



**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. 35/13

Date to Members: 30/08/13

Member's Deadline: 05/09/13 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

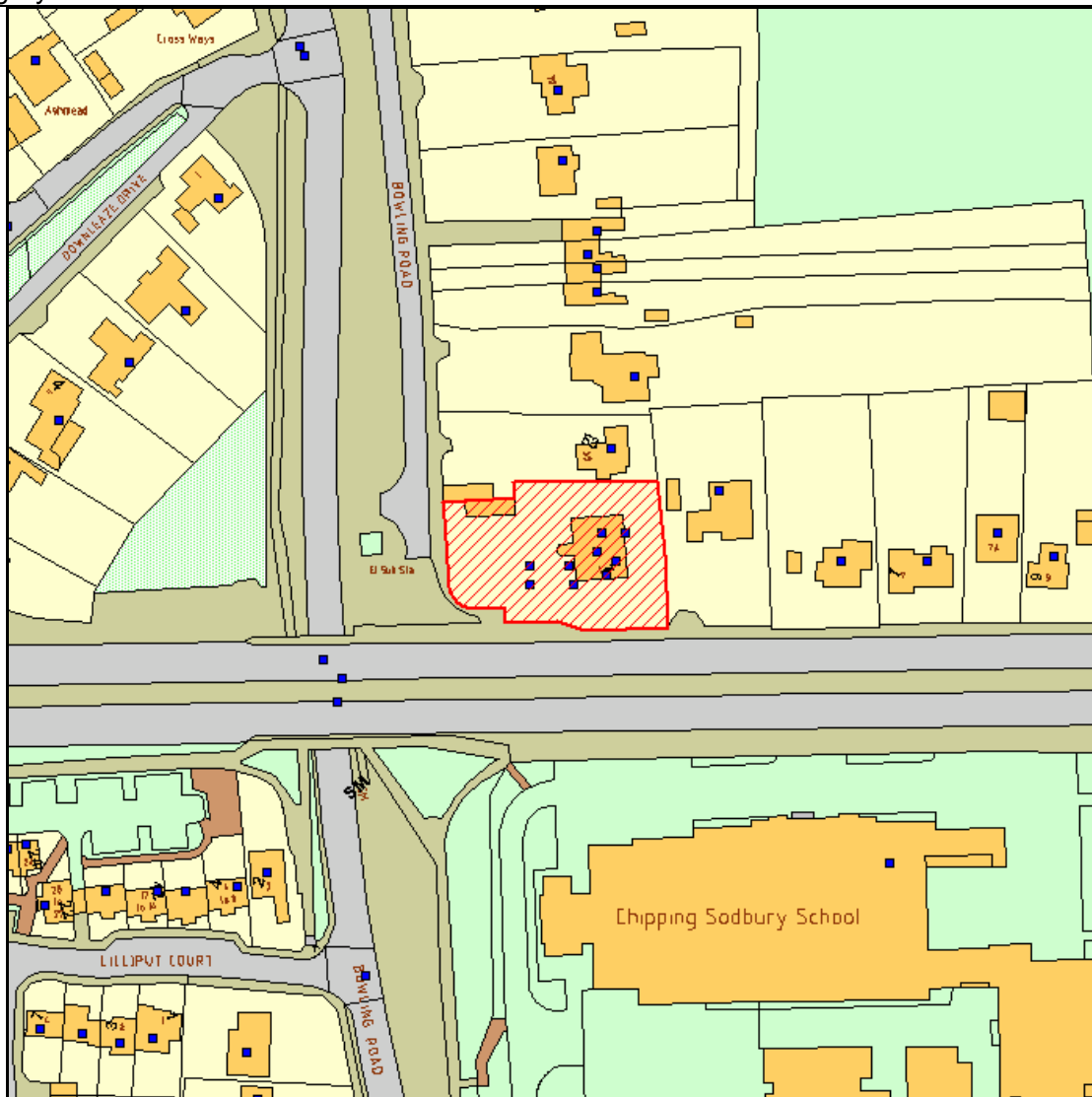
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

CIRCULATED SCHEDULE 35/13 – 30 AUGUST 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/2166/RV	Approve with Conditions	1 Cotswold Road Chipping Sodbury South Gloucestershire BS37 6EN	Chipping	Sodbury Town Council
2	PK13/2198/F	Approve with Conditions	Land Off Sandringham Park Downend South Gloucestershire BS16 6NZ	Downend	Downend And Bromley Heath Parish Council
3	PK13/2597/F	Approve with Conditions	13 Regent Street Kingswood South Gloucestershire	Kings Chase	None
4	PK13/2714/RV	Approve with Conditions	Land Adj To 84 And 90 Pearsall Road Longwell Green South Gloucestershire BS30 9BD	Longwell Green	Hanham Abbots Parish Council
5	PT13/2071/RVC	Approve with Conditions	Former Hortham Nurseries 47 Hortham Lane Almondsbury South Gloucestershire	Almondsbury	Almondsbury Parish Council
6	PT13/2622/TCA	No Objection	St Marys C Of E School Church Road Thornbury South Gloucestershire BS35 1HJ	Thornbury North	Thornbury Town Council

CIRCULATED SCHEDULE NO. 35/13 – 30 AUGUST 2013

App No.:	PK13/2166/RVC	Applicant:	Mr Tom Gall
Site:	1 Cotswold Road Chipping Sodbury Bristol South Gloucestershire BS37 6EN	Date Reg:	24th June 2013
Proposal:	Variation of conditions 5, 6 and 8 of PK10/0446/EXT to alter parking layout, remove garage and relocate bin/cycle store to replace drawings 06:022:.02 Rev A ; 06:022:08 Rev A and 06:022:09 Rev A with Drawing 3847/51.	Parish:	Sodbury Town Council
Map Ref:	372650 181887	Ward:	Chipping Sodbury
Application	Minor	Target	15th August 2013
Category:		Date:	



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. N.T.S. PK13/2166/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application relates to a 0.13ha plot located at the southern end of Bowling Road, which is a cul-de-sac. The site has a frontage onto Bowling Road and a frontage onto Cotswold Road. Cotswold Road is a dual carriageway providing a bypass to Chipping Sodbury. The site was occupied by a large, empty and run-down grey rendered bungalow but this was recently destroyed by fire and the site cleared of rubble. The building was set towards the eastern boundary on higher ground, the western part of the site being at lower level and overgrown with vegetation. The site is within the Established Settlement Boundary of Chipping Sodbury and lies some 300m from the Town Centre and 150m outside the Chipping Sodbury Conservation Area.
- 1.2 Planning permission PK06/3464/F was granted in 2007 to erect on the site, 8no. self-contained two-bed apartments in a single two-storey, L-shaped block. It was also proposed to erect a separate single-storey detached double garage with integral bin and cycle stores. Vehicular and pedestrian access would be via a newly constructed access from Bowling Road. A separate pedestrian access only would remain from Cotswold Road. A total of 10 off-street car parking spaces would be provided on the site, two of which would be in the garage. The life of this permission was extended by the grant in 2010 of application PK10/0446/EXT. A subsequent Non-Material Amendment PK13/1882/NMA was granted to allow the insertion of two ground floor windows in the north elevation. Development has now commenced and the building works are now at an advanced stage of completion.
- 1.3 It is now proposed to vary conditions 5, 6 and 8 of the planning permission PK10/0446/EXT to alter the proposed parking layout, remove the garage from the scheme and relocate the bin/cycle store to the northern boundary of the site. The original conditions read as follows:

Condition 5

The off-street car parking and manoeuvring facilities, and cycle parking facilities, shown on the approved Site Layout Plan 06:022 02 Rev A shall be provided before the building is first occupied, and thereafter retained as such and used only in conjunction with the occupation of the buildings purpose.

