



**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. 13/14

Date to Members: 28/03/14

Member's Deadline: 03/04/14 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE 13/14 – 28 MARCH 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/2108/F	Approve with Conditions	The Meadows Parkfield Pucklechurch Bristol South Gloucestershire BS16 9NS	Boyd Valley	Pucklechurch Parish Council
2	PK13/4319/F	Approve with Conditions	Unit 4 Armstrong Court Armstrong Way Yate Bristol South Gloucestershire BS37 5NG	Ladden Brook	Iron Acton Parish Council
3	PK14/0029/F	Approve with Conditions	139 Bath Road Longwell Green Bristol South Gloucestershire BS30 9DD	Longwell Green	Oldland Parish Council
4	PK14/0096/F	Approve with Conditions	11 Stanley Road Warmley Bristol South Gloucestershire BS15 4NU	Siston	Siston Parish Council
5	PK14/0447/CLE	Approve	Dragons Lair Old Parish Lane Dodington South Gloucestershire BS37 6SE	Westerleigh	Dodington Parish Council
6	PK14/0481/F	Approve with Conditions	9 Badminton Road Downend Bristol South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
7	PK14/0507/F	Approve with Conditions	69 Chiphouse Road Kingswood Bristol South Gloucestershire BS15 4TY	Rodway	None
8	PK14/0521/F	Approve with Conditions	76 North Street Downend Bristol South Gloucestershire BS16 5SF	Downend	Downend And Bromley Heath Parish Council
9	PT13/2788/F	Approve with Conditions	Westfield Park Hortham Lane Almondsbury South Gloucestershire BS32 4JP	Almondsbury	Almondsbury Parish Council
10	PT14/0200/F	Approve with Conditions	Units 1- 4 Simmonds View Stoke Gifford Bristol South Gloucestershire BS34 8HQ	Stoke Gifford	Stoke Gifford Parish Council
11	PT14/0378/F	Approve with Conditions	The Birches Wotton Road Rangeworthy South Gloucestershire BS37 7LZ	Ladden Brook	Rangeworthy Parish Council
12	PT14/0471/F	Approve with Conditions	11 Court Road Frampton Cotterell Bristol South Gloucestershire BS36 2DE	Winterbourne	Winterbourne Parish Council
13	PT14/0476/F	Approve with Conditions	Walnut Tree House Townwell Cromhall South Gloucestershire GL12 8AQ	Charfield	Cromhall Parish Council

