCLUSION

6.1 The proposed works are in accordance with good arboricultural management and should not impact on the health or visual amenity of the trees. There are therefore no objections to this application in terms of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

### 7. RECOMMENDATION

7.1 That consent is **GRANTED** subject to the conditions on the decision notice.

**Contact Officer: Sarah Fordham**  
**Tel. No. 01454 865207**

### CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

**CIRCULATED SCHEDULE NO. 33/13 – 16 AUGUST 2013**

<b>App No.:</b>	PK13/2381/F	<b>Applicant:</b>	Mr Brown
<b>Site:</b>	10 Queensholm Close Downend South Gloucestershire BS16 6LD	<b>Date Reg:</b>	15th July 2013
<b>Proposal:</b>	Demolition of attached garage and erection of 1no. detached dwelling with associated works.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365280 178025	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th September 2013



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

This application is referred to the circulated schedule as a number of objections to the development have been received from members of the public. These objections are contrary to the officer recommendation for approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for a detached two-storey two/three-bedroom dwelling within the curtilage of 10 Queensholm Close, Downend.
- 1.2 The proposal has been designed to be in keeping with the existing architectural style of the location, utilising a two-storey bow window on the front elevation, a hipped roof, a rendered finish and a brick plinth.
- 1.3 The application site is located within an existing residential curtilage, to the side of the current dwelling with direct access onto the highway. The site is located within the existing urban area.
- 1.4 There are no statutory or non-statutory designations covering the application site. To facilitate the erection of the proposed dwelling, the existing attached garage will be demolished.

### **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  
L5 Open Areas within the Existing Urban Area  
L18 The Water Environment  
EP1 Environmental Pollution  
EP2 Flood Risk  
T7 Cycle Parking  
T12 Transportation  
H2 Residential Development within the Existing Urban Area  
H4 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  
CS8 Improving Accessibility

#### 2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Residential Parking Standard (Approved for Development Management Purposes) March 2013

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

3.1 There is no relevant planning history on this site

### **4. CONSULTATION RESPONSES**

4.1 Downend and Bromley Heath Parish Council  
No objection

4.2 Transportation  
Subject to a condition ensuring that the proposed driveways are kept free of obstruction or boundary treatment and used purely for access to the two dwellings (proposed and existing) there is no objection.

4.3 Environmental Protection  
Request for condition on construction sites

4.4 Drainage  
Request for condition requiring SUDS proposals and informative on permeable paving

### **Other Representations**

4.5 Local Residents  
Ten comments raising objection have been received. The reasons for objection are summarised below:

- Close proximity to nearby properties
- Overlooking would result in loss of privacy
- Development would result in intervisibility between rear of properties
- Development is dominant and overbearing
- Inappropriate siting/ scale/ mass/ height
- Proposal is not in keeping with the street
- There would be a reduction in sunlight in neighbouring gardens
- Would result in overshadowing
- House would block views and outlook
- Proposed parking for existing dwelling is too close to neighbouring property and would result in pollution and noise
- Development detrimental to the residential amenity of the locality
- Poor layout proposed as access would compromise the turning area
- Lead to an increase in parking
- Worsen on-street parking
- Result in additional traffic movements and cars
- Lack of parking for visitors
- No mention of shared access
- Increase in parking would be detrimental to visibility on the street
- Additional traffic would result in children not being able to play in the street
- Would result in a reduction in highway safety



- Increase in traffic would result in congestion at the end of the street
- Development would result in the erosion of green space
- Tree would need to be felled
- Will affect vegetation and wild birds
- Would set a precedence for further development
- There are legal covenants on site
- Dwelling to be used for business purposes
- Building works would result in vans on the street making access difficult
- Construction of the dwelling would cause disturbance

## 5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for a detached dwelling within the existing urban area in Downend.

### 5.2 Principle of Development

In principle, the proposed development is acceptable as new residential development is supported by both policy H2 and policy H4. However, this is subject to passing the criteria of these policies. Therefore, the proposal is acceptable subject to the analysis set out below.

### 5.3 Site Location and Development Density

The overarching aim of the NPPF is to promote sustainable development. By definition this includes making the most efficient use of land, existing resources and infrastructure, and avoiding intrinsically unsustainable development patterns.

5.4 Efficient land use patterns can be achieved by creating higher density land use. This can be achieved through infill housing development. The proposed development would constitute infill development without resulting in back-land 'garden grabbing'. The proposed siting of the new dwelling means that it would have direct access on to the highway and be integrated into the existing street scene.

5.5 It is therefore considered that as the site is located within the existing urban area and the site can comfortably accommodate an increase in housing density, the site is in a sustainable location and suitable for further development.

### 5.6 Access to Services

The development site is located within the existing urban area with good transport connections and access to local services such as schools and healthcare. Furthermore, the site is walking distance from a rank of local shops and public house. These facilities are considered adequate to meet the needs arising from the proposed development.

5.7 Site Planning

Good standards of site planning and design must be achieved for development to accord with policy D1. This includes the siting of buildings, the overall layout of the development, and the form and scale of development.

5.8 A two-storey detached dwellinghouse is proposed. Queensholm Close contains pairs of two-storey semi-detached dwellings with a U shaped form, hosting a central section with projecting wings at either end. The pairs of houses have hipped roofs and most have double height bow windows on the principal elevations. There are a number of more traditional rectangular shaped pairs of semis with feature gables over double height bow windows. As such, there is some variety within the street scene.

5.9 Although the proposal would see the introduction of a detached dwelling this, in itself, would not necessarily be out of character with the area. A detached dwelling that was not informed by or respected the distinctiveness of the locality is unlikely to accord with policy D1. In this instance, the design of the building (discussed in more detail below) has taken into account the character of the locality.

5.10 To achieve the most efficient use of land and best contribution to the street scene the proposed dwelling is located along the northern boundary of the plot. Here, the proposed dwelling directly faces the highway and becomes integrated into the street scene. It also enables sufficient garden space to be retained for both the existing and proposed houses and provides for the adequate storage of bins and bicycles.

5.11 Design

The proposed dwelling has been design to take into account the predominant architectural style of the vicinity. The design of the proposed dwelling represents one part of the U shaped semi-detached houses. A projecting wing from the central section cumulates in a double-height bow window set under the eaves of the hipped roof. Materials are proposed to match those used in the vicinity including a brick plinth, rendered walls and appropriate vertical hung tiles.

5.12 Overall, the design of the proposed dwelling respects the massing, scale and proportions of the other dwellings in the locality. It protects the character of the street and helps to create a sense of enclosure at the end of the road, which at present suffers from the lack of a clear boundary and space leakage. Although the area within the curtilage, which is presently open, has a character and contributes to the visual amenity of the locality, on balance the increased enclosure that would result from the development would be beneficial to visual amenity.

5.13 The design is considered to accord with the principles of policy H4 and policy D1. The design takes into account local distinctiveness, architectural style, and street scene. The proposal would not be detrimental to visual amenity and therefore accords with theses policies.

5.14 Amenity

Development must not prejudicially affect residential amenity. This should be considered in terms of the impact on all nearby occupiers, the impact on the existing dwelling, and the amenity of the proposed dwelling. The application site is roughly triangular in shape with the existing pair of semi-detached houses set at approximately 45° to the road. The same situation exists with the pair of semi-detached houses to the north of the site (although these do not benefit from such extensive gardens).

5.15 The development will have the greatest impact on no.11; this is the property directly adjacent to the application site to the north and along which boundary the proposed dwelling is to be located. An assessment has to be made as to whether the impact of the development will be prejudicial to the amenity of this property.

5.16 As the development is to the due south of no.11 it is acknowledged that there will be some loss of direct sunlight. However, this will primarily affect the side of the property and side garden; the main rear garden and elevation will be mostly unaffected. It is not therefore considered that the development will lead to the loss of light to such a significant level that it would be prejudicial to residential amenity.

5.17 Care should be taken to protect privacy. The angular relationship between the proposed dwelling and the adjacent property would not result in direct intervisibility to the detriment of privacy. The proposed window in the northern elevation will be secure glazed. This will be enforced by condition. Additionally, the rear of the proposed dwelling is a minimum of 4.6 metres and a maximum of 7.4 metres from the rear boundary of the plot. Properties to the rear of this are some 15 to 20 metres behind the boundary. At this distance it is not considered that the proposed dwelling will impinge on the privacy of occupiers nearby.

5.18 Therefore, overall the proposed development protects privacy and does not have a prejudicial impact on residential amenity. Residential amenity during the construction phase will be protected by the imposition of a condition covering construction site operations.

5.19 Transport and Parking

To accord with the *Residential Parking Standard* two parking spaces for each property must be provided. Each space should measure 2.4 metres by 4.8 metres. Drawing CA12/073/03-A indicates sufficient off-street parking to comply with the standard. Therefore adequate parking is provided by the development. This parking will be secured by condition in line with the advice provided by the transport officer.

5.20 Comments have been received that state the proposed parking for no.10 (the existing dwelling) is too close to a neighbour and would result in pollution and noise to that neighbour. Under permitted development rights, the householder could pave the front curtilage of the property without planning permission. It would therefore be unreasonable of the Local Planning Authority to prevent the

placing of these parking spaces in the location proposed as part of this application.

5.21 As it is considered that adequate off-street parking will be provided with the application site, it is not considered that the proposed development would restrict access to the turning head at the top of the road, result in additional on-street parking, be detrimental to highway safety, or increase traffic congestion. The development would result in one additional dwelling and the highway network within the vicinity has the capacity for the additional traffic, although strategically the increase in traffic on the highway network is considered de minimis.