Reason

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

Condition 6

Eight (to include the two spaces within the garage) of the ten off-street car parking spaces shown on the approved Planning Layout Plan no. 06:022 02 Rev A, shall be allocated on the basis of one space per flat (whichever they may be) with the remaining two spaces allocated for visitor parking only, and maintained as such thereafter. Prior to the first occupation of the building hereby approved, the car parking spaces within the forecourt area, be they for occupants or visitors, shall be clearly identified by markings and maintained as such thereafter.

Reason

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

Condition 8

Prior to the first occupation of the building hereby approved, the access driveway, car parking and manoeuvring areas, as shown on the approved Site Layout Plan 06:022 02 Rev A, shall be surfaced with bound material and maintained as such thereafter.

Reason

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

2. **POLICY CONTEXT**

2.1 National Guidance

The National Planning Policy Framework 27 March 2012

Circular 11/95 : Use of Negative Conditions

2.2 Development Plans

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

Policy CS1 - High Quality Design

Policy CS5 - Location of Development

Policy CS15 - Distribution of Housing

Policy CS16 - Housing Density

Policy CS17 - Housing Diversity

South Gloucestershire Local Plan (Adopted) 6th January 2006

D1 - Design in New Development

L1 - Landscape Protection and Enhancement

L5 - Open Areas within the Existing Urban Areas and Defined Settlement Boundaries

L9 - Species Protection

L12 - Conservation Areas

L17 & L18 - The Water Environment
H2 - Residential Development in Urban Areas
H4 - Development within Existing Residential Curtilages
T7 - Cycle Parking
T8 - Parking Standards
T12 - Transportation Development Control Policy
EP1 - Environmental Pollution
EP4 - Noise-Sensitive Development

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (Adopted) SPD 23 Aug 2007.
Chipping Sodbury Conservation Area Supplementary Planning Guidance Note.
South Gloucestershire Council Residential Parking Standards (Approved for development management purposes) 27 March 2013.
Trees on Development Sites SPD Adopted Nov 2005.

3. RELEVANT PLANNING HISTORY

- 3.1 N3560 - Erection of two single storey extensions to side and rear of dwelling to provide sun room and utility room, provision of one chimney.
Approved 26th May 1977
- 3.2 N3560/1 - Erection of extension to front to create new sun-lounge.
Approved 15th Sept 1977
- 3.3 P89/1603 - Erection of detached bungalow.
Refused 11th May 1989 for the following reasons:
- Erection of development in advance of established building line would detract from appearance of dwellinghouse and visual amenities of the locality.
 - The site is of insufficient size to accommodate a dwelling resulting in a cramped development to the detriment of the visual amenities of the area.
- 3.4 PK04/0714/O - Erection of 2no. detached dwellings and 1no. bungalow (outline) with siting and means of access to be determined. All other matters reserved.
Refused 21st April 2004 for the following reasons:
- Over-development of site, which would be cramped in appearance and detrimental to the amenities of the future occupants and would detract from the visual amenities of the area.
 - Development in advance of established building line when viewed along Horseshoe Lane and Cotswold Road would have an adverse impact on the visual amenities of the street scene.
- 3.5 PK06/3464/F - Demolition of 1 no. dwelling to facilitate the erection of 8no. self-contained flats with associated works. Construction of new access off Bowling Road. Erection of detached double garage with bin/cycle store.
Approved 2 July 2007.

- 3.6 PK10/0446/EXT - Demolition of 1 no. dwelling to facilitate the erection of 8no. self-contained flats with associated works. Construction of new access off Bowling Road. Erection of detached double garage with bin/cycle store. (Consent to extend time limit implementation for PK06/3464/F).
Approved 23 April 2010
- 3.7 PK13/1882/NMA - Non material amendment to PK10/0446/EXT to include 2 windows to north elevation gable.
No objection 7 June 2013

4. **CONSULTATION RESPONSES**

- 4.1 Sodbury Town Council
No objection subject to parking restriction in the cul-de-sac.

4.2 Other Consultees

Highway Drainage
No comment

Housing Enabling

As this application relates to variation of planning conditions relating to highway matters there is no requirement for affordable housing. Plus the development for 8 flats on land measuring 0.13 hectares as approved under PK10/0446/EXT falls under the affordable housing threshold of Policy H6 of the adopted South Gloucestershire Local Plan and the reduced threshold of Policy CS18 of the Core Strategy.

Highways Development Management

No objection subject to a condition to secure parking layout prior to first occupation.

Other Representations

4.3 Local Residents

1 no. objection was received from a local resident; the concerns raised are summarised as follows:

- Inadequate parking provision for 8 flats.
- Increase on-street parking on road already congested with school traffic so danger to children walking to school.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

On 27th March 2012 the National Planning Policy Framework (NPPF) was published. The policies in this Framework are to be applied from this date with due weight being given to policies in the South Gloucestershire Local Plan 2006 (SGLP) subject to their degree of consistency with this Framework. It is considered that the Local Plan policies as stated in section 2.2 of this report are broadly in compliance with the NPPF. It is noted that the NPPF puts

considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings.

- 5.2 The South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept. 2012 has now been through its Examination in Public (EiP) stage; the Inspector has given his preliminary findings and stated that the Core Strategy is sound subject to some modifications. The policies therein, although a material consideration, are not yet adopted and can therefore still only be afforded limited weight.
- 5.3 Officers must consider if there is adequate justification for the proposed variation in the conditions having regard to the original reasons for imposing the conditions and any changes in Policy or material considerations that may have occurred since.
- 5.4 The three conditions the subject of this application are clearly interrelated and relate solely to highways issues. The applicant has submitted a statement in justification for the proposed revisions, the contents of which can be summarised as follows:
- As works have progressed on the site it has become evident that due to ground levels the cycle and bin stores would be better situated to the north.
 - Due to the constraints of the site it is not possible to move the originally approved double garage. As the garage is not actually needed it has been deleted from the scheme and replaced with parking spaces, which would be more accessible.
 - The bin/cycle store would be more accessible for future residents.
 - The bin/cycle store as now proposed would be less intrusive.

Policy Changes

- 5.5 As regards policy changes since application PK10/0446/EXT was approved in April 2010; the NPPF has now been introduced by the government and this gives strong support to sustainable economic development and house building. At para. 32 it states that *‘Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.’*
- 5.6 More recently The South Gloucestershire Council Residential Parking Standards have been approved for development management purposes. Unlike Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, these new parking standards are minimum standards.

Highway Issues

- 5.7 The original planning consent is for 8no. 2-bed flats and under the new Residential Parking Standards (see annexe A) a total of 13no. parking spaces would be required, which would include a visitor parking space. In the proposed revised site layout, a total of 10no. parking spaces would be provided, 1no. space per flat with 2no. visitor spaces. Assessed against the minimum parking

standards therefore the level of parking for the development would not meet the minimum parking standards (13no.) required under the SPD.

- 5.8 The applicant however has an extant permission for 8 flats with only 8no. parking spaces plus a double garage. This is a fall-back position for the developer and is considered to be a material consideration in this case.
- 5.9 Officers consider that the proposed revised parking arrangement is in fact a betterment situation when compared to that previously approved. In view of the fall-back situation described above, it would be inappropriate to object to this current application on the basis of transportation or parking issues. There are therefore no Highways D.C. objections.

Impact on Residential Amenity

- 5.10 In positioning the cycle/bin store to the north, it would now be adjacent to the front garden of the neighbouring property. Given however that it was previously proposed to locate parking spaces along the northern boundary it is likely that the neighbour would experience less disturbance with the revised layout. The bin/cycle stores are modest in scale and would not be overbearing on neighbouring property. On balance therefore the revised proposal would not adversely affect residential amenity over and above that already approved.