**Dates and Deadlines for Circulated Schedule
During Easter and Early May Bank Holiday Period 2014**

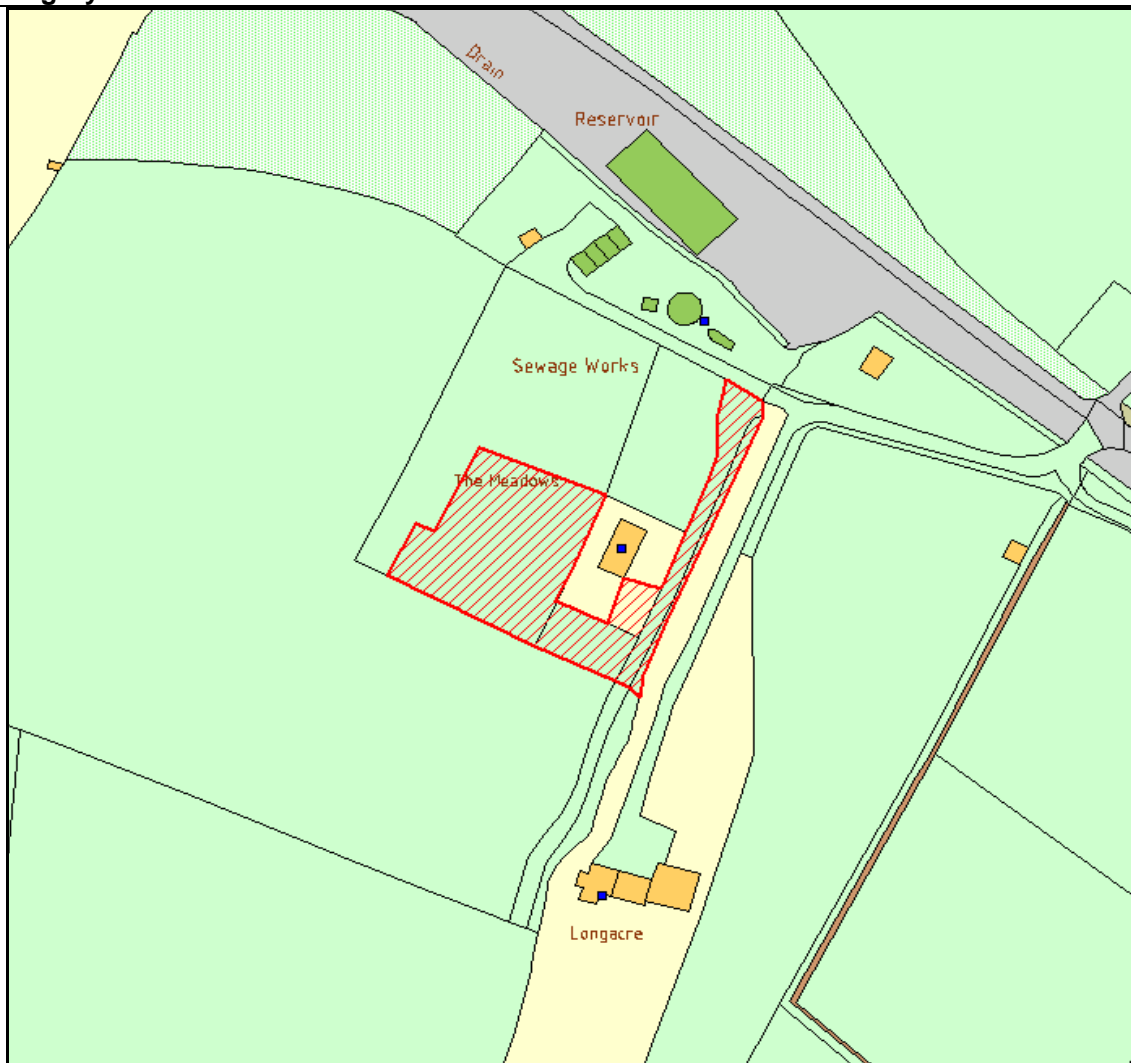
Schedule Number	Date to Members 9am on	Members Deadline 5pm on
15/14	Thursday 10 April 2014	Wednesday 16 April 2014
16/14	Wednesday 16 April 2014	Thursday 24 April 2014
17/14	Friday 25 April 2014	Thursday 01 May 2014
18/14	Friday 02 May 2014	Friday 09 May 2014

Above are details of the schedules that will be affected by date changes due to Easter and Early May Bank Holiday.

Although Schedule No: 17 will be published as usual on a Friday I have included it here for clarity as Easter is so close to May Bank Holiday

CIRCULATED SCHEDULE NO. 13/14 – 28 MARCH 2014

App No.:	PK13/2108/F	Applicant:	Green Planning Solutions
Site:	The Meadows Parkfield Pucklechurch South Gloucestershire BS16 9NS	Date Reg:	21st June 2013
Proposal:	Change of use of land to gypsy/travellers site including 2 no. mobile homes and 2 no. touring caravans with the formation of additional hard standing and 2 no. ancillary utility/day rooms.	Parish:	Pucklechurch Parish Council
Map Ref:	368966 177631	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	13th August 2013



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N.T.S.

PK13/2108/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of land from agricultural to a gypsy/travellers site including 2no. mobile homes and 2no. touring caravans with the formation of additional hard standing and 2no. ancillary utility/day rooms. The proposal represents an extension of the existing authorised Gypsy Site known as 'The Meadows'.
- 1.2 The application site is located within the Green Belt and open countryside to the west of Parkfield. The site is accessed via a rough track off Parkfield Road. A small sewage works lies to the north and isolated dwellings i.e. Parkfield House & Longacre lie to the north-west and south-east respectively.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
NPPF accompanying document Planning Policy for Traveller Sites March 2012
Ministerial Statement by the Rt. Hon. Brandon Lewis MP 2 July 2013.
Planning Practice Guidance March 2014

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1	Landscape Protection and Enhancement
L9	Species Protection
T12	Transportation Development Control Policy
EP2	Flood Risk and Development
EP4	Noise Sensitive Development

South Gloucestershire Local Plan : Core Strategy (Adopted) Dec 2013

Policy CS1	High Quality Design
Policy CS9	Managing the Environment and Heritage
Policy CS21	Gypsy and Traveller Accommodation
Policy CS34	Rural Areas

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List SPD Adopted August 2007
Development in the Green Belt SPD Adopted June 2007
South Gloucestershire Landscape Character Assessment as adopted August 2005 – Character Area 6 Pucklechurch Ridge and Boyd Valley
South Gloucestershire Council Residential Parking Standards Approved 2013.