5.22 Landscape, Environment and Pollution

A tree would need to be felled as part of the proposed development. This tree is a conifer tree. It is located with the residential curtilage of the property in close proximity to the site boundary. It has a cylindrical shape, tapering to a point at the top. The tree is not a native species and although mature, the loss of this specimen would not adversely affect the character of the area.

5.23 The loss of one tree will not have a significant impact on wildlife. The Wildlife and Countryside Act makes it illegal to disturb the nest of a wild bird whilst that nest is being built or in use. Therefore, wildlife is adequately protected outside of this planning application.

5.24 A residential dwelling is proposed. The development will not result in an unacceptable impact on the environment, pollution or the landscape.

5.25 Other Matters

A number of comments have been received that have not been addressed in the analysis above. These will be covered below.

5.26 Each planning application is assessed on its own merit. Therefore, should this application be approved it would not set a precedence for future development to be considered as acceptable.

5.27 Whilst there may be legal covenants on the land this would not prevent the grant of planning permission. It is a matter for the applicant to ensure that any legal agreement outside of the planning system is adequately addressed.

5.28 It is acknowledged that building works will result in temporary additional vehicles on site. The planning system has no control over where these vehicles park; that is a civil enforcement matter. A condition will be attached to control the operations of the construction site in the interest of residential amenity.

## 6. CONCLUSION

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

- 6.2 The proposed development has been assessed against policy D1, L1, L5, EP1, T7, T12 H2 and H4 of the Local Plan, policy CS1 and CS8 of the Core Strategy, the South Gloucestershire Design Checklist, and the Residential Parking Standard. It is concluded that the site is an appropriate and sustainable site for development and that development will not adversely affect the character of the area or the street scene. The proposed design is acceptable and respects the built form of the vicinity. Adequate cycle and vehicular parking is provided and the development will not impact on highway safety or residential amenity.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 It is recommended to GRANT permission subject to the conditions listed below.

**Contact Officer: Griffith Bunce**  
**Tel. No. 01454 863438**

### **CONDITIONS**

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

Reason

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

2. Prior to the commencement of development details of the roofing and external facing materials proposed to be used 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 glazing on the northern elevation shall at all times be of obscured glass to a level 3 standard or above.

Reason

To protect the privacy and amenity of neighbouring occupiers, namely no.11 Queensholm Close, and to accord with Policy H2 H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The off-street parking facilities (for all vehicles, including cycles) shown on plan CA12/073/03-A hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS8 of the South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012, and the Residential Parking Standard (Approved for Development Management Purposes) March 2013.

5. Notwithstanding the provisions of Class A Part 2 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no gate, fence, wall, or other means of enclosure other than those indicated on the plans hereby approved, shall be erected, constructed or placed forward of any wall forming the principal wall of the dwellinghouse without the prior written consent of the Local Planning Authority.

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.

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

Reason

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

7. (i) Any existing buildings on site should be assessed for asbestos materials prior to demolition. Any asbestos must be removed in full consultation with the Health & Safety Executive.

(ii) Heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;

Monday - Friday.....7.30 – 18.00

Saturday.....8.00 – 13.00.

No noisy activities on Sundays or Bank Holidays.

(iii) All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

(iv) Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

(v) In periods of dry weather, dust control measures should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.

(vi) Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (eg. Plastics, rubber, treated wood, bitumen etc)

(vii) Radio noise should not be audible at the boundary of the nearest neighbouring property.

(viii) Any temporary oil storage tanks should be safely and securely sited so as to prevent pollution in the events of spills or leakage. It is also strongly recommended that any oil storage tank should be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank.

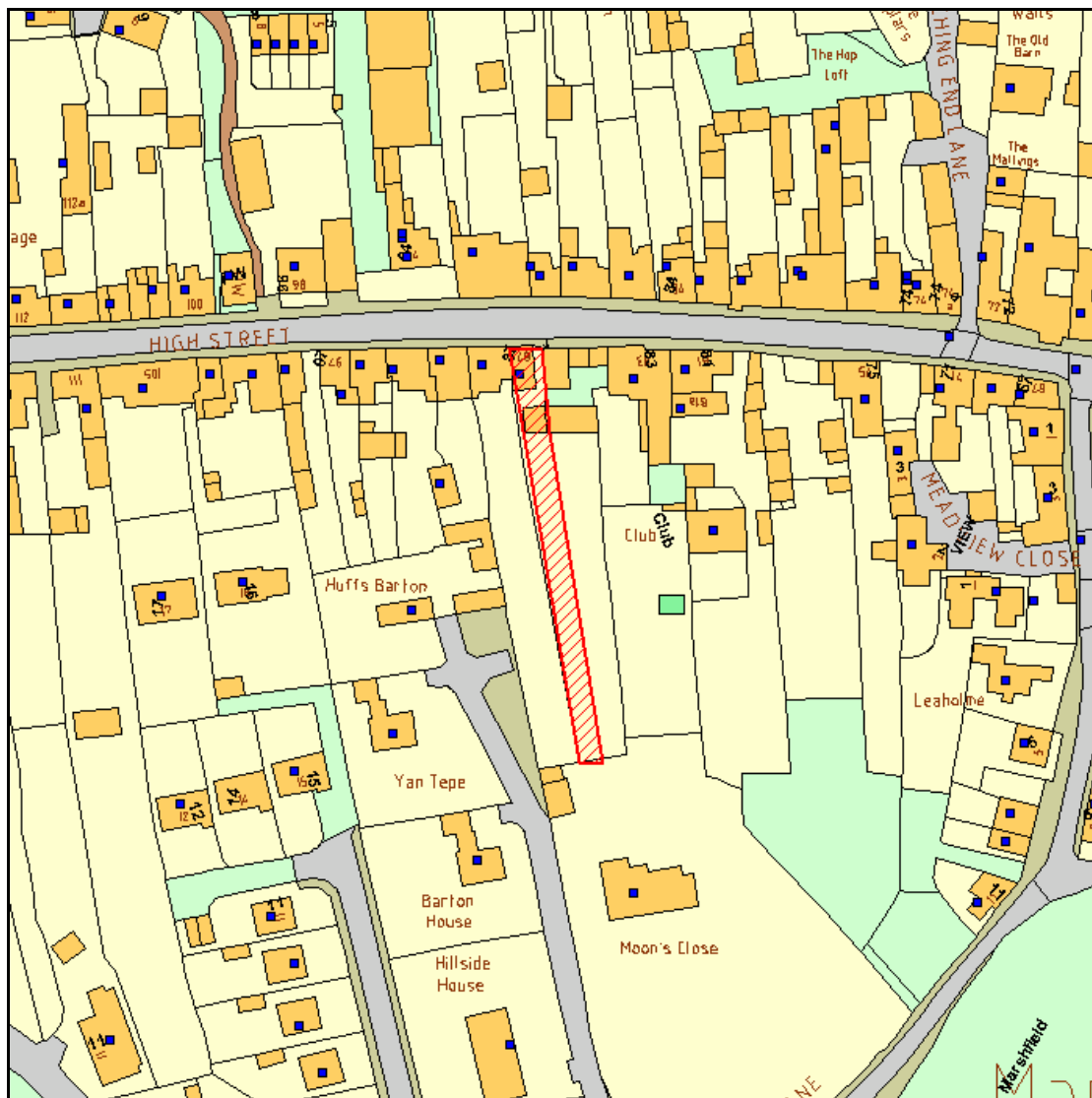
(ix) Neighbouring residential premises should be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works should be notified to the Environmental Services Department on (01454) 868001 prior to commencement.

#### Reason

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

**CIRCULATED SCHEDULE NO. 33/13 – 16 AUGUST 2013**

<b>App No.:</b>	PK13/2571/TCA	<b>Applicant:</b>	Mrs L Walter
<b>Site:</b>	87 High Street Marshfield Chippenham South Gloucestershire SN14 8LT	<b>Date Reg:</b>	17th July 2013
<b>Proposal:</b>	Works to remove 3 no. conifers, 1no. Holly tree and 1 no. Blue Cedar tree and lop 1no. Eucryphia tree all situated within Marshfield Conservation Area.	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	377730 173736	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>		<b>Target Date:</b>	23rd August 2013



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 100023410, 2008. **N.T.S.** **PK13/2571/TCA**



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

An objection has been received from a resident contrary to officer's recommendation. The report appears for information. Due to strict time parameters for this type of application, the application should not be referred to committee as deemed consent will be granted should the decision notice not be issued before the expiry date of 23rd August 2013.

### **1. THE PROPOSAL**

- 1.1 The application seeks consent to remove 3 no. conifers, 1 no. Holly tree and 1 no. Blue Cedar tree and lop 1 no. Eucryphia tree all situated within Marshfield Conservation Area.
- 1.2 The trees are located within the rear garden of 87 High Street, Marshfield, SN14 8LT.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (Listed Building and Conservation Areas) Act 1990  
Town and Country Planning (Trees) Regulation 1999
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
Policy L12

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

- 3.1 None

### **4. CONSULTATION RESPONSES**

- 4.1 Marshfield Parish Council  
No objection.
- 4.2 Council Tree Officer  
No objection.

#### **Other Representations**

- 4.3 Local Residents  
One response received objecting to the proposal, as works should not take place until after bird nesting season, in compliance with Wildlife and Countryside Act 1981.

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

- 5.1 Principle of Development

Under the Planning (Listed Building and Conservation Areas) Act 1990 it is recognised that trees can make a special contribution to the character and appearance of a conservation area. This act makes special provision for trees in Conservation Areas that are not the subject of a Tree Preservation Order (TPO). Under Section 211, subject to a range of exceptions, planning permission is required for proposals to cut down, top or lop a tree in a conservation area. The purpose of this requirement is to provide the Local Planning Authority an opportunity to consider bringing any tree under their control by making a TPO in respect of it. When considering whether trees are worthy of protection in Conservation Areas, the visual, historic and amenity contribution of the tree should be taken into account.