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 planning permission be granted subject to the conditions listed on the Decision Notice and the relevant conditions 5, 6 & 8 varied to read as follows:

Condition 5 (now Condition 3)

The off-street car parking and manoeuvring facilities, and cycle parking facilities, shown on the approved Parking Layout Plan 3847/51 shall be provided before the building is first occupied, and thereafter retained as such and used only in conjunction with the occupation of the buildings purpose.

Reason

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

Condition 6 (now Condition 4)

Eight of the ten off-street car parking spaces shown on the approved Parking Layout Plan 3847/51, shall be allocated on the basis of one space per flat (whichever they may be) with the remaining two spaces allocated for visitor parking only, and maintained as such thereafter. Prior to the first occupation of the building hereby approved, the car parking spaces within the forecourt area; be they for occupants or visitors, shall be clearly identified by markings and maintained as such thereafter.

Reason

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

Condition 8 (now Condition 5)

Prior to the first occupation of the building hereby approved, the access driveway, car parking and manoeuvring areas, as shown on the approved Parking Layout Plan 3847/51, shall be surfaced with bound material and maintained as such thereafter.

Reason

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

1. Development shall be carried out in accordance with the materials details previously approved 9 Jan 2013. The approved details being:

Roof Tiles - Redland Mini Stonewold 30 Slate Grey
Elevations - KREND Silicone FT Ivory
Window/Door Surrounds - Vobster Cast Stone Bath Standard VB-01
Brick (below dpc) - Ibstock Engineering Brick Stafford Slate blue/grey

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policies D1/H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The drainage scheme shown on Plan nos. 288-500 approved 5th Sept. 2012 , incorporating best management practices, shall be implemented in accordance with the approved details before the development is occupied.

Reason

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

3. The off-street car parking and manoeuvring facilities, and cycle parking facilities, shown on the approved Parking Layout Plan 3847/51, shall be provided before the building is first occupied, and thereafter retained as such and used only in conjunction with the occupation of the buildings purpose.

Reason

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

4. Eight of the ten off-street car parking spaces shown on the approved Parking Layout Plan no. 3847/51, shall be allocated on the basis of one space per flat (whichever they may be) with the remaining two spaces allocated for visitor parking only, and maintained as such thereafter. Prior to the first occupation of the building hereby approved, the car parking spaces within the forecourt area, be they for occupants or visitors, shall be clearly identified by markings and maintained as such thereafter.

Reason

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

5. Prior to the first occupation of the building hereby approved, the access driveway, car parking and manoeuvring areas, as shown on the approved Parking Layout Plan No. 3847/51, shall be surfaced with bound material and maintained as such thereafter.

Reason

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

6. The works shall be carried out in accordance with the previously approved Construction Compound Drawing Appendix 2 details approved 5th Sept. 2012.

Reason

To safeguard the amenities of the locality, and to accord with Policies H2 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th June 2006.

7. No windows shall be inserted at any time in the northernmost gable side elevation of the building hereby approved, unless the Local Planning Authority gives consent in writing to any variation.

Reason

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

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

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Development shall be carried out in accordance with the agreed landscape details shown on the Landscape Plan No. 3847/52 approved 16th July 2013.

Reason

To protect the character and appearance of the area to accord with Policies D1/L1/H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

To protect the character and appearance of the area to accord with Policies D1/L1/H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. The landscape management plan for all areas, previously approved and shown on Landscape Plan nos. 3847/52 approved 16th July 2013, is to be managed by a management company. Such details as approved shall be permanently implemented.

Reason

To protect the character and appearance of the area to accord with Policies D1/L1/H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. The existing low natural stone wall located on the southern and western boundaries of the site shall be retained and maintained as such thereafter.

Reason

To protect the character and appearance of the area to accord with Policies D1/L1/H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. The Noise Mitigation Measures shall be implemented in full accordance with the details previously approved 5th Sept. 2012 and prior to the first occupation of the building hereby approved. For the avoidance of doubt the glazing installed shall be Pilkington Optiphon 6/6 to 20mm/10.8 or higher standard.

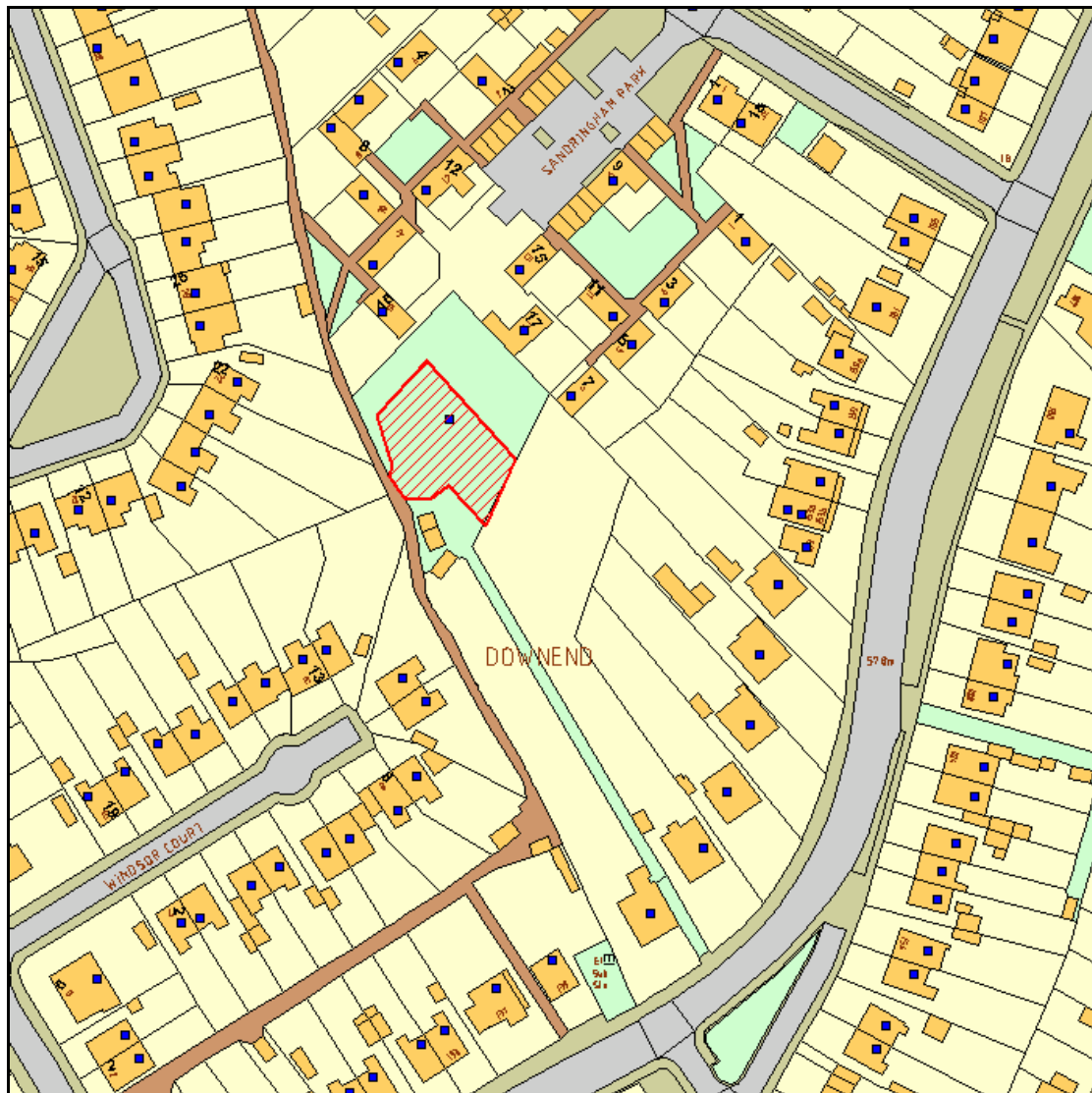
Reason

To protect the amenities of future occupiers of the development hereby approved, having regard to the proximity to the site to the Cotswold Road dual carriageway and to accord with Policies H2/H4 and EP4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