3. RELEVANT PLANNING HISTORY

- 3.1 PK02/2103/F - Change of use from grazing land to gypsy caravan site. Creation of access track.
Refused 24 March 2003 for reasons of:
- Inappropriate development in the Green Belt; no very special circumstances demonstrated.
 - Inadequate drainage information.
 - Siting would have a detrimental impact on visual amenity of Green Belt.
- Appeal APP/P0119/A/03/1115541 dismissed 13 Oct 2003.
- 3.2 PK06/0781/F - Change of use of grazing land to land for the keeping of horses. Erection of stable block and hay store.
Refused 4 May 2006 for reasons of:
- The siting of the stable block would fail to conserve the amenity and open character of the rural landscape and would adversely affect the visual amenity of the Green Belt.
- 3.3 PK07/2523/F - Change of use of land from grazing to residential land for stationing of 2no. gypsy Caravans and creation of access track. (Retrospective application).
Withdrawn 16 June 2010
- 3.4 PK10/0711/F - Use of land for the siting of 1no. gypsy caravan pitch, with associated hard standing and access. Erection of 1no. ancillary utility/day room. Retention of stable block. (Part retrospective).
Refused 15 Nov 2010 for reasons of:
- Inappropriate development in the Green Belt; no very special circumstances demonstrated.
 - Siting would have a detrimental impact on visual amenity of Green Belt.
- Appeal APP/P0119/A/10/2141502 allowed 21 June 2011 with a full award of costs.

4. CONSULTATION RESPONSES

- 4.1 Pucklechurch Parish Council
The Parish Council objects on the following grounds:
1. Inappropriate development of the green belt.
 2. Impact on the local visual amenity – the position of the proposed pitches will feature prominently in the local skyline and this must be a material consideration.
 3. The green belt would suffer a reduction in its openness since the site will be more densely occupied by the structures proposed.

4. No special circumstances have been demonstrated in support of the application which might mitigate the harm to the green belt.
5. PPC wishes to preserve the character of the locality without ad hoc ribbon development such as this.

Pucklechurch Parish Council has previously objected to the Meadows site being incorporated in the list of safe-guarded sites by default. This application would see the site treble in size and density. No detail has been provided with regard to the potential increase in traffic along this road nor has any consideration been taken of the suitability of the road access for movements of touring caravans.

4.2 Other Consultees (including internal consultees of the Council)

Highway Drainage

No comment

Sustainable Transport

Whilst officers raise concern about the un-sustainability of the site, also the poor infrastructure and access to suitable amenities, they are mindful of the wording of Policy H12 of the adopted SGLP, the lack of transport consideration made by the previous inspector and the as yet un-adopted status of the Core Strategy. There is therefore no objection.

Since this comment was made, the Core Strategy has been adopted and Policy H12 not saved.

Children and Young People (CYP)

No requests received.

Housing Enabling

Given the nature of the planning application, Affordable Housing Policy does not apply, therefore there is no affordable housing requirement as part of this application.

Landscape Officer

The development will not have a significant impact on the visual amenity of the wider area due to the surrounding topography and existing vegetation, however it will potentially have an impact on the visual amenity of the residents within the immediate area. It was determined at the appeal in 2011 that a similar though significantly smaller development would cause some harm to the visual amenity of the Green Belt and was contrary to Policy GB1 (no longer saved). In the event of very special circumstances being determined, a condition should be attached to any permission requiring additional native screen planting.

Strategic Planning Policy Officer

Given the outstanding level of need for sites in the District, the Council has taken a pragmatic approach in identifying the site as an existing and authorised Gypsy & Traveller site for inclusion in Policy CS21 of the Core Strategy. The proposed development would result in an additional 2 residential pitches on an

existing, authorised family site, therefore meeting the objectives of site 'intensification' within Policy CS21 and contributing to the existing shortfall of Gypsy and Traveller sites in the district. Moreover, the fact that this is an existing site, albeit in the Green Belt is also considered to be a material consideration of some weight.

Notwithstanding this, very special circumstances however will have to be clearly demonstrated by the applicant for the proposal of 2 residential pitches, as the recent Ministerial Statement has made it very clear that unmet need alone is not sufficient to outweigh Green Belt considerations.

In planning policy terms, given the advanced stage that the Core Strategy has now reached; considerable weight can be applied to Policy CS21 and the support this gives to site intensification to meet unmet need. In combination with the demonstrable need for Gypsy/Traveller sites in South Gloucestershire and the very special circumstances put forward by the applicant, there are policy grounds subject to the impact on the visual amenity of the Green Belt to support this application.

Since this consultation response was received, the Core Strategy has been adopted.