#### 5.2 Consideration of Proposal

Trees T1, T2 and T4 (Conifers) and T6 (Eucryphia) are all non-native species to the Conservation Area. As such they are not considered to meet the criteria for TPO status, and the proposed works are acceptable.

The removal of the T3 (Holly) tree will allow the variegated Holly in close proximity to grow without suppression. In addition its removal will alleviate the actual damage being caused to the garden wall which forms part of the Grade II listed curtilage of 87 High Street.

The Cedar tree (T5) is of poor form and would not fulfil the criteria for a Tree Preservation Order.

For the above reasons, none of the trees would meet the criteria for inclusion on a Tree Preservation Order. There are no objections to this proposal.

#### 5.3 Other matters

A resident has objected to the works taking place until after the bird nesting season, in accordance with the Wildlife and Countryside Act 1981. As stated in 5.1, the sole test to be considered for this type of application is whether the tree contributes such visual and historical amenity to be worthy of a Tree Preservation Order. Although other legislation may be relevant to the proposed works, this cannot be enforced by the planning regime.

## 6. RECOMMENDATION

- 6.1 **No objection** to remove 3 no. conifers, 1no. Holly tree and 1 no. Blue Cedar tree and lop 1no. Eucryphia tree, all situated within Marshfield Conservation Area.

**Contact Officer:** Christopher Roe  
**Tel. No.** 01454 863427

**CIRCULATED SCHEDULE NO. 33/13 – 16 AUGUST 2013**

**App No.:** PT13/2057/F  
**Site:** 15 Wotton Road Charfield Wotton  
 Under Edge South Gloucestershire  
 GL12 8TP  
**Proposal:** Erection of 1no. detached dwelling with  
 associated works.  
**Map Ref:** 371886 192161  
**Application** Minor  
**Category:**

**Applicant:** Mr John White  
**Date Reg:** 2nd July 2013  
**Parish:** Charfield Parish  
 Council  
**Ward:** Charfield  
**Target** 23rd August 2013  
**Date:**



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 100023410, 2008. **N.T.S.** **PT13/2057/F**

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

The application is referred to the circulated schedule as representations have been made by local residents and the Parish Council which are contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the erection of 1no. detached two-storey dwelling with associated works on a backland site. The proposed dwelling would be accessed via the existing driveway and access point, which serves number 15 from Wotton Road.
- 1.2 The application site consists of the rear garden of number 15 Wotton Road, situated within the settlement boundary of Charfield as defined on the South Gloucestershire Local Plan Proposals map (2006).

### **2. POLICY CONTEXT**

- 2.1 South Gloucestershire Local Plan (Adopted) January 2006
  - D1 Achieving Good Quality Design
  - H2 Residential Development within the Existing Urban Area
  - H4 Development within Existing Residential Curtilages
  - L1 Landscape Protection and Enhancement
  - T8 Parking Standards
  - T12 Transportation Development Control Policy
  - EP1 Environmental Pollution
  - EP2 Flood Risk and Development
- 2.2 South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
  - CS1 High Quality Design
  - CS8 Improving Accessibility
  - CS9 Location of Development
  - CS16 Housing Density
  - CS17 Housing Diversity
- 2.3 Supplementary Planning Guidance
  - South Gloucestershire Design Checklist SPD (Adopted) 2007
  - South Gloucestershire Residential Parking Standards SPD (Adopted for Development Management Purposes) March 2013

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

- 3.1 The application site does not have any planning history. However, this row of houses (5-19 Wotton Road (odd numbers)) has been subject to a number of previous applications for similar proposals with an access from Wotton Road. It is therefore considered relevant to draw upon these decisions and related appeals.

- 3.2 PT12/2178/F (9 Wotton Road) - Demolition of existing attached garage to facilitate the erection of 1no. detached dwelling with access and associated works. Refused 8<sup>th</sup> August 2012. Appeal Dismissed 19<sup>th</sup> March 2013.  
*- The proposal would fail to accord with South Gloucestershire Local Plan 2006 Policy D1, as it would not achieve a good standard of design; and Policy H4, as it would not respect the massing, scale and overall design and character of the existing property and the character of the surrounding area. It would also fail to represent sustainable development in accordance with the main objective of the Framework. Therefore, having regard to all matters raised, my overall conclusion is that the appeal should fail.*
- 3.3 PT08/0391/F (7 Wotton Road) - Erection of detached dwelling with associated works. Approved 4<sup>th</sup> April 2008
- 3.4 PT07/3536/F (9 Wotton Road) - Erection of 1 no. dwelling, access and associated works. Approved 6<sup>th</sup> June 2008
- 3.5 PT07/2835/F (7 Wotton Road) - Erection of 1 no. detached dwelling with integral garage and associated works. Erection of 1 no. detached garage. Refused 5<sup>th</sup> November 2007  
- Refused on grounds of design and parking provision.
- 3.6 PT06/2557/O (9 Wotton Road) Erection of 2 no. dwellings (Outline) with siting and means of access to be determined. All other matters reserved. Approved 29<sup>th</sup> June 2007.
- 3.7 PT05/2156/F (19A Wotton Road) - Erection of new dwelling (in accordance with amended plans received by the Council on 2 September 2005). Approved 3<sup>rd</sup> October 2005
- 3.8 PT04/1920/O (19A Wotton Road) - Erection of detached dwelling on 0.0914 hectares of land. (Outline) Refused but allowed at appeal 14<sup>th</sup> February 2005

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

- 4.1 Charfield Parish Council  
After due consideration the Parish Council resolved to OBJECT to these plans. The proposed property isn't in keeping with the existing property and will have a detrimental effect on the streetscene. It would appear to be larger than a 2 bed property that the application suggests and there is serious concern about more cars joining the Wotton Road at a point so close to school where there is a pedestrian refuge.
- 4.2 Highway Drainage  
No objection subject to a condition relating to the submission of SUDs details. Informative recommended relating to surface water run off.
- 4.3 Transport Officer  
No objection subject to a condition relating to the submission of an improved turning area of 6 metres.

## **Other Representations**

### 4.4 Local Residents

Five letters of objection have been received from local residents. The comments are summarised as follows:

- Loss and invasion of privacy.
- Excessive number of windows on the side elevations – loss of privacy.
- Impact on privacy and enjoyment of home.
- Impact on residential amenity.
- Impact on views from bedroom and bathroom windows.
- Loss of views to Charfield Hill.
- Noise and light pollution from cars using the proposed driveway – driveway would run the length of the neighbouring garden and 3.2m from the neighbour's bedroom.
- Loss of Leylandi hedge – will not allow this to happen. Pride in garden and private boundary.
- Objection to the proposed boundary treatments.
- The development will undermine the reason for buying our house.
- No reason for the window in the loft space.
- Potential for extension into the loft.
- The application will set a precedent for similar developments in the rear gardens of the row of houses.
- The development would be in a prominent location and would have a more significant impact on the street scene than number 19A.
- Adverse effect on the character and appearance of the surrounding area.
- NPPF does not include private residential gardens within the definition of previously developed land – it resists inappropriate development of residential gardens for example where it would cause harm to the local area.
- The development is in contradiction to policy H4 of the Local Plan – design, amenity, highway safety.
- No reason for trees to be removed.
- Loss of trees and proposed boundaries would result extended views to the detriment of privacy.
- Statement relating to the occupancy of number 15 is untrue. Number 15 has been vacant for many months.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

It is considered that the adopted Local Plan policies as stated in section 2.1 of this report are broadly in compliance with chapters 6 (Delivering high quality homes) and 7 (Requiring good design) of the NPPF, as well as the 'Core planning principles' (para. 17). 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 application seeks permission for the erection of 1no. detached dwelling in the rear garden of number 15 Wotton Road. The site falls within the settlement

boundary as defined by the South Gloucestershire Local Plan Proposals Map (2006). The principle of the application stands to be assessed against policies H2 and H4 of the adopted Local Plan. Policies H2 and H4 allow for residential development within existing residential curtilages and within the boundaries of settlements in principle subject to criteria relating residential amenity, highway safety, design and environmental considerations.

## 5.2 Residential Amenity

The current site consists of a semi-detached residential dwelling with a large elongated garden on a row of semi-detached dwellings which are similar in design and uniform in appearance. The site has a mature hedgerow with trees to the rear boundary line, and hedge lined boundary treatments to the sides. The proposal is to erect a two storey dwelling on a backland site in the rear garden of number 15, which would have a maximum height of 8.5 metres. The dwelling would be situated on a similar building line to number 19A Wotton Road, which was approved under applications PT05/2156/F and PT04/1920/O, situated at the end of the row of house adjacent to the a public footpath. The front elevation of the proposal would be approximately 34 metres from the rear elevation of numbers 15 and 13 Wotton Road, and approximately 38 metres from the rear elevation of number 17 Wotton Road. The windows proposed at first floor level on the side elevation of the proposal would be obscure glazed.

5.4 In terms of privacy it is considered that a distance of at least 34 metres between habitable windows is adequate to ensure that a significant loss of mutual privacy would not take place to any of the surrounding properties. The first floor windows of the side elevations are obscure glazed and this will be retained through the use of a condition. Windows at ground floor level are not proposed to be obscure glazed however provided suitable boundary treatments are installed this does not raise any concern in terms of loss of privacy. Therefore, subject to the enforcement of suitably worded conditions relating to obscure windows and boundary treatments the proposal is considered acceptable in terms of privacy.