ITEM 2

CIRCULATED SCHEDULE NO. 35/13 – 30 AUGUST 2013

App No.:	PK13/2198/F	Applicant:	Mr T Moody
Site:	Land Off Sandringham Park Downend Bristol South Gloucestershire BS16 6NZ	Date Reg:	5th July 2013
Proposal:	Amendment to the garden wall to plot 2 originally approved in application PK12/3951/F.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365314 177520	Ward:	Downend
Application Category:	Minor	Target Date:	27th August 2013



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PK13/2198/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of letters of objection from residents.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a garden wall along the side southwest boundary of Plot 2. The proposed garden wall would be approximately 1.8 high for a length of 12.5 metres to the side of the new dwelling in order to provide a footpath to the rear garden.
- 1.2 Planning permission PK12/3951/F has previously been granted for the erection of two dwellings including Plot 2, which is largely completed during officer's site inspection.

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
L1 Landscape Protection and Enhancement
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development control
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012
CS1 High Quality Design
CS5 Location of Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)
Residential Parking Standards SPD

3. RELEVANT PLANNING HISTORY

There is a complicated and quite long history on the site. The most relevant to the determination of this application is:

PK12/3951/F Erection of 2 detached dwellings with garages and associated works.
Approved February 2013

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection.

Other Consultees

4.2 Highway Officer

No objection. The applicant submitted an auto-track drawing that has demonstrated adequate turning space within the site. Given that the level of parking being provided is within the Council new minimum residential parking standards, there is no transportation objection to the proposed changes to the previously approved planning application.

4.3 Highway Drainage Engineer

No objection.

4.4 Public Rights of Way Officer

This application is unlikely to affect the nearest public footpath, which runs adjacent to the rear of the property, therefore no objection.

4.5 Local Residents

A number of letters have been received from a resident, who raises concern regarding the impacts upon the turning space.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy D1 of the Local Plan requires all new development to be well-designed and along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows for the principle of development within residential curtilages providing it is within keeping with the character of the area and subject to considerations of design, residential amenity and highway safety.

Policy T12 seeks to ensure highway safety. Other policies as listed above must also be given due weight and attention.

5.2 Design and Visual Amenity

The proposed garden wall would be approximately 1.8 metres high and would be constructed with brickwork that would match the external wall material of the existing dwelling.

It is considered that the new garden wall would be in keeping with the character and appearance of the host dwelling and the area.

5.3 Impact on Residential Amenity

The proposed garden wall would be adjacent to the applicant's share driveway with Plot 1. Officer also noted that planning permission PK13/1543/F was granted for the erection of 1 no. detached dwelling and garage at the rear of the application site. Given that the proposed garden wall would retain a reasonable distance from the shared driveway and the new dwelling at the rear, it is considered that the proposal would not cause any significant adverse

impact upon the residential amenity of the future occupiers of the neighbouring property.

5.4 Transportation effects

Highway Officers assessed the original proposal and raised concerns regarding the turning and parking spaces within the site. The applicant submitted an auto-track drawing, which has demonstrated that there would adequate turning space within the site.

The proposal also demonstrates that there are additional parking spaces at the front of the property, therefore Highway Officer has no objection to the proposed development.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 That planning permission be GRANTED subject to the following conditions.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

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

Reason

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

ITEM 3

CIRCULATED SCHEDULE NO. 35/13 – 30 AUGUST 2013

App No.:	PK13/2597/F	Applicant:	Mr Jawit
Site:	13 Regent Street Kingswood Bristol South Gloucestershire BS15 8JX	Date Reg:	25th July 2013
Proposal:	Change of use from Restaurant (Class A3) to Hot Food Takeaway (Class A5) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	None
Map Ref:	364616 173908	Ward:	Kings Chase
Application Category:	Minor	Target Date:	16th September 2013



© South Gloucestershire Council 2007. all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PK13/2597/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

Objections have been received, contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of a unit last used as a shop to a hot food takeaway (Class A5) The premises is centrally located within a terrace of retail units in a designated Primary Frontage on Regent Street, Kingswood. Two further units are unoccupied at present within this rank.
- 1.2 The applicant has stated that the existing ventilation for the restaurant would be utilised for the proposed hot food takeaway use and is seeking opening hours of 1100 to 2300 all year round. The surrounding area is predominantly residential over shops.
- 1.3 This application follows the approval under ref. No. PK08/1717/F of a proposal for a mixed use of the unit as a restaurant, which has since lapsed. This authorised use is a strong material consideration for the determination of this application.

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
T8 Parking standards
T12 Highway Safety
EP1 Environmental Pollution

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 PK08/1717/F Change of use from shop (A1) to restaurant (A3)
Approved 2008
- 3.2 PK10/3133/F Change of use to restaurant/ takeaway Refused
Appeal allowed

4. CONSULTATION RESPONSES

- 4.1 Parish Council
Unparished area
- 4.2 Other Consultees [including internal consultees of the Council]
Environmental Protection
The extraction scheme as per PK08/1717/F should remain installed, used and maintained in relation to odour abatement and noise.

Technical Services

No comment

Sustainable Transportation

There has been a similar change of use at No 19 Regent Street (PK10/3133/F) that is on the same side of the road and in close proximity to the application site. Given the appeal decision at this location, it is considered that a refusal reason cannot be substantiated on this current proposal in an appeal situation. On that basis, there is no transportation objection to this proposed change of use.

Police Community Liaison

No reply received

Other Representations

4.3 Local Residents

Two letters of objection have been received, citing the following concerns:

- The funeral directors next to the site feel that a hot food takeaway would be inappropriate next to their long-established business.
- Unsociable impact particularly in the evenings – noise
- The High Street has been in decline for a long time
- Too many takeaways promote the evening economy over the daytime one
- Parking in front of the premises
- Cumulative impact of odour from proposed and existing takeaways

5. KEY ISSUES

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. It is important to note that, as an authorised mixed use incorporating the current proposed use, there are no policies in the adopted Local Plan, nor the draft Core Strategy which seek to protect the continued use of the site as a restaurant/ hot food takeaway. However, policies governing environmental pollution (in this case their effect on residential amenity), parking and highway safety apply to this proposal. These form the following headings:

5.2 Transportation - Parking

Although no off street parking for customers has been provided with this proposal, the size of the site precludes this. There is however car parking available to the rear of the site, as recognised by the Inspector in the determination of the appeal near to this site. That decision applied to a mixed use takeaway and restaurant, which took account of the short term and longer term parking demand that would be entailed. The proposed opening hours for the takeaway in this application are 1100 to 2300, which is one hour later on Sundays and Bank Holidays than the previous permission allowed for. Whatever hot takeaway food is sold from the premises, it is considered that the peak demand would be in the evenings. Therefore, as long as the parking spaces in the nearby car park are not used for residential parking, it would be

fair to assume that in the evenings, this car park would be available to visitors to the site. The impact of this on highway safety is examined below, but in terms of parking provision, it is considered that the Boulton Lane car park is more than adequate to meet the needs of visitors to the site.