Other Representations

4.3 Local Residents

34 letters/e-mails of objection have been received from local residents; the concerns raised are summarised as follows:

- Lack of consultation.
- Condition 3 of the appeal decision relating to PK10/0711/F restricts the amount of development on the site.
- Adverse impact on the visual amenity of the Green Belt.
- Visible from Parkfield Rank and the road serving Strata Finis and Parkfield House.
- The D&A Statement doesn't mention the mobile homes.
- Inappropriate development in the Green Belt; no very special circumstances.
- Increased vehicle movements on Pit Lane – a poorly maintained, single-track road with no passing places.
- Pit lane is heavily used by walkers, horse riders and vehicles – there is a children's play area at the top end.
- Added disruption for local residents.
- Parkfield Rank is already congested with cars.
- There are no local bus services on Parkfield Rank.
- Too many gypsy sites in Pucklechurch.
- Precedent for more gypsy developments.
- Adverse impact on ecology.
- Adverse impact on house values.

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 CLG released a written statement from Baroness Hanham on 27 March 2013 announcing the Government's decision to revoke the south-west regional strategy (RPG10) and the Joint Replacement Structure Plan (JRSP). An Order to revoke the Regional Strategy for the South West was laid in Parliament on 24 May 2013 and this came into force on 20 May 2013. As a result, RPG10 and the JRSP will therefore not be part of the development plan and therefore no longer carry any weight.
- 5.2 The Direction served on South Gloucestershire Council in August 2006 (which has not yet been formally removed), the West of England GTAA published in October 2007, the High Court judgment of April 2008, the outstanding level of need and lack of available sites, are all considered to be material considerations of some weight.
- 5.3 Progress with the South Gloucestershire Gypsy and Traveller Sites Allocation Development Plan Document (DPD) was halted in 2010 and the future policy context for considering Gypsy/Traveller applications was taken forward through the Council's Core Strategy. The draft DPD is therefore of limited weight. Notwithstanding this, the evidence base used to support the Gypsy & Traveller DPD has been used to prepare Policy CS21 of the Core Strategy. Given the demonstrable need and the evidence base that supports the policy framework for delivering Gypsy/Traveller sites which has been subject to extensive public consultation as part of both the G&T DPD and Core Strategy, weight can be attributed to it as a material consideration.
- 5.4 Planning Policy for Traveller Sites (PPTS) was published by the Government on 23 March 2012. This document replaces Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites and Circular 04/2007: Planning for Travelling Showpeople. The PPTS is a material consideration in the determination of planning applications and should be taken into account by Local Planning Authorities in the preparation of Development Plans. The overall aims of the document can be summarised as ensuring that outstanding need for Gypsy and Traveller sites are addressed by Local Planning Authorities and that sites should be located in sustainable and appropriate locations.
- 5.5 Whilst the South Gloucestershire Local Plan (SGLP), remains the extant development plan Policy H12 relating to Gypsy and Traveller Sites is no longer a saved Policy. The Council adopted the Core Strategy on 11th Dec. 2013. In accordance with para. 5.38(6) of the Planning and Compulsory Purchase Act 2004, this application falls to be considered in accordance with Policy CS21 (Gypsy and Traveller Accommodation) of The South Gloucestershire Local Plan Core Strategy (Adopted) De. 2013.
- 5.6 Policy CS21 (Gypsy and Traveller Accommodation) of the Core Strategy states that provision will be made through the intensification of existing, authorised sites, provision within the new neighbourhoods and those that come through the development management process or Policies, Sites and Places DPD. The application site 'The Meadows', is listed within Policy CS21 as a Safeguarded Gypsy and Traveller Site. The supporting text to Policy CS21 at para. 10.76 states the following:

“Existing, authorised sites will be safeguarded and this will apply to public and private Gypsy/Traveller provision. ‘Authorised’ land includes existing Gypsy and Traveller sites which benefit from a permanent planning permission or alternatively, a temporary planning permission. The term ‘safeguarded’ means that existing, authorised land for the accommodation of Gypsies and Travellers will be retained until such time as it can be proved no longer a need. In the case of sites with temporary planning permission, the site will be retained, or ‘safeguarded’ until such time as the existing permission expires and safeguarding status will no longer apply.

As The Meadows was granted permanent consent under appeal, it is therefore a safeguarded Gypsy & Traveller Site under Core Strategy Policy CS21.