5.5 In terms of overbearing impact the proposal is considered to remain an adequate distance from the nearby dwellings to ensure that it would not have an overpowering or domineering impact and would not result in a significant loss of light to the detriment of residential amenity. Whilst it is acknowledged that the proposal would be visible to surrounding dwellings and in particular their gardens this is not considered to warrant a refusal of the application.

5.6 With regard to the impact of the proposed driveway on the residential amenity of numbers 13, 15 and 17 Wotton Road it is acknowledged that the proposal would result in some additional vehicular movement to the side and rear elevations of the dwellings. Whilst tandem development of this kind is undesirable due to additional disturbance to the back of the nearby dwellings it is necessary to assess each site on its own merits. In this instance it is considered that the extent of noise and disturbance associated with vehicles serving one additional dwelling would not be extensive and would remain an adequate distance from neighbouring windows to ensure that it would not have a detrimental impact on residential amenity. Additionally glare from vehicles could be screened to some extent by the inclusion of landscaping to

- boundaries. This will be included within a suitably worded planning condition. Due to the proximity of nearby dwellings it is also considered expedient to attach a condition to the decision notice restricting construction hours to reasonable times.
- 5.7 In terms of private amenity space, given the size of the plot, it is considered that adequate private amenity space would remain to serve both the existing and the proposed dwelling.
- 5.8 Highway Safety  
Number 15 Wotton Road is served by an existing access from Wotton Road with provision for 2no parking spaces and a detached garage. Although the site is accessed from of a classified highway there is currently no formal turning space for vehicles to enter and leave in a forward gear, and are observed driving in and reversing out of the site.
- 5.9 Whilst this proposal increases the number of units accessed from the site, the developer proposes separate parking for 2no. vehicles and a separate turning area. The garage would be removed as part of the proposal to allow access to the proposed dwelling, which would run along the side (east boundary) of number 15. Although slightly sub-standard the proposed parking and turning areas are considered acceptable to serve the existing and proposed development. However, to ease the use of the turning areas the hardstanding upon which cars will be parked needs to be increased to 6m wide rather than the 4.8m indicated. Subject therefore to a condition requiring that the parking areas are increased to 6m wide with details to be submitted for approval and subsequent implementation there is no transportation objection to this proposal.
- 5.10 During the consultation period concern has been raised in relation to highway safety. However it should be noted that the proposal has been assessed by the Council's Transport Officer, who raises no objection to the proposal on grounds of highway safety. Similarly highway safety was not considered an issue at the appeal stage for either applications PT12/2178/F or PT04/1920/O, both of which proposed a similar set up in terms of parking provision and access.
- 5.11 Design  
The existing site consists of a double storey semi-detached residential dwelling with a pitched roof constructed in red brick with a gable end to the front elevation. The existing dwelling forms part of a row of semi-detached dwellings which are similar in appearance, set back from Wotton Road and on a uniform alignment. The gradient of the land decreases gradually from west to east with the dwellings on the far east of the row situated on lower ground than those on the far west. The dwellings on this row have large elongated rear gardens, which are generously spaced contributing to a semi-rural character. The grain of development is uniform with the exception of 19A Wotton Road, which is situated on the far east of the row, set back behind number 19 in a tandem style, adjacent to the public footpath. Similar tandem style developments have been previously approved behind numbers 7 and 9 Wotton Road but have not been constructed and permissions are no longer extant. These permission do however carry material weight in this decision.



- 5.12 In this instance it is considered relevant to draw upon a recent appeal decision for number 9 Wotton Road (PT12/2178/F), which was dismissed on 19<sup>th</sup> March 2013 on grounds of design. The national and local policy for this decision remains the same. It is important to highlight here that the proposed dwelling to the rear of number 9 Wotton Road was significantly more substantial in scale and height, and the design of it was not reflective of the character or distinctiveness of the site or the locality. This previous decision therefore is not considered comparable to the current proposal.
- 5.13 The current proposal consists of a modest double storey detached dwelling with a pitched roof and gable end to the front elevation. Although the proposal would be visible between numbers 15 and 17 Wotton Road it has been appropriately scaled and designed to ensure that it would not appear dominant or incongruous on the street scene. The overall design, scale, massing and features of the proposed dwelling are considered to remain in keeping with the character of the dwellings in the locality. Although the tandem style of the proposal is undesirable it is not considered to prejudice the distinctiveness or semi-rural character of the site or the street scene. Accordingly in this instance there are no reasonable objections to the proposal on grounds of design.
- 5.14 It is noted that the NPPF does not include residential gardens within the definition of previously developed land and resists inappropriate development of residential gardens, for example where development would cause harm to the local area. In light of the above assessment relating to residential amenity and design it is considered that the proposal would not cause harm to the local area. The proposal is situated within the defined settlement boundary close to surrounding settlements and amenities and is therefore considered consistent with the Government's presumption in favour of sustainable development.
- 5.15 Landscape  
The proposal does not include any landscaping plans or details relating to the existing trees on the site. Four trees would be removed from the site to facilitate the construction of the proposed access driveway. These trees are not protected and are not considered to significantly contribute towards the visual amenity of the area. The existing trees and hedgerow at the rear of the site should, however, be adequately protected during the construction phase and this will form part of a suitably worded condition. The design and access statements state that the boundary treatments would be generally left unchanged with a beech hedge and landscape strip across the site. These details are not clear from the plans submitted and as such will again form part of a suitably worded landscape condition.
- 5.16 Concern has been raised by local residents in relation to the retention of the existing Leylandi hedgerow on the boundary line. It should be noted that the removal of any hedgerow on land outside the applicant's ownership would require consent from the landowner and should be dealt with as a civil matter. Landscaping details including boundary treatments will be dealt with separately with a planning condition.

5.17 Drainage/ Environmental Pollution

The Council's Drainage Engineer has considered the application and there are no objections to the proposal subject to a condition relating to the submission of surface water details including SUDS for flood prevention; pollution control and environmental protection. Subject to this condition there are no objections to the proposal on grounds of drainage or environmental pollution.

5.18 Other Matters

Concerns relating to privacy, residential amenity, highway safety and landscaping have been discussed within this report and have been given weight according to the relevant adopted policies. Concerns relating to other matters are discussed in the following paragraphs.

5.19 A number of comments have been made in relation to the potential use of the loft space and inclusion of a rooflight. These comments are acknowledged however in light of the characteristics of the site it is not considered reasonable or necessary to remove the permitted development rights by condition. The conversion of the loft area may therefore be undertaken within the permitted development rights of the property.

5.20 Matters relating to the reason for buying a property are not a material consideration of the planning decision and as such has not been given any weight when determining the application. Similarly there is no right to a view and as such a loss of viewpoint cannot be given material weight in the decision process.

5.21 Comments made in relation to the occupancy of number 15 Wotton Road are not a material consideration in the planning decision. The application has been assessed as a planning unit based on the merits of the site and the prevailing adopted national and local policy. Similarly it is highlighted that all applications are determined on planning merit and the individual characteristics of the site. Comments made in relation to the setting of a precedent for future development therefore does not carry significant weight in the decision.

## 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 That the application is APPROVED subject to the following conditions:

**Contact Officer: Sarah Fordham**  
**Tel. No. 01454 865207**

## **CONDITIONS**

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

4. Notwithstanding the plans submitted, prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatments to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the building is first occupied. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with 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 policies L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Notwithstanding the plans submitted, prior to the commencement of development, detailed plans showing the provision of parking facilities and a turning area shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose. For the avoidance of doubt the parking area must have a width of at least 6 metres.

Reason

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

7. The hours of working on site during the period of construction shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, 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 residential amenity of the neighbouring occupiers and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

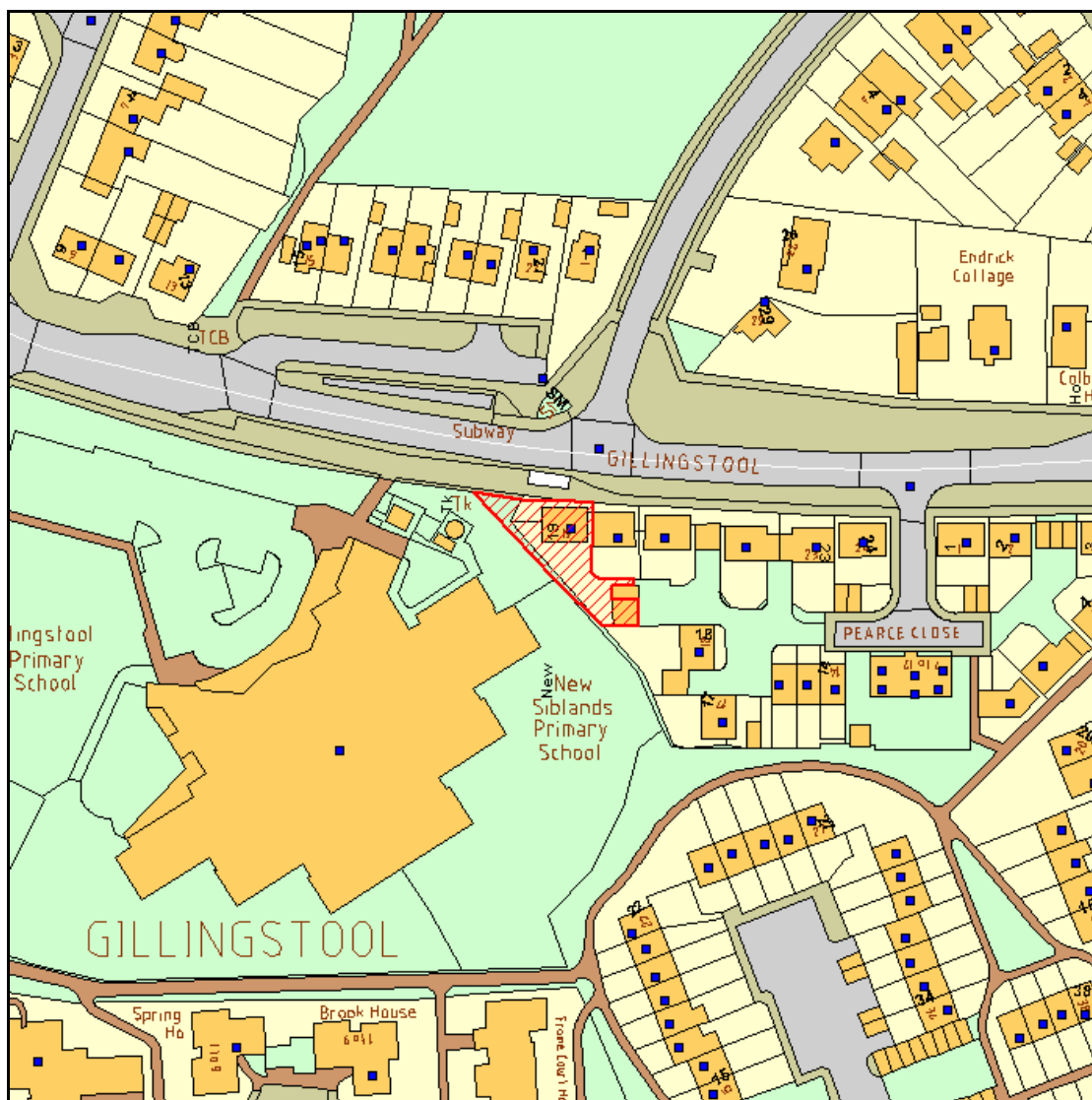
8. Prior to the occupation of the dwelling hereby permitted, and at all times thereafter, all windows at first floor level on the east and west (side) elevations shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 33/13 – 16 AUGUST 2013**