5.3 Transportation – Highway Safety

This application is for a change of use and no changes are proposed to the highway. The proposal is considered to lead to a change in the character of the parking in conjunction with the site, which is currently authorised as a restaurant, although not presently occupied. There is a perception when visiting a takeaway by car that it would entail a short visit and therefore parking outside the premises would not cause anything more than a brief interruption of the traffic flow. This could turn into a continuous or intermittent problem due to the timing and duration of visits. In the latter case, visits to such premises can take longer than expected. However, this was a refusal reason for the previous application at No. 19 Regent Street, where the Inspector found that customers for the takeaway and restaurant alike would be more likely to use the nearby off street parking provision. That decision letter is considered to be a material consideration of great significance in relation to this proposal, given the similar characteristics involved. The proposal is therefore not considered to have any impact on highway safety and accords with policy T12 of the Local Plan in this respect.

5.4 Effect of the proposal upon Residential Amenity

The issue of unsociable behaviour outside the premises is not one that can be controlled through the planning system, but there is no reason to assume that this will necessarily happen.

A further issue which would have an impact on residential amenity is the opening hours applied for. The hours applied for are considered to be excessive, particularly in regard to a Sunday, which would hardly be any different from the rest of the week, closing one hour earlier. The hours applied for, with a 1100 start, cover lunchtimes and evening trade, up to 2300. The likely lunchtime trade is not considered to be likely to be significant and therefore the 1100 opening time is considered to be acceptable. Evening opening until 2300 is also considered to be acceptable and adherence to this has been required by the relevant condition below. However, Sunday and Bank Holiday opening has been limited to 1100 to 2200 by this condition to reduce activity at the site and ensure that there will be a relatively 'quiet' day in the week.

Details of controlling odours generated from the proposed use of the site have been submitted as part of this application. These propose the re-use of ventilation equipment used by the restaurant. The details that were made available were originally assessed by Environmental Protection and negotiations were undertaken to ensure that they would be suitable to preserve residential amenity. The flue shown on the submitted plans echoes that for the previous approval and is considered to be appropriate for either a restaurant or a takeaway. A condition has been recommended below that requires adherence to the details on the submitted plans. While the drawings show the same system as previously approved, the photograph on the same plans

shows that the flue is unfinished. The conditions requires that this is provided and the system operated in accordance with the details of this proposal. Subject to appropriate control through conditions, the proposal is considered to have no adverse impact on existing levels of residential amenity and accords with policy EP1.

5.5 Other Issues

Other issues raised through the consultation process include the lack of need for the takeaway and the fact that there are other hot food takeaways in the area. Competition reduces prices to consumers and if this site turns out to be the wrong location for a facility such as proposed, or there is an oversupply, then market forces will determine which businesses survive. The issue raised over the bias toward the night time economy in preference to the daytime one has been raised through the consultation process. In this regard, the hours applied for indicate that this site can contribute to both, while it is more likely to be visited more frequently in the evenings. It is considered that the locality can support both the daytime and night time economies. The perceived decline of the area is considered to be served better by businesses that are appropriate to a secondary frontage in operation, rather than units being left empty.

The issue of whether a takeaway next to a funeral directors would be appropriate or not, is not a planning issue as, although this proposal requires planning permission for a change of use, the site, as a restaurant does not benefit from the protection that an A1 unit within this rank would. As such, there is not the scope for the planning system to choose between specific uses. However, in any event, the proposal is not considered to be radically different in character to the previous approved use.

5.6 Material Considerations

The application form states that this proposal would generate employment in the form of 2 full time and 3 part time jobs. Government policy is currently to support sustainable development and this site is within a sustainable location, within the urban area defined on the proposals map of the adopted Local Plan.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. The ventilation and odour filtration system shown on the approved plans shall be implemented prior to the first use of the site as a hot food takeaway and thereafter maintained in accordance with the notation on the approved plans.

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.

3. The use hereby permitted shall not be open to customers outside the following times 1100 to 2300 from Monday to Saturday and 1100 to 2200 on Sundays and Bank Holidays.

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.

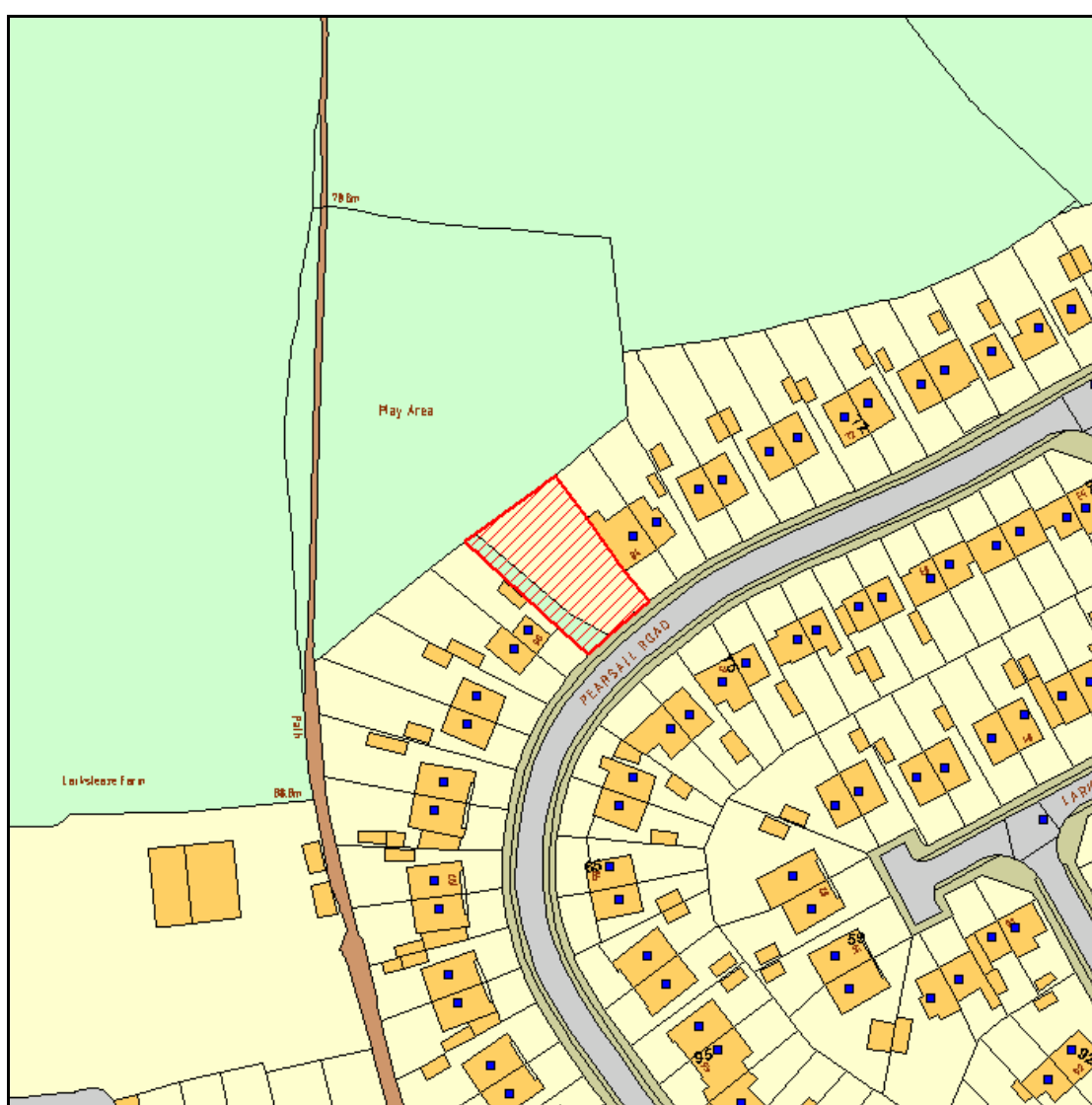
4. No outside storage of material/goods/waste or plant shall take place at the premises.