- 5.7 CLG issued a Ministerial Statement on 2 July 2013 relating to ‘Planning and Travellers’ and applications that come forward for temporary and permanent traveller sites in the Green Belt. As the NPPF makes clear (para 87), such development is inappropriate development and should not be approved except in very special circumstances. According to the ministerial statement, the Secretary of State wishes to make it clear that, when determining applications, although each case is determined on its merits, ‘he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the very special circumstances’ justifying inappropriate development in the Green Belt’.

Need for Gypsy & Traveller Sites

- 5.8 On the 29th January 2014, South Gloucestershire’s PT&SE Committee endorsed the findings of the South Gloucestershire & City of Bristol Gypsy & Traveller Accommodation Assessment (GTAA) 2013. In doing so they resolved to endorse the findings as far as they relate to South Gloucestershire for the purposes of informing the Council’s planning policy framework and development management decision making, thereby replacing the previous 2007 West of England GTAA.
- 5.9 The GTAA recommends that the following are required to be delivered in South Gloucestershire up to 2028:
- 46 additional Gypsy/Traveller residential pitches.

The new figures represent the most up to date evidence. As a result it should be regarded as the fully objectively assessed amount of provision which is necessary to meet the Council’s statutory obligations towards the identifiable needs of the residential population arising in South Gloucestershire over the plan period, thereby complying with the requirements of the NPPF and PPTS.

- 5.10 The GTAA continues to reveal a demonstrable unmet need for permanent residential Gypsy/Traveller and Travelling Showpeople sites in South Gloucestershire. It is clear therefore that the Local Planning Authority still has a considerable number of new pitches to provide in order to meet the

accommodation needs of Gypsies and Travellers in South Gloucestershire and that this continues to attract significant weight as a material consideration.

The proposed development

- 5.11 The application proposes the change of use of land to provide an additional two Gypsy pitches at the established Gypsy & Traveller site known as 'The Meadows'. The existing site comprises one pitch and was granted consent with a full award of costs, under appeal ref: APP/P0119/A/10/2141502 in June 2011. It is proposed to locate two additional Gypsy/Traveller pitches for existing family members immediately to the west of the existing site. This land is within the same ownership as the family that currently occupy 'The Meadows'. The application site is situated in open countryside outside the settlement boundary of Pucklechurch and in the Bristol & Bath Green Belt.
- 5.12 In accordance with S38(6) of the Planning and Compulsory Purchase Act 2004, this application falls to be considered in accordance with the South Gloucestershire Local Plan Core Strategy as adopted and any saved policies within the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. Also of relevance is the NPPF and Supplementary Planning Documents listed at para. 2.3 above.
- 5.13 The Government attaches great importance to Green Belts. The NPPF is clear at paragraph 87 that in the case of proposals which come forward in the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, the NPPF also states that the fundamental purpose of the Green Belt is to preserve its openness.
- 5.14 It should be noted however that the 2011 appeal decision (para.7) highlighted that although the development was inappropriate and would therefore by definition impact on the openness of the Green Belt, the site is well screened from public views along the nearest footpaths. Nevertheless since this previous decision, as identified above, both the Planning Policy for Traveller Sites (PPTS) and July Ministerial Statement have both been published and are significant material considerations.

Very Special Circumstances

- 5.15 The Council consider that the proposal represents inappropriate development in the Green Belt. The applicant has submitted a list of very special circumstances that she considers would justify the inappropriate development in the Green Belt; these are as follows:
- i) The unmet need for further sites for Gypsies and Travellers;
 - ii) The unavailability of suitable alternative sites;
 - iii) The family's personal circumstances in particular health needs of Mrs. Tracey Williams.

- iv) Deficiencies with Development Plan policy provision for Gypsy and Traveller caravan sites in South Gloucestershire;
- v) 5 year land supply of Gypsy Sites

5.16 As regards the need for Gypsy and Traveller Sites in South Gloucestershire, this matter is not contested, as evidenced in the preceding paragraphs of this report. The recent Ministerial Statement by the Rt. Hon. Brandon Lewis M.P. states that:

“The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development in the Green Belt’.

5.17 Officers consider that the statement does not totally preclude every case of unmet need, making it clear that each case will depend on its facts. The statement goes on to confirm this by stating that it is ‘*unlikely*’ to outweigh harm to the Green Belt, therefore implying that in certain cases unmet need alone might outweigh the harm by reason of inappropriateness.

5.18 In this case however, officers consider that there are other circumstances to consider. The applicant has in fact lived at ‘The Meadows’ for the last 13 years. The site is occupied by Mrs. Tracey Williams and her four children; Charles (22), Mia (24), Lana (21) and Georgina (20). The submitted Design and Access Statement indicates that the proposed two pitches would provide facilities to enable the occupants of the caravans to minimize the recognised hazards associated with cooking and fire in the close confines of caravans and provide facilities for washing and bathing and the maintenance of basic hygiene. The proposed caravans would conform to the definitions within Section 29 (1) of the Caravan Sites and Control of Development Act 1960 and Section 13 (1) of the Caravan Sites Act 1968.