<b>App No.:</b>	PT13/2085/F	<b>Applicant:</b>	Mr Steven Osbourne
<b>Site:</b>	19 Pearce Close Thornbury Bristol South Gloucestershire BS35 2HZ	<b>Date Reg:</b>	20th June 2013
<b>Proposal:</b>	Erection of single storey side extension to form additional living accommodation.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364134 189921	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Householder	<b>Target Date:</b>	12th August 2013



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 100023410, 2008. **N.T.S.** **PT13/2085/F**

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

This application is referred to the circulated schedule due to comments received from the Parish Council objecting to design and visual appearance of the proposal.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a single-storey side extension at a property in Thornbury. The application site is located within the settlement boundary for the town and is on a small cul-de-sac of houses granted planning permission in 2006.
- 1.2 No.19 Pearce Close is located at the end of the development, adjacent to the New Siblands Primary School. There is a row of mature trees along the boundary.

### **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

H4 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

CS9 Managing the Environment and Heritage

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007

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

- 3.1 PT06/2887/F            Approved with Conditions            20/09/2007  
Erection of 23 no. residential units. Construction of vehicular and pedestrian access and associated works

### **4. CONSULTATION RESPONSES**

#### 4.1 Thornbury Town Council

Objection: Development is of poor design and out of keeping with the neighbouring properties.

#### 4.2 Tree Officer

Requested Arboricultural Impact Assessment and Method Statement. However, has agreed that these can be secured by condition.

- 4.3 Drainage  
No comment

### **Other Representations**

4.3 Local Residents

One letter from a neighbour has been received. It raises no objection to the proposal subject to a number of caveats. The neighbour wishes to be assured that:

- The trees will not be chopped down or removed;
- The application site has a pedestrian right of way to the rear of their land and wish to be assured that there will be no damage to the land or vehicles parked on this land.
- Deliveries should be made through the applicant's double garage

## **5. ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission for a single storey side extension at a property in Thornbury.

5.2 Principle of Development

The proposed development is acceptable in principle. Policy H4 allows for the extension or alteration of existing residential dwellings subject to an assessment of design, amenity and transport. As the proposal does not materially affect the transportation requirements of the dwelling, this criteria is not relevant to this application. Therefore, the acceptability of the proposal relies on the analysis set out below.

5.3 Design

The proposed extension will project 4 metres from the side elevation of the property. It will be recessed from the front elevation by 0.5 metres and be 5.7 metres deep. The elevation facing onto Gillingstool will be finished in a plain brick to mimic the rear of the garages between nos. 21 and 22, and nos. 22 and 23. The rear elevation of the proposed extension will be recessed from the rear elevation of the dwelling by approximately 1 metre.

- 5.4 Overall, the design of the proposal is subservient to the main dwelling, being of single storey and being set back from the principal elevations. The fenestration (a bi-fold opening to the rear and as set of French windows to the side) are commensurate with the modern styling of the property. The development will not have an adverse impact on the setting of the street scene or the general character of the area.

- 5.5 As such, the development accords with the design considerations of policy D1 and H4 of the Local Plan as it is in keeping with the character and appearance of the existing property through the massing, layout, materials and appearance.

5.6 Amenity

Located at the end of Pearce Close, there are no residential properties adjacent to the proposed extension. However, the site is directly adjacent to the primary school. The existing boundary between the site and the school is to be retained. This boundary is considered to be sufficient at present to protect the amenities of both the dwellinghouse and users of the school grounds. The proposed development will not materially alter this relationship and therefore there is no objection to the development on grounds of residential amenity.

5.7 Trees

There are a number of mature trees along the boundary between the school and the application site, although the trees are not located on land in the control of the applicant and are not subject to a Tree Preservation Order. Whilst it is acknowledged in the application that specialist foundations will be required to protect the roots of the trees, no arboricultural information has been submitted.

5.8 It is therefore necessary to secure by condition an Arboricultural Impact Assessment and Method Statement indicating what tree protection measures will be undertaken and to ensure that the development will have minimal impact on the trees.

5.9 Other Matters

The adjacent neighbour has submitted comments regarding damage to the right of access at the end of their property, the delivery of goods, and the parking of vehicles. Most of these issues are best dealt with outside of the planning system; it is not within the scope or remit of the planning system to control the parking of contractors' vehicles, deliveries or prevent damage to land.

**6. CONCLUSION**

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

6.2 The proposed extension has been assessed against policies D1, L1 and H4 of the Local Plan. The proposed design is considered to be in keeping with the character and appearance of the existing dwelling in terms of the scale of development, materials, massing, layout and appearance. It is not considered that the development will prejudice residential amenity and the existing landscape features will be retained.

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



## **7. RECOMMENDATION**

7.1 It is recommended to GRANT permission subject to the conditions listed below.

**Contact Officer: Griffith Bunce**  
**Tel. No. 01454 863438**

### **CONDITIONS**

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

Reason

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

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

Reason

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

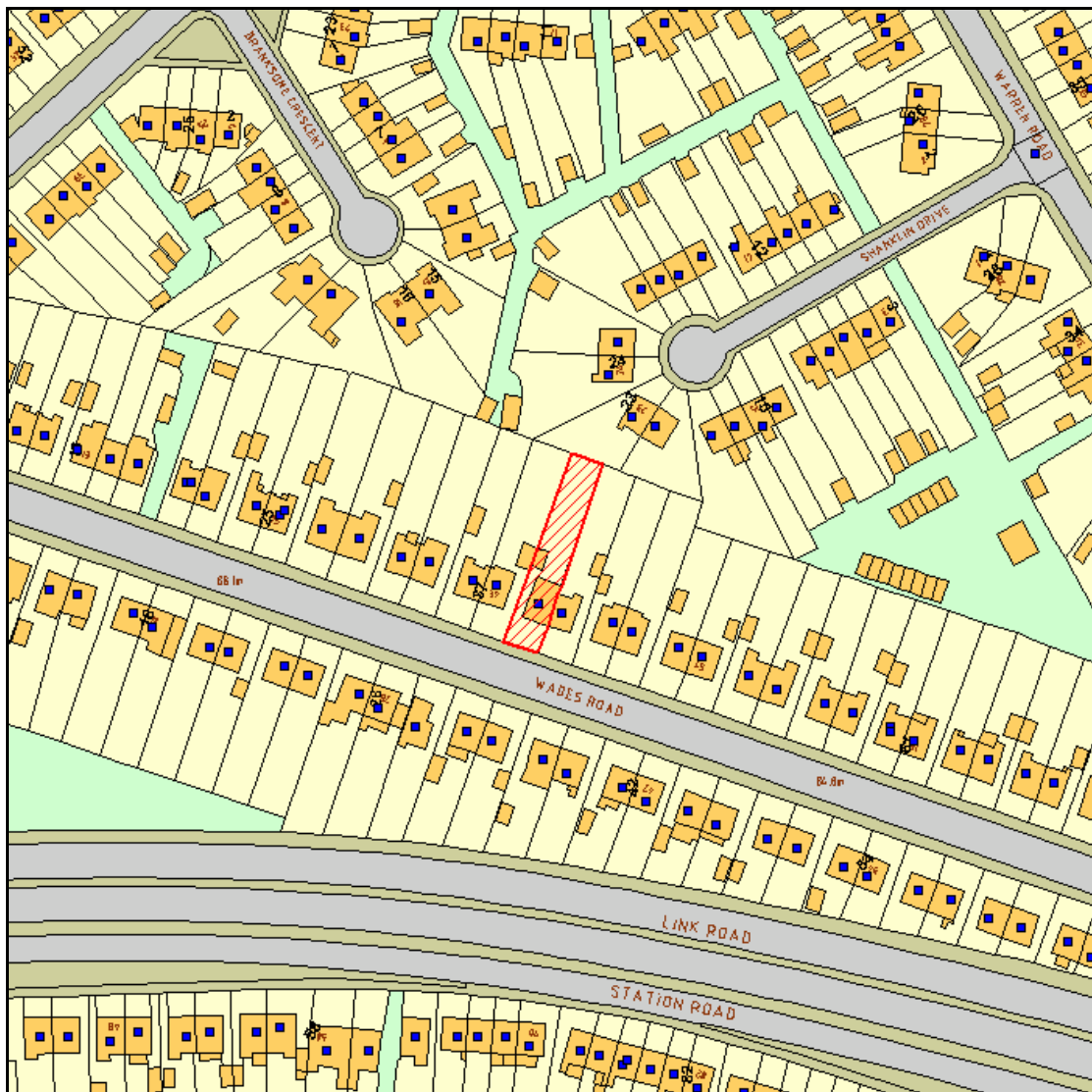
3. Prior to the commencement of development an Arboricultural Impact Assessment and Method Statement, prepared in accordance with BS5837:2012, must be submitted to the Local Planning Authority and approved in writing. Development must be carried out in strict accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with Policies H4, D1, and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 33/13 – 16 AUGUST 2013