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. 35/13 – 30 AUGUST 2013

App No.:	PK13/2714/RVC	Applicant:	Mr J Milford
Site:	Land Adj To 84 And 90 Pearsall Road Longwell Green Bristol South Gloucestershire BS30 9BD	Date Reg:	26th July 2013
Proposal:	Variation of condition 5 attached to planning permission PK12/3050/F to allow the felling of 1no. Horse Chestnut tree.	Parish:	Hanham Abbots Parish Council
Map Ref:	365328 170800	Ward:	Longwell Green
Application Category:	Minor	Target Date:	17th September 2013



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
 Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright
 and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK13/2714/RVC**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following the receipt of letters of objection from local residents.

1. THE PROPOSAL

1.1 The application seeks consent to remove condition 5 attached to planning permission PK12/3050/F to allow the felling of 1no. Horse Chestnut tree.

1.2 Condition 5 reads as follows:

'A tree protection plan in accordance with BS5837:2012 is submitted and approved by South Gloucestershire Council prior to the commencement of any works. Protective fencing should be erected prior to the commencement of any works and maintained in place for the duration of the development.'

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 and in the interests of visual amenity of the area and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.'

1.3 The application seeks to vary the condition so that a mature Horse Chestnut tree can be removed from the site as it is considered by the applicant that it would interfere with the proposed new dwelling, granted permission under PK12/3050/F. It is proposed that the Horse Chestnut tree would be replaced by a Rowan Tree, more appropriate to the garden setting.

1.4 The application site relates to an infill plot of land situated within the established residential area of Longwell Green on Pearsall Road.

2. POLICY CONTEXT

2.1 National Guidance

NPPF National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Design in New Development

EP4 Noise Sensitive Development

H2 Residential Development within Urban Areas

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

T8 Parking Standards

T12 Transportation for New Development

L1 Landscape protection and Enhancement

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
CS9 Landscape
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 Pk12/3050/F Erection of 1no. pair of semi detached dwellings with parking, access and associated works.
Approved 14.12.12

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
No objection

- 4.2 Other Consultees

Tree Officer
No objection

Highway Drainage
No objection

Other Representations

- 4.3 Local Residents

Three letters of objection have been received by local residents. These are summarised as:

- tree has a preservation order on it
- a tree preservation order was requested by locals
- a section of fir trees at the back of the site has been removed during the nesting period
- this healthy tree should be root pruned only
- the tree has already been damaged by work on site
- a sapling is no replacement for a species-rich habitat such as the Horse Chestnut
- disappointing the developer was unable to honour the approved plans to retain the well established hedging which has resulted in dire consequences for wildlife and no longer acts as a windbreak. Removal of the Horse Chestnut will further expose dwellings to full force of the weather
- Horse Chestnut is positioned as the back of the land and so cannot understand how this would hinder building works

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

As mentioned above the proposal seeks consent to allow the removal of an existing tree and replace it with an alternative.

5.2 Assessment

The site is a small domestic back garden located on the edge of Longwell Green. The site has open fields to the rear beyond which can be found mature trees marking the boundary of a formerly owned Council play area. The Council's Tree Officer has assessed the site and concluded that there would be no objection to the removal of the Horse Chestnut as a proposed replacement would mitigate its loss. The proposed replacement, a Rowan Tree would be of a 'standard' size as dictated by BS936 tree sizes which indicates that a stem size of between 8 and 10cm would have a height of between 2.5 and 3 metres. A Rowan Tree is considered a suitable alternative in this particular setting of a small residential garden where it is likely it would be able to achieve its full size. This could be achieved without impacting on the proposed new dwelling and without the need for pruning to keep it to a manageable size, unlike the existing Horse Chestnut. Pruning gives the opportunity for the introduction of disease and by using a different and smaller variety it is considered the longevity of the Rowan Tree would be better assured.

5.3 The existing Horse Chestnut tree can be seen from the fields behind the site and also at the moment from Pearsall Road. However, once the approved pair of semi-detached dwellings have been constructed the view of the Horse Chestnut tree from Pearsall Road would be obscured. It is acknowledged that the removal of the condition would result in the loss of a mature tree but given the setting with an area of mature trees and hedges behind, plus its replacement with an alternative tree, the proposal is considered acceptable.

5.4 It is noted that local residents have expressed concerns regarding the removal of the mature tree. One resident has objected stating the tree has a preservation order attached to it. This is not the case. It is stated that a verbal agreement was reached with the Tree Officer on a previous site visit, however, no documentation has been found to confirm this. A section of hedging appears to have been removed from the site and this is unfortunate. The hedging was not covered by a condition. Any work to trees or hedges during the nesting season is unlawful if it interferes with or adversely affects wildlife. It is acknowledged that the replacement tree would be smaller than the existing tree, however, Officers consider that as a specimen the Rowan Tree, offering both berries and flowers, would be an acceptable alternative.

5.5 In respect to other comments, it is considered that a single Horse Chestnut tree cannot be regarded as a significant windbreak to properties along this rank. The difference it would make is negligible.

5.6 Conditions attached to application PK12/3050/F will be copied over to the new decision notice.

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 be **APPROVED** subject to the conditions attached to the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

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. A replacement standard size Rowan Tree, to be located in the western corner of the plot, shall be planted in the first planting season following the felling hereby authorised.

Reason

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

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the northeast or southwest elevations of the semi-detached properties hereby approved adjacent to neighbouring properties of No. 84 and No. 90 Pearsall Road respectively

Reason

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

4. Appropriate permeable design and construction of proposed and replacement dwelling frontage paving/tarmac exceeding 5 square metres in area is a requirement to ensure

surface water run-off is retained at source. Use of permeable surfacing is required or rainfall to be directed to a permeable soakage area (provided it does not cause flooding of adjacent property) within the curtilage of the dwelling

Reason:

To ensure a satisfactory means of drainage and pollution control in order to comply with South Gloucestershire Local Plan (Adopted) January 2006 Policy L17, L18, EP1, EP2 and Town and Country Planning Order 2008 (No 2362) Class F.