5.19 It is proposed that the existing pitch would continue to be occupied by Mrs Tracey Williams (52) and daughters Lana (21) and Georgia (20). Proposed Plot 2 would be occupied by Mr Charlie Williams (22) and partner Miss Holy Rogers (22) and Plot 3 by Miss Mia Williams and partner Harlem (24). All occupants are currently employed; Charlie helps his grandfather who lives in Pucklechurch, but is hoping to enrol on a welding course at a local college.

5.20 In the 2011 appeal decision letter (para.31) it was acknowledged that at that time there was a significant unmet need for Gypsy & Traveller Sites in South Gloucestershire and that a DPD was still forthcoming to make provision. The Inspector gave considerable weight to this matter. Little has changed in this regard, in that future site allocations are now to be brought forward through the Policies, Sites and Places DPD, which is still pending. Policy CS21 of the now adopted South Gloucestershire Local Plan Core Strategy does however provide a strategic policy, which envisages that additional provision will be addressed through the intensification of existing sites in the first instance, although some

site provision would come via the Development Management Process in the form of windfall sites.

- 5.21 The Core Strategy lists those Gypsy/Traveller sites to be safeguarded at Policy CS21. The existing site at 'The Meadows' is included in this list. It is Council policy that existing, authorised Gypsy and Traveller sites are safeguarded until such time as it can be proven there is no longer an outstanding need for such sites.
- 5.22 The proposal intends to expand the area of the existing site, albeit into land in the applicant's ownership that lies immediately adjacent to and west of 'The Meadows'. A strict interpretation of Policy CS21 would suggest that the proposal is not intensification of an existing site (as permitted by the previous planning consent) but limited expansion of the existing authorised site as permitted.
- 5.23 The existing authorised site is modest in size (see appeal decision letter para. 7) and as such was not considered to represent a significant encroachment into the Green Belt and open countryside. The proposal however would represent further encroachment into the Green Belt and open countryside; yet as noted by the Inspector in the previous appeal (paras. 11 and 12) the site is not prominent in the landscape and is well screened. Additional native hedgerow and tree planting is also proposed as part of this application (see Landscape section below).
- 5.24 Personal Circumstances
In terms of alternative Gypsy & Traveller Sites, the Council's Gypsy Liaison Officer has recently confirmed that the two Council sites are full and have waiting lists; there are no other alternative sites; the Inspector (para. 18) previously gave moderate weight to this issue.
- 5.25 A number of health difficulties for both Mrs Williams and her son Charlie were previously noted in the appeal Decision letter and the Inspector gave these matters moderate weight. These health matters have again been submitted in support of the application but at this stage are confidential to Council Officers and Members only. These matters are available to Members upon request.
- 5.26 Suffice it to say that both Mrs Williams and Charlie are registered with a Pucklechurch Doctor's Surgery and both attend Frenchay Hospital.

Human Rights

- 5.27 Any violation of Human Rights would relate to Article 1 of the First Protocol (protection of property) and Article 8 (respect for private and family life and the home) of the European Convention on Human Rights, which is incorporated into the Human Rights Act 1998. Article 8 reads as follows:

"Article 8

Right to respect for private and family life.

- 1. Everyone has the right to respect for his private and family life, his home and his correspondence.*

2. *There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*"

Officers consider that the operation of the Planning system does not conflict with the Human Rights Act. The Council has not acted unfairly in preparing the Local Plan or Core Strategy and then making decisions based upon the policies contained therein. Both plans have been tested at public enquiry and subsequently found to be sound.

- 5.28 Having regard to: the planning history of this site; the length of time that Gypsies have been associated with the site; the acknowledged unmet need for Gypsy & Traveller Sites within South Gloucestershire; the content of Core Strategy Policy CS21; the limited impact on the visual amenity of the Green Belt and the personal circumstances of the applicant, officers consider that the very special circumstances to overcome the harm by reason of inappropriateness and any other harm, to justify the development in the Green Belt, have on balance been adequately demonstrated. There is therefore, no in-principle Green Belt objection to this proposal.

Other Considerations

5.29 Highway Issues

The existing site is accessed via a rough track (Pit Lane) off the end of Parkfield Road. Concerns have been raised about the suitability of this track and the impacts of any increased traffic generation for walkers and horse riders,.