<b>App No.:</b>	PT13/2190/F	<b>Applicant:</b>	Mr A Mealing
<b>Site:</b>	39 Wades Road Filton South Gloucestershire BS34 7EB	<b>Date Reg:</b>	
<b>Proposal:</b>	Erection of two storey rear extension to facilitate conversion of dwelling to 2no. flats.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360644 179129	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd August 2013



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100023410, 2008.

**N.T.S.**

**PT13/2190/F**

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

The application is referred to the circulated schedule as a representation has been made by Filton Town Council which is contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the erection of a double storey rear extension to facilitate the conversion of the existing dwelling to form 2no. flats.
- 1.2 The application site consists of a semi-detached residential dwelling situated within an established residential area of Filton, falling within the established settlement boundary and urban area.
- 1.3 During the course of the application a revised block plan was submitted to overcome discrepancies in the submitted plans. The revised block plan demonstrates the correct proposal depth of 3.3 metres.

### **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 Achieving Good Quality Design
- H2 Residential Development within the Existing Urban Area
- H4 Development within Existing Residential Curtilages
- H5 Proposals for Conversion of Existing Residential Properties into Smaller Units
- L1 Landscape Protection and Enhancement
- T8 Parking Standards
- T12 Transportation Development Control Policy
- EP1 Environmental Pollution
- EP2 Flood Risk and Development

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

- CS1 High Quality Design
- CS8 Improving Accessibility
- CS9 Location of Development
- CS16 Housing Density
- CS17 Housing Diversity

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

South Gloucestershire Residential Parking Standards SPD (Adopted for Development Management Purposes) March 2013

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

- 3.1 P90/1631 - Construction of pitched roof to replace existing flat roof on dwelling. Approved 23<sup>rd</sup> May 1990
- 3.2 N5845 - Erection of a single detached domestic garage. Approved 23<sup>rd</sup> August 1979

### **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
Suggest site visit due to concerns over increasing loss to single dwellings.
- 4.2 Highway Drainage  
No comment
- 4.3 Transport Officer  
Parking in line with the Council's new minimum Residential Parking Standards is provided to the front of the site. On that basis, there is no transportation objection to this proposal.

#### **Other Representations**

- 4.4 Local Residents  
No comments received.

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

- 5.1 Principle of Development  
The application seeks permission for the erection of a double storey rear extension to facilitate the conversion of the existing semi-detached dwelling to form 2no. two-bedroom flats. The application relates to an existing dwelling situated within the established settlement boundary as defined by the South Gloucestershire Local Plan Proposals Map (Adopted) 2006. The application stands to be assessed against policies H2, H4 and H5 of the adopted Local Plan, which permit residential development and conversions within the settlement boundary in principle subject to criteria relating to residential amenity, highway safety, design and environment.
- 5.2 Residential Amenity  
The application site consists of a semi-detached double storey residential dwelling situated within an established residential area of Filton. The site has an existing single storey rear extension, which would be demolished as a result of the proposal and replaced by a double storey rear extension. The proposed rear extension would have a depth of 3.3 metres, a maximum height of 3.5 metres, and would extend the width of the dwelling. The proposal would not exceed the eaves height of the existing dwelling and would instead incorporate a dormer style window at first floor level.

- 5.3 The attached neighbouring property (number 41 Wades Road) is located to the east boundary of the site and has an existing single storey rear conservatory. The proposed rear extension would be flush with this conservatory. The nearest neighbouring property to the west boundary (number 37) is situated one metre from the application site boundary, and the rear elevation of number 37 would be approximately two metres from the side elevation of the proposed rear extension at an angle. The application site has a moderate elongated garden and as such the proposal would remain a significant distance from the neighbouring properties at the rear of the site.
- 5.4 The application has been assessed in terms of overbearing impact and although it is considered that the proposed rear extension would have some impact on the attached neighbouring property this is not considered significant enough to have a detrimental impact on their residential amenity. The height of the proposal extension has been kept as low as possible in order to reduce its potential impact. In light of the distance and angle of the proposed extension in relation to number 37 it is considered that it would have minimal impact on the residential amenity of number 37. Given the orientation of the site, with the rear elevation facing northeast, it is considered that the proposal would not result in a significant loss of light to either of the neighbouring properties. Provided no windows are installed in the side elevations of the proposed extension the proposal does not raise any concerns in terms of loss of mutual privacy.
- 5.5 In terms of private amenity space, the application site has an existing large elongated garden, which would remain to serve the proposal. This garden area is considered adequate to serve 2no. two-bedroom flats.
- 5.6 Highway Safety  
The proposal would result in the inclusion of 2no. two-bedroom flats. In accordance with the Council's Residential Parking Standards SPD (2013) each two-bedroom flat must have at least one off-street parking space. The existing hardstanding area to the front and side of the dwelling would remain and as adequate to accommodate two parking spaces. As such the proposal is in accordance with the Council's parking standards and accordingly raises no concerns in terms of highway safety. The proposal is therefore in accordance with policies H2, H4 and H5 of the adopted Local Plan and the relevant supplementary planning documents.
- 5.7 Design  
The proposal includes the erection of a double storey rear extension with a lean-to roof and a dormer style window at first floor level. There would not be any changes to the front elevation as a result of the proposal. The proposed rear extension is considered appropriate in terms of scale and would remain subservient to the original dwelling. The proposed extension would not be visible from the street scene or the surrounding area and as such would not prejudice the character of it. Materials would match the existing dwelling. Bin storage has been provided to the front of the dwelling.
- 5.8 Concern is often raised in relation to the sub-division of single dwellings into multiple units and the impact this can have on the character of the locality. In this context the proposed sub-division is considered consistent with the

residential character of the local area and is not considered to prejudice the character or amenity of it. The proposed sub-division to form 2no. flats is therefore considered acceptable in terms of policy H5 of the adopted Local Plan.

5.9 Environment

The proposal would not impact any landscape features and does not raise any concerns in terms of pollution, drainage or other environmental considerations.

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 That the application is **APPROVED** subject to the following conditions:

**Contact Officer: Sarah Fordham**  
**Tel. No. 01454 865207**

**CONDITIONS**

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

Reason

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

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

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policies H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

4. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the 2no. flats are first occupied, and thereafter retained for that purpose.

Reason

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

**CIRCULATED SCHEDULE NO. 33/13 – 16 AUGUST 2013**

<b>App No.:</b>	PT13/2281/F	<b>Applicant:</b>	Tesco Stores Ltd
<b>Site:</b>	Tescos Stores Ltd Bradley Stoke District Centre Bradley Stoke South Gloucestershire BS32 8EF	<b>Date Reg:</b>	3rd July 2013
<b>Proposal:</b>	Installation of a customer collection pod with canopy.(Re submission of PT13/0939/F)	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	362032 181851	<b>Ward:</b>	Bradley Stoke Central And Stoke Lodge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	23rd August 2013



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

This application appears on the Circulated Schedule because objections have been received from the Town Council and neighbouring occupiers contrary to the officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the installation of a customer collection pod with canopy. The application forms a resubmission of PT13/0939/F, which was withdrawn.
- 1.2 The application site comprises a car park associated with Bradley Stoke Town Centre. Mature vegetation is growing on the northern boundary of the site, which contains a number of protected trees; residential properties and associated rear gardens are located immediately on the other side of the boundary. Access is off Savages Wood Road to the south of the site. The site is located within the defined Bradley Stoke Settlement Boundary.
- 1.3 According to the applicant the location of the proposed collection service was chosen as it is not a high use area of the car park and will not affect any of the existing landscaping.
- 1.4 Amended plans have been submitted in respect of the layout of the proposal to make for easier vehicular access.