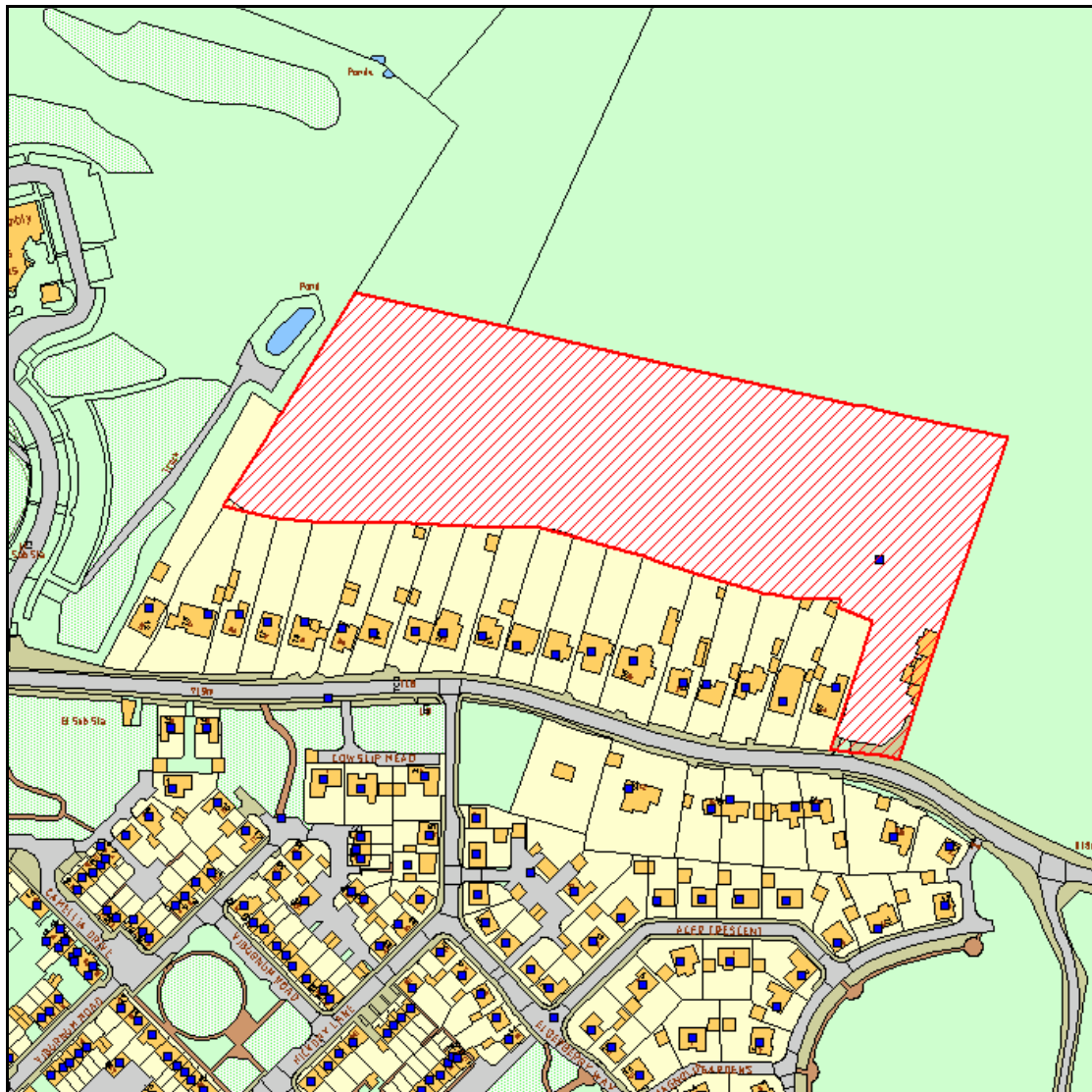
5. The off-street parking facilities shown on the plan Proposals - ref 844 - P202 hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 35/13 – 30 AUGUST 2013

Applicant:	Mr Charlie Leflaive
Date Reg:	20th June 2013
Parish:	Almondsbury Parish Council
Ward:	Almondsbury
Target Date:	16th September 2013



PT13/2071/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of letters of objection that have been received from the Parish Council and a neighbouring resident.

1. THE PROPOSAL

- 1.1 The application seeks a variation of condition 17 attached to the original planning permission that listed the approved plans. This variation would substitute some of the originally approved plans with revised plans to allow a garage, store and corridor extension to the building. The supporting statement that forms part of this application advises that, the proposal would not increase the capacity of the hall in relation to the number of people that would be accommodated. The additional facilities are required in order to accommodate the storage of chairs, preparation areas for special events and to allow the storage of associated church facilities and a garage.
- 1.2 The application site is located beyond any settlement boundary within the Green Belt.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
GB1: Development in the Green Belt
T12: Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1: High Quality Design
CS5: Location of Development
CS34: Rural Areas
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist
Development in the Green Belt

3. PLANNING HISTORY

- 3.1 PT09/0959/CLE: Application for a Certificate of Lawfulness for existing use of stationing of mobile home. Permitted: 31 July 2009

- 3.2 PT10/035/SCR: Demolition of existing buildings and erection of gospel hall with associated car parking and landscaping with new pedestrian and vehicular access. Screening Opinion Issued- EIA not required: 12 October 2010
- 3.3 PT10/2510/F: Demolition of existing buildings and erection of Gospel Hall (Class D1) with associated car parking and landscaping with new vehicular and pedestrian access. Permitted: 8 April 2011
- 3.4 PT12/0346/NMA: Non-material amendment to PT10/2510/F to make all plans accompanying this application, a condition of the permission. No Objection: 23 February 2012
- 3.5 PT12/0847/RVC: Variation of condition 17 attached to planning permission PT10/2510/F (as added under PT12/0346/NMA) to substitute drawing numbers BR-11-01.F, BR.11.02.B, BR.11.03.D, BR.11.04.A AND BR.11.04A with BR-11-01-L (Site Layout) BR.11.02C (Floor Plan), BR.11.03.F (Elevations), BR.11.04.B (Roof Plan) and BR.11.05.C (Site Sections). Permitted: 10 May 2012
- 3.6 PT13/1554/NMA: Non-material amendment to PT10/2510/F to erect a single storey rear extension to form disabled garage and storage area. Objection: 21 May 2013

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
Objection: *'Restrictions were placed on this application and we wish these to be maintained.'*
- 4.2 Other Consultees
Ecology Officer: no objection
The Coal Authority: no comments
Drainage Officer: no comment
Landscape Officer: no significant implications
National Grid: no objection
Archaeology Officer: no issues
Highways DC: no objection

Other Representations

- 4.3 Summary of Local Residents Comments
One letter received in support of the proposal because it will shield the grey air conditioning units at the rear of the hall that are currently visible and improve the view
- 4.4 One letter of objection raising the following concerns:
 - Why was this not incorporated into the original proposal?
 - There have already been other amendments that have resulted in this building being more imposing than that approved by the planning committee?
 - There is no need for the garaging proposed;

- It will further prolong the building period that has already caused considerable disruption and inconvenience.
- 4.5 In response to the objections raised by the Parish Council and the Local Resident, the applicant's agent has submitted a rebuttal statement, the content of which can be summarised as follows:
- This minor change is to allow for operational facilities and not to increase the hall.
 - The site includes an area of ecological meadowland that needs to be maintained. The garage is required for grass mowing and other equipment. The store room is needed for chair storage, tables etc. necessary for some functions.
 - The proposed amendments are all viewed within the existing scale, mass and bulk of the permitted building.
 - The works are in excess of 35m from the nearest residential garden.
 - The overall scale of the building in relation to congregation numbers and car parking spaces will not change.
 - The floor space increase is de-minimis, i.e. less than 10%.
 - The Parish Council identify no harm or impacts to justify their objection.
 - The minor additions will screen plant and this is supported.
 - The congregation and intensity of use will remain the same.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy GB1 carries a general presumption against inappropriate development within the Green Belt. However, there are five categories of development where planning permission might be granted inclusive of proposals for the limited extension, alteration or replacement of existing dwellings provided that this does not result in a disproportionate addition over and above the size of the original building. The scope for this criterion has been broadened by the National Planning Policy Framework that allows the limited extension, alteration or replacement of 'buildings'.

- 5.2 Planning policy LC4 is not directly applicable to this application given that it relates to proposals for educational and community facilities within the existing built up areas and the settlement boundaries. However, it is considered that the spirit of this policy might be applied given that it is permissive of proposals subject to considerations of its environmental, residential amenity and highway impact. It also requires the site to be in accessible locations. Given that this application relates to an existing facility, it is not considered that this would comprise a sustainable refusal reason (having regard also to the small scale of the proposal that would not accommodate any additional persons).