- 5.30 The NPPF (para. 32) is clear in stating that development should only be prevented or refused on transport grounds where the cumulative impacts of development are severe. It is noted that in the original application PK10/0711/F for the existing Gypsy & Traveller Site at 'The Meadows', the Council raised no objection on highway grounds. The earlier 2003 appeal was referred to in which the Inspector stated the following:

"There have been a number of representations opposing the development, including those from local residents and Pucklechurch Parish Council. One material consideration is that of highway safety. Access to the site is narrow in places, particularly in the vicinity of Parkfield Rank and passes close to a children's area. The relative isolation of the locality means that the road is lightly trafficked and the development adds to that traffic. However the normal number of vehicle movements associated with the single family unit on site would be small and would not in my view result in a significant increase in road safety risk. The rights of access have been questioned, but this is a matter for legislation other than the Town and Country Planning Act 1990.'

- 5.31 Officers considered that satisfactory levels of on site car parking and turning areas were available adjacent to the caravan. As such there was no highway objection to the scheme as approved under the 2011 appeal.
- 5.32 The current proposal would provide an additional two pitches but these would be occupied by two of Mrs Williams' siblings (who already live at 'The Meadows') and their partners. The increased traffic generation is not therefore considered to be severe. The existing access would be utilised and adequate parking provision would be available on the proposed areas of hard-standing.
- 5.33 Officers consider that on balance, having regard to para.32 of the NPPF, a refusal reason based on highway grounds could not reasonably be justified in this case. In this respect, the proposal accords with Policies CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) 6th Jan 2006 and Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.34 Landscape Issues
Concerns have been raised about the impact of the proposal on the visual amenity of the Green Belt and the Landscape Character in general.
- 5.35 The site is well screened by vegetation in all directions. The buildings are all single-storey only and the site is located at the break in the slope, which would result in the development being unlikely to have any significant visual impact in the broader landscape. However it is difficult to assess how effective the existing screening would be during the winter months and some local residents are concerned that the increase in the number of buildings will have an impact on their visual amenity and will be visible from Parkfield Rank.
- 5.36 With regards to the visual amenities of the Green Belt the inspector for the 2011 appeal stated that *"The site is well screened from public view from the nearest footpaths. The substantial conifers along the western side of the site would effectively screen the mobile home and utility/day room from any longer distance view from the west, and the dense hedge to the east would largely screen the development from the public footpath beyond."* However he concluded that the development would result in some harm to the visual amenities of the Green Belt. The inspector noted that the harm would be reduced by the modest size of the development, the sites position and considerable degree of screening.
- 5.37 Although the proposal would introduce another two pitches alongside that which already exists, the development would not have a significant impact on the visual amenity of the wider area due to the surrounding topography and existing vegetation, however it would potentially have an impact on the visual amenity of the residents within the immediate area. In order to mitigate against this impact, an indicative scheme of additional tree and hedgerow planting is shown on the submitted plans, which demonstrates that adequate screen planting can be achieved; this could be secured via an appropriate condition attached to any consent granted.

5.38 Subject to this condition, the scheme would satisfy Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 6th Jan 2006.

5.39 Design Issues

A Gypsy pitch comprises a mobile home, a touring caravan and a utility/day room. The legal definition of a caravan was established in the Caravan Sites and Control of Development Act 1960; this was modified in 1968 to include twin-unit mobile homes and again in 2006 when the sizes were increased to the following:

- a) Length (exclusive of any draw bar) 20m (65.6ft)
- b) Width 6.8m (22.3ft)
- c) Overall height (measured internally from the floor at the lowest level to the ceiling at the highest level) 3.05m (10ft).

Given these definitions it is not normally the requirement for applicant's to submit plans of the mobile homes and caravans. In this case a plan has been submitted showing the proposed details of the proposed utility/day rooms. These would be fairly modest in scale, having foot-prints measuring 6.5m x 3.414m with eaves at only 2.5m and roof ridge at 4.0m. The materials used in construction would be brick for the walls with clay interlocking tiles for the roofs. This scale and simple gable ended design is considered to be appropriate for such buildings.

5.40 The scheme therefore accords with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 6th Jan 2006.

5.41 Environmental Issues

The site is not the subject of unacceptable levels of noise disturbance, air pollution, smell, dust or contamination and neither is the site prone to flooding. The site was previously considered to be habitable being granted consent at appeal and included within the list of safeguarded sites under Policy CS21 of the recently approved South Gloucestershire Local Plan Core Strategy, the plan having been tested at Public Enquiry.