### **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  
RT1 Development in Town Centres  
RT4 Emerging Town Centre at Bradley Stoke  
L1 Landscape Protection and Enhancement  
L9 Species Protection  
EP1 Environmental Protection  
T12 Transportation Development Control Policy for New Development  
T8 Parking Standards  
T7 Cycle Parking  
  
South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.  
CS1 High Quality Design  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS14 Town Centres and Retail  
CS25 Communities of the North Fringe of Bristol Urban Area

- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)

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

- 3.1 PT05/1949/F, demolition of existing buildings to facilitate mixed use development to include retail, leisure, community facilities, public open space, bus station, shop mobility centre, petrol filling station, new access arrangements, car parking and other associated works - Revised Layout, approval, 19/10/07.
- 3.2 PT08/2111/F, installation of additional doors and glazing to shop front. (Amendment to previously approved scheme PT05/1949/F), approval, 16/09/08.
- 3.3 PT09/0529/RVC, removal of Condition 33 attached to planning permission PT05/1949/F and condition 33 of planning permission PT08/2111/F, approval, 05/06/09.
- 3.4 PT10/3141/F, change of use of land from car parking to hand car wash and valeting area (Class Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include erection of canopy and siting of 1 no. portacabin and associated works, approval, 14/01/11.
- 3.5 PT10/3271/F, change of use of vacant garage (Sui Generis) to hot food takeaway (Class A5) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of shop front and extract duct and compressors to rear, refusal, 21/02/11.
- 3.6 PT12/1142/F, change of use of land from car parking to hand car wash and valeting area (Class Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include erection of canopy and 1 no. cabin with associated works, approval, 30/05/12.
- 3.7 PT13/0939/F, installation of a customer collection pod with canopy, withdrawn, 08/05/13.

### **4. CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council  
Bradley Stoke Town Council objects to this planning application on grounds that the proposed site is too close to existing houses and is against the spirit of the original planning permission for the site which was to ensure that retail units did not impact on surrounding houses.
- 4.2 Transportation DC Officer  
No objection

4.3 Drainage Officer

No comment

4.4 Ecological Officer

No objection subject to condition

4.5 Environmental Protection Officer

No objection provided that the plant is installed and operates in accordance with the manufacturers specifications.

**Other Representations**

4.6 Local Residents

Eight letters of objection have been received from members of the public. The following is a summary of the reasons given for objecting:

- Proximity of proposal to residential properties;
- There was an agreement that Tesco was not to build close to properties;
- Noise generated close to houses will be intolerable;
- There is already too much signage;
- Light and noise pollution;
- The area adjacent to houses was kept free from development in the original application for the site development;
- There are alternative locations for the development further away from residential properties;
- There are existing noise issues relating to loud music late at night from cars, which Tesco has not dealt with;
- Existing light pollution issues from bright lights in the car park;
- Existing litter and rat problems could be made worse;
- Noise and disruption issues;
- Impact on value of neighbouring properties;
- Existing security issues;
- Proposal will set a precedent if allowed for more development adjacent to residential properties.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The National Planning Policy Framework is primarily a condensed version of previous National policy guidance. However, there is more of an emphasis on positive planning to achieve sustainable economic growth. There is also a presumption in favour of sustainable development. The national Planning Policy Framework specifies that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council's development plan is the South Gloucestershire Local Plan (adopted) January 2006, although it will soon be replaced by the Council's Emerging Core Strategy.

- 5.2 Planning policy RT1 of the South Gloucestershire Local Plan (adopted) January 2006 allows for the principle of the development proposed. The main issues to consider are the appearance/form of the proposal and the impact on the vitality and viability of the Town Centre (policies D1 and RT1 of the Local Plan); the transportation effects and whether the proposal will be accessible by public transport and other non car modes of travel (policies T12, T8, T7 and RT1 of the Local Plan); the environmental effects (policies L1, L9 and RT1 of the Local Plan); and the impact on the residential amenity of neighbouring occupiers (RT1 of the Local Plan). The scale and function of the proposal is considered to be consistent with the Town Centre.
- 5.3 Appearance/Form and Impact on the Character of the Area  
The proposal comprises a small flat roof modular pod with an overhanging canopy. It measures approximately 8.1 metres in width, 3.66 metres in length and 3.35 metres in height. The proposal comprises composite metal walls finished in plastisol coloured mushroom, with larch timber cladding to the sides, and a white flat panel roof.
- 5.4 The walls of the pod comprise a number of non illuminated vinyl graphics applied to the cladding and the front and rear of the building. A separate advertisement application has been submitted in respect of the proposed signage. The collection pod is relatively small in scale and will primarily be viewed from within the context of the Town Centre; accordingly, it is not considered that it will appear adversely out of keeping with the character of the area.
- 5.5 The collection pod is located within close proximity of the northern boundary of the site within the Town Centre car park. Whilst the proposal is located at a distance from existing Town Centre shops, it is not considered that there will be a significant adverse effect on the overall vitality or viability of the Town Centre. This is because it will not provide any additional retail space and will function as ancillary to the use of an existing retail store as a holding and collection place.
- 5.6 Transportation  
An amended plan has been received altering the layout of the proposal to make for easier access. Given the ancillary nature of the proposal it is not envisaged that it will result in a materially greater number of vehicular trips than the existing situation to the detriment of local highway conditions. Moreover, the site is in a sustainable Town Centre location, which is well served by public transport and is accessible by walking and cycling. Whilst the proposal does take up some of the parking at the store, this is offset by the fact that dwell time of customers using the facility in the car park will be substantially less than if they were doing the shopping themselves. Accordingly there is no objection to the proposal subject to a condition to ensure that if the click and collect facility ceases to operate for a period of 6 months or more then the site is returned to its former car park use.
- 5.7 Environmental Impacts  
Two trees growing adjacent to the south of existing parking spaces will be removed to facilitate the proposal; however, the plans specify that the trees are to be relocated. Mature trees and vegetation are growing on the northern

boundary of the site, including a protected Ash tree; however, it is considered that there is an adequate separation distance to ensure that the canopies of trees are not adversely affected by the proposed collection pod. The loading bay is located on an existing concrete parking area, therefore, it is not considered that there will be a significantly adversely greater effect on the roots of trees than the existing situation. If permission is granted, a condition is recommended to ensure that a working methodology for the construction phase of development is submitted and agreed with the Local Planning Authority to ensure that the development does not impact on the landscape planting.

#### 5.8 Residential Amenity

Neighbouring occupiers have expressed a great deal of concern regarding the impact of the development on their residential amenity. Accordingly, a careful objective assessment of the proposal is required.

5.9 The applicant has submitted an Environmental Noise Report prepared by the Acoustic Consultants Sharps Redmore dated 30<sup>th</sup> May 2013. The report states that the main noise generated by the proposal is from customer vehicles; unloading; and proposed plant. The click and collect service will only be open to customers from 08:00am to 08:00pm on Monday to Friday; 08:00am to 06:00pm on Saturdays and 10:00am to 04:00pm on Sundays; therefore, the report highlights that noise from customer vehicles and unloading activities will be no greater or different from general car parking activity. If permission is granted a condition is recommended to ensure that the proposed hours of operation are adhered to.

5.10 In terms of noise from proposed air conditioning and condenser plants, the report states that noise measurements were taken at the boundary of the residential properties that will be most affected by the development at potentially noise sensitive periods to determine the ambient noise levels and background noise levels. From this measurement it is recommended that noise levels should not exceed 42dB during the hours 07:00 to 23:00 and levels should not exceed 40dB during the hours 23:00 to 07:00.

5.11 Noise levels have been provided for the three units proposed based on manufacturers data. The air condition unit is 42dB at 1 metre from the unit and the condensing units are 40dB at 10 metres from the unit. The noise assessment calculates the combined plant noise level taking into account mitigating factors such as screening, the distance of residential properties to the site and background noise levels. The report concludes that the combined noise levels from the operation of the pod will be acceptable and will not cause a significant adverse impact. The Council's Environmental Protection Officer has raised no objections to the proposal provided that the proposed plant is installed and operates in accordance with the proposed specifications. A condition is recommended on this basis if permission is granted.

5.12 It is noted that a planning application for a hot foot takeaway in the north-western corner of the site was previously refused due to the impacts on neighbouring occupiers. However, hot food takeaways generally have a cumulatively greater impact in terms of residential amenity due to longer/late night opening hours; smells from cooking food on site; and noise generated by

- customers. The proposed ancillary service by reason of its nature will impact significantly less than the previously refused hot food takeaway and on balance, taking into account the Acoustic Survey submitted, it is not considered that there will be a significant adverse effect on the residential amenity of neighbouring occupiers through noise or disturbance.
- 5.13 The proposed collection pod is approximately 17 metres from the curtilage of neighbouring properties at the closest point. Given the single storey scale of the proposal it is not considered that any significant adverse issues will be introduced through loss of natural light or privacy.
- 5.14 Whilst it is noted that concerns have been raised regarding existing issues relating to light pollution from the car park, the proposal does not include any additional external illumination. Accordingly, it is not considered that the proposal will have a significantly adversely greater effect on the residential amenity of neighbouring occupiers through light pollution. If permission is granted, a condition is recommended to ensure that any future external illumination relating to the proposal is agreed with the Local Planning Authority so that the impact on neighbours can be properly considered. The signage proposed is to be non illuminated, however, the impact of the signage on neighbours will be considered separately under advertisement application no.PT13/2856/ADV submitted in conjunction with this application.
- 5.15 Further Matters  
Comments relating to the fact that there is already too much signage are noted. The cumulative effect of signage on the character of the area will be considered under the advertisement application PT13/2856/ADV submitted in conjunction with this application.
- 5.16 Objections have been raised on the basis that there was an agreement that the development is to be kept away from neighbouring properties and that land adjacent to residential properties will be kept open. Such an agreement is likely to have been made outside the scope of the planning process; there are no relevant planning conditions under the original application for the development of the Town Centre site, and planning permission has previously been granted for a hand car wash and valeting service in the car park. Notwithstanding this, planning permission is required for the development of the car park area; therefore, it is not considered that the proposal will set a precedent for more development close to neighbouring properties, as any future proposal will be required to be assessed on its own merits in terms of residential amenity impacts.
- 5.17 Whilst it is noted that there are other sites available further away from residential properties, the Local Planning Authority can only assess the plans submitted. In this instance careful consideration has been given to the affect on the residential amenity of neighbouring occupiers due to their location in relation to the application site.
- 5.18 Issues relating to existing loud music from cars late at night, litter and rats are beyond the scope of the planning process. Nevertheless, it is not considered that the proposal will exacerbate these issues. The impact of the development on the

value of neighbouring properties is not considered to be a material planning consideration in this instance.