5.3 Design/ Visual Amenity

The application seeks the variation of condition 17 attached to the original planning decision that details the approved plans. In so doing, this new application would introduce amended plans that would facilitate an extension to the building comprising a corridor, garage and store. This would comprise a

small lean-to extension to the rear of the building with the corridor to the side under the approved canopy. Given its small scale, matching materials and relatively discreet position, there is no objection to the application on design/visual amenity grounds.

5.4 Green Belt

The proposal would be small in scale and enlarge a building that has not previously been extended. Accordingly, it is considered that it would form a proportionate addition to the building thus there is no Green Belt based objection to this application. In this regard, it is not considered that the proposal would cause any significant adverse impact to the openness of the Green Belt.

5.5 Residential Amenity

In view of the small size of the extension proposed and its position away from the boundaries with the existing neighbouring properties, it is not considered that any significant adverse impact on residential amenity would be caused by the new extension that is proposed.

5.6 In response to the concerns that have been raised, these comments are noted but it is not considered that planning permission could be withheld for these reasons. It is however suggested that the hours of all building works are conditioned in view of the problems that have been caused to date.

5.7 Highway Safety

The Councils Highways Engineer has raised no objections to the proposals but does suggest that the applicant may wish to consider a small turning stub to the south east of the garage to avoid any garaged vehicles from having to make a long and difficult reversing manoeuvre.

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: Roger Hemming
Tel. No. 01454 863537

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 used in the development hereby approved shall accord with those details agreed as part of planning permission PT10/2510/F. These comprise:

Ibstock Ivanhoe Cottage Blend bricks and Natural Wood Timber Cladding to the elevations;

Kingspan Merlin Grey roof;

Grey Metal Framed Windows/ Doors.

Reason

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

3. The development hereby approved shall only be used for purposes directly associated with a place of worship (Use Class D1) and for no other purposes (including any other use within the D1 Use Class) without the prior written consent of the Local Planning Authority.

Reason 1

In the interests of highway safety and to accord with the provisions of Planning Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2

Planning permission has only been granted having regard to the very special circumstances associated with this development and any different use would require the further consideration of the Local Planning Authority in order to help safeguard the Green Belt and accord with the provisions of Planning Policy Guidance Note 2 and Planning Policy GB1 of the adopted South Gloucestershire Local Plan (Adopted) January 2006.

Reason 3

In the interests of residential amenity and to accord with the provisions of Planning Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Services shall not take place before 7am Monday- Saturday or 6am on Sundays and the site shall be vacated by 9.30pm Monday- Saturday and 8pm on Sunday.

Reason

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

5. All hard and soft landscape works shall be carried out in accordance with the approved drawing no. detail 523-01A (Landscape Proposals) submitted to and

approved in writing by the Local Planning Authority as part of planning application PT10/2510/F. The works shall be carried out prior to the occupation of the development hereby approved.

Reason

To protect the character and appearance of the area to accord with Planning Policies D1, L1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The landscape maintenance programme detailed on drg no. 523-01A (Landscape Proposals) submitted to and approved in writing as part of planning application PT10/2510/F shall be carried out for a minimum period of 5 years.

Reason

To protect the character and appearance of the area and in view of the ecological interests of the site to accord with Planning Policies D1, L1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Drainage details shall accord with those details submitted to and approved in writing by the Local Planning Authority as part of planning application PT10/2510/F.

Reason

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

8. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the brief approved as part of planning application PT10/2510/F.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. All works shall be undertaken in accordance with the findings and recommendations of the Great Crested Newt, Reptile and Hedgehog survey submitted to and approved in writing by the Local Planning Authority as part of planning application PT10/2510/F.

Reason

In the interests of species protection and to accord with Planning Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. All works shall be undertaken in accordance with the recommendations and findings of the 'Application for a License, Bats- Method Statement', submitted to and approved in writing by the Local Planning Authority as part of planning application PT10/2510/F.

Reason

In the interests of species protection and to accord with Planning Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. Development shall accord with the revised site layout plan (drg no. BR.11.01 Rev A) submitted to and approved in writing by the Local Planning Authority.

Reason

To accord with Planning Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. Development shall accord with the Travel Plan (Travel Plan prepared by Key Transport Consultants Ltd) submitted to and approved in writing by the Local Planning Authority as part of planning application PT10/2510/F.

Reason

To minimise the impact of the development and to comply with planning policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. All external lighting shall accord with those details submitted to and approved in writing by the Local Planning Authority as part of planning application PT10/2510/F.

Reason

To minimise disturbance to occupiers of the neighbouring residential dwellings fronting Hortham Lane and to help safeguard the openness of the Green Belt, all in accordance with Planning Policies GB1, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. The hours of working on site during the period of construction and demolition 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 Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. Development shall be carried out strictly in accordance with the following plans hereby approved:

Location Plan (received 11 June 2013)

Proposed Site Layout; drg no. BR.11.01.O (received 11 June 2013)

Proposed Floor Plan; drg no. BR.11.02.D (received 11th June 2013)

Proposed Elevations; drg no. BR.11.03.G (received 11 June 2013)

Proposed Roof Plan; drg no. BR.11.04.B (received 8 March 2012)

Existing and Proposed Sections; drg no. BR.11.05.C (received 8 March 2012 and as approved under PT12/0847/RVC)

Existing and Proposed Sections; drg no. BR.11.05.C (received 8 March 2012 and as approved under PT12/0847/RVC)

Reason:

In order that the development complies with the submitted details to ensure a satisfactory standard of design, to safeguard residential amenity, to help protect the openness of the Green Belt and in the interests of highway safety, all to accord with Planning Policies D1, L1, GB1, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 35/13 – 30 AUGUST 2013

App No.:	PT13/2622/TCA	Applicant:	St Marys Primary School
Site:	St Marys C Of E School Church Road Thornbury Bristol South Gloucestershire	Date Reg:	31st July 2013
Proposal:	Works to fell 12no. conifer trees situated within Thornbury Conservation Area	Parish:	Thornbury Town Council
Map Ref:	363499 190579	Ward:	Thornbury North
Application Category:		Target Date:	9th September 2013



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PT13/2622/TCA

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the circulated schedule as an objection comment has been received from a local resident.

1. THE PROPOSAL

- 1.1 The application seeks consent to fell 12no. Conifer trees situated within the Thornbury Conservation Area.
- 1.2 The trees are growing within the grounds of St Marys C of E School, Thornbury.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (Listed Building and Conservation Areas) Act 1990
Town and Country Planning (Trees) Regulations 2012

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/2303/TCA - Reduction in height by 30% and trimming sides of row of Leylandii trees situated within Thornbury Conservation Area. **No Objection. 2nd September 2003**

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection
- 4.2 Tree Officer
No objection

Other Representations

- 4.3 Local Residents
One letter of objection has been received from a local resident. The comments are as follows:
 - I object on the grounds of the Wildlife and Countryside Act 1981, which the applicants should observe. To omit light you only need to thin out trees.

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, consent 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 Analysis of Proposal

The application relates to 12no. Conifer trees situated within the grounds of St Marys C of E School, located within the Thornbury Conservation Area. The trees have been assessed by the Council's Tree Officer and it is considered that none of the trees would fulfil the criteria for a Tree Preservation Order. There are therefore no arboricultural objections to the proposed removal of them.

- 5.3 The Wildlife and Countryside Act 1981 makes it a criminal offence to damage or destroy the nest of any wild bird whilst that nest is in use or being built. Established working practice avoids works to any hedgerow, tree or other vegetation where birds may reasonably be expected to make their nest (such as scrub) between 1 March and 31 August in any year. Care should be taken outside of this exclusion period as variations in climate may extend the nesting season.

6. RECOMMENDATION

- 6.1 **NO OBJECTION** to proposed works to fell 12no. Conifer trees situated within the Thornbury Conservation Area.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207