5.19 A number of responses raise issues relating to the operation of the existing Willow Brook Centre and the affect it has on their residential amenity. However, the application for the Willow Brook Centre cannot be reconsidered; the only matters than can be considered under this application relate to the proposed customer collection service.

## **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: Jonathan Ryan**  
**Tel. No. 01454 863538**

### **CONDITIONS**

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

Reason

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

2. If the 'click and collect' facility hereby approved ceases to operate for a continuous period of 6 months or more following its first use then the site shall be returned to its existing car park use in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that there is adequate parking provision for the Town Centre and to accord with policies T12 and T8 and RT1 of the South Gloucestershire Local Plan (adopted) January 2006.

3. Prior to the commencement of the development a working methodology for the construction phase of the development shall be submitted to and agreed in writing by

the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason

To ensure that the development does not adversely affect trees and vegetation adjacent to the site and to accord with policies L1, L9 and RT1 of the South Gloucestershire Local Plan (adopted) January 2006.

4. The 'click and collect' facility hereby approved shall not be open to customers outside of the following times:

8:00am to 8:00pm on Mondays to Fridays

8:00am to 6:00pm on Saturdays

10:00am to 4:00pm on Sundays and Bank Holidays

Reason

In the interests of the residential amenity of neighbouring occupiers and to accord with policy RT1 of the South Gloucestershire Local Plan (adopted) January 2006.

5. The plant hereby approved shall be installed and operated in accordance with the specifications contained in the Acoustic Report by Sharps Redmore dated 30th May 2013.

Reason

In the interests of the residential amenity of neighbouring occupiers and to accord with policy RT1 of the South Gloucestershire Local Plan (adopted) January 2006.

6. Prior to the erection of any external lighting details of the location, design, times of illumination and measures to control light spillage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

In the interests of the residential amenity of neighbouring occupiers and to accord with policy RT1 of the South Gloucestershire Local Plan (adopted) January 2006.

7. The two trees to be removed shown on drawing "Existing Detail Plan" no.20 100 shall be replaced in a location to be agreed in writing with the Local Planning Authority within the first available planting season following the first use of the facility hereby approved. The development shall be carried out in accordance with the agreed details.

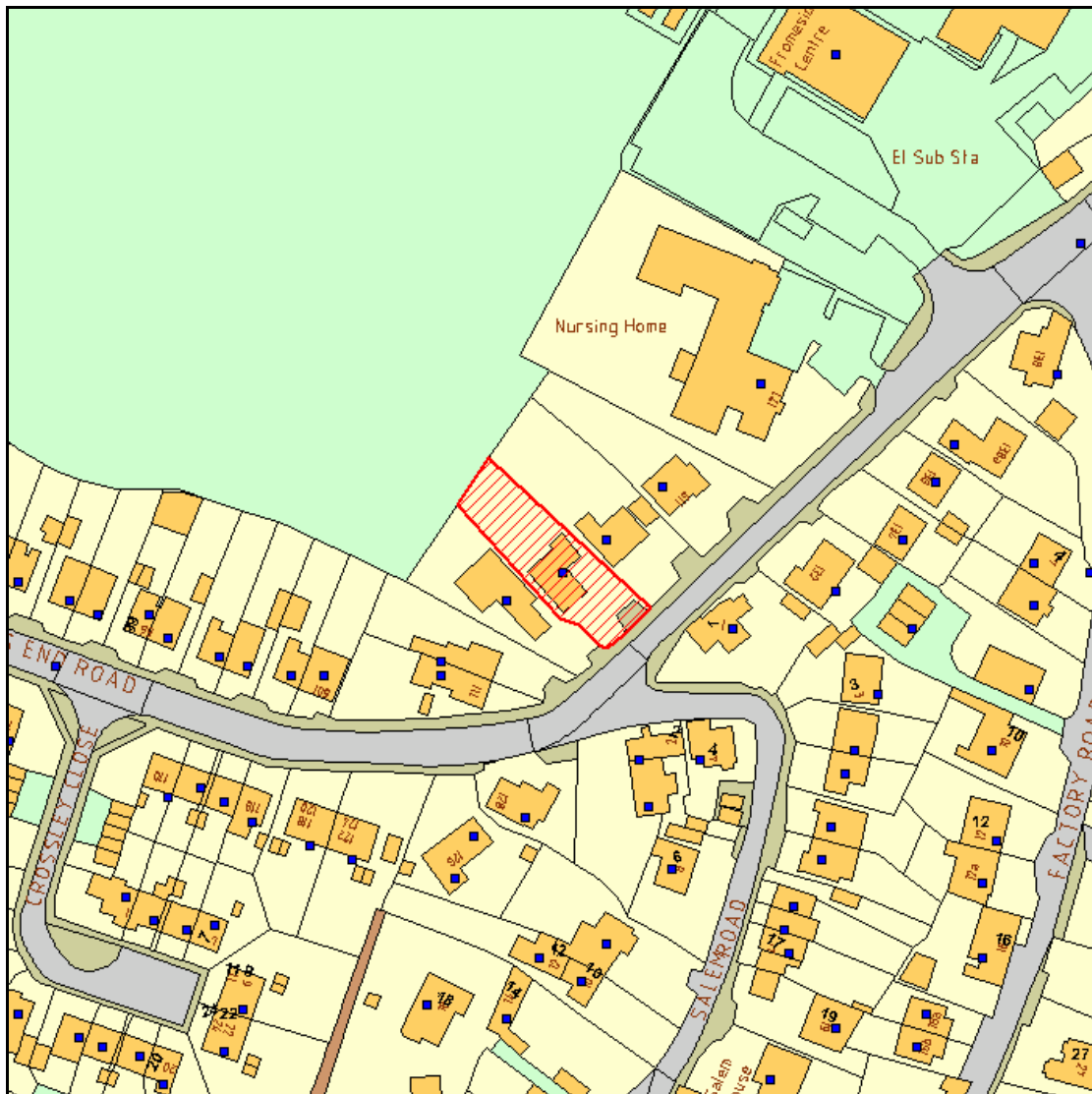
Reason

In the interests of the character and appearance of the area and to accord with policies RT1 and L1 of the South Gloucestershire Local Plan (adopted) January 2006.



**CIRCULATED SCHEDULE NO. 33/13 – 16 AUGUST 2013**

<b>App No.:</b>	PT13/2401/F	<b>Applicant:</b>	Mr Paul Blake
<b>Site:</b>	115A Watleys End Road Winterbourne South Gloucestershire BS36 1QG	<b>Date Reg:</b>	9th July 2013
<b>Proposal:</b>	Erection of first floor side, single storey front and single storey rear extensions to form additional living accommodation.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365750 181281	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	29th August 2013



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 100023410, 2008. **N.T.S.** **PT13/2401/F**

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

This application appears on the Circulated Schedule as a result of consultation responses received, contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of first floor side, single storey front and single storey rear extensions to form additional living accommodation.
- 1.2 The property is a detached dwelling situated on a residential road located within the settlement boundary of Winterbourne.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
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
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Council Residential Parking Standards )Approved for development management purposes) 27<sup>th</sup> March 2013.

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
The comments of the Parish Council are Objection - overdevelopment of the site , this property has previously been extended.

Highway Drainage  
No comment

Public Rights of Way  
No objections

## **Other Representations**

- 4.2 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

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

### **5.2 Design / Visual Amenity**

The proposed extension would clearly increase the size of the building and the shape of the roofline, particularly from the side elevations, however it is considered that the proposals can be accommodated in context with the existing site and it is not considered that the proposals would constitute an over development of the plot. Sufficient curtilage space remains within the plot for off street parking and private amenity. The proposals are of an acceptable standard in design and would not significantly affect any streetscene, the site or surroundings. Materials used will match those of the existing dwelling.

### **5.3 Residential Amenity**

The proposals would increase the height of the dwelling on the side, above the garage, however they would not increase the footprint of the building towards the neighbouring property in this direction. The side wall of the neighbouring properties on this elevation are approximately 3.5 metres apart, with boundary vegetation between the two properties. One ground floor window and two first floor windows exist on the neighbouring property on the side elevation. Of the two first floor windows, one is of obscure glazing and the other is in front of the line of the proposed extension above the garage. The ground floor window of the neighbouring property is partly but not wholly in line with the front building line of the extension and already faces, from a distance of 3.5 metres the side of the garage wall. The proposed first floor extension would increase the height of the building by up to 3.5 metres to the peak of the roof which would be a gable end. A first floor window currently exists on the north eastern elevation of the application property. Under the terms of the proposal this would be lost and there would be no replacement window at first floor level. This would represent a reduction in the potential for overlooking and intervisibility. Given the above, the overall scale, location and design of the extension and the existing and proposed relationship with surrounding properties it is not considered that it would give rise to a significant or material overbearing impact upon neighbouring properties such as to warrant a refusal of the application in this instance. It is not considered that the single storey front and rear extensions give rise to any amenity impacts. Sufficient amenity space would remain on the plot. It is considered therefore that the proposal would be acceptable in terms of residential amenity.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed extensions are of an appropriate standard in design and would not materially harm the site, streetscene or surrounding properties. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Sufficient off-street parking provision would remain. As such the proposals accord with Policies D1, H4 and T9 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

- 7.1 That planning permission is granted.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason  
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.  
  
Reason  
To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. No windows other than those shown on the plans hereby approved shall be inserted at any time at first floor level in the north east elevation of the property.  
  
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.