5.42 Foul disposal would be via a nearby connection to the mains sewer. The Councils Drainage Engineer has raised no objection. The proposal therefore accords with Policies CS1 and CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

5.43 Impact on Residential Amenity

The nearest residential properties likely to be affected are 'Longacre' located some 75m to the south-east of the development site and 'Parkfield House' located some 140m to the north west. These properties are isolated dwellings within their own extensive plots, with separate access drives off Pit Lane leading to Parkfield Road. The houses within Parkfield Rank lie on elevated ground in relation to the development site but given that they are 300m away, are far less likely to be affected.

5.44 The proposed caravans, mobile homes and utility/day rooms are modest in scale and only single-storey. Given the level of existing and proposed tree and hedgerow planting that would enclose the site, any views in or out of the site would be well screened.

5.45 With appropriate conditions to control the number of pitches; the size of vehicles to be stationed on the site and to prevent any commercial activities including storage on the site, officers consider that there would be no significant adverse impact on residential amenity over and above that which already occurs.

5.46 Other Issues

Of the concerns raised that have not been addressed in the above paragraphs:

- Consultations were carried out in accordance with the Council's criteria. Officers also posted a site notice outside the site.
- The land the subject of this application is not part of the Gypsy & Traveller site allowed on appeal in 2011 and is not therefore subject to any of the conditions attached thereto.
- Mobile homes are an integral part of a defined Gypsy & Traveller Pitch.
- The application has been determined on its individual merits irrespective of the number of Gypsy & Traveller sites in the wider location. Precedent is not a material consideration.
- 'The Meadows' is an existing G&T site and no objections on ecological grounds were previously raised. The land the subject of the current application is part of the larger plot in the same ownership. The site is grazing land and has no special ecological designation.
- The impact on house values is not a material consideration in the determination of 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 acknowledged harm to the Green Belt must be balanced against the continued unmet need for, and lack of availability of, alternative Gypsy and Traveller Sites; the planning history of the site and personal circumstances of the applicant and her family.

6.3 Policy CS21 envisages that some new Gypsy & Traveller Sites will be delivered through the development management process as windfall sites. Given that South Gloucestershire is heavily constrained with large areas of AONB (22%), Green Belt (43%) and areas of high flood risk (18%), finding sufficient land for Gypsy and Traveller Sites outside these areas is a considerable challenge for the Council. Given this situation officers consider that it most likely that in certain cases there will be circumstances whereby the provision of a Gypsy & Traveller Site will occur in these areas; indeed some of the safeguarded sites

listed under Policy CS21 of the Core Strategy do lie within these areas and 'The Meadows' is a case in hand.

- 6.4 The site at 'The Meadows' is an existing Safeguarded Site and Policy CS21 of The Core Strategy, in the first instance seeks to provide additional pitches through the intensification of existing sites.
- 6.5 The existing site is not large and is restricted by condition to 1no. pitch only which is now insufficient in size to house the family. The occupants have local connections. There is little or no prospect of the present occupants finding an alternative Gypsy & Traveller site locally.
- 6.6 Given that the Policies, Sites and Places DPD is still pending, officers have considered whether a grant of temporary consent would be appropriate in this case. In the first instance the applicant has not applied for a temporary consent but a full planning permission. Given that 'The Meadows' has been occupied by the same family since March 2001 it could not now be reasonably argued that a trial period of occupation is required. In this respect a temporary consent is not necessary and as such would not meet the tests of a condition as listed in the new Planning Practice Guidance (Circular 11/95 being superseded by the PPG). Furthermore Policy CS21 makes provision for windfall sites subject to the criteria listed therein, which in this case are considered to be met.
- 6.7 In this case officers consider that the combination of the personal circumstances of the applicant, combined with the unmet need of and lack of alternative Gypsy & Traveller Sites described previously and the planning history of the site, outweigh the limited level of harm to the Green Belt.
- 6.8 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and 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 below.

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. No commercial activities shall take place on the land the subject of this consent, including the storage of materials.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

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); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To enhance the screening of the site to protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

4. The proposed parking, turning and manoeuvring areas shall be provided prior to the first occupation of the development hereby approved and those areas shall not thereafter be used for any purpose other than the turning and manoeuvring of vehicles.

Reason

In the interests of highway safety and to accord with Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

5. Notwithstanding the existing Gypsy and Traveller pitch located at 'The Meadows', there shall be no more than two additional pitches on the land the subject of this consent and within each individual pitch hereby approved no more than two caravans shall be stationed at any time, of which only one caravan shall be a residential mobile home.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land the subject of this consent.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

7. The pitches hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of DCLG document Planning Policy for Traveller Sites March 2012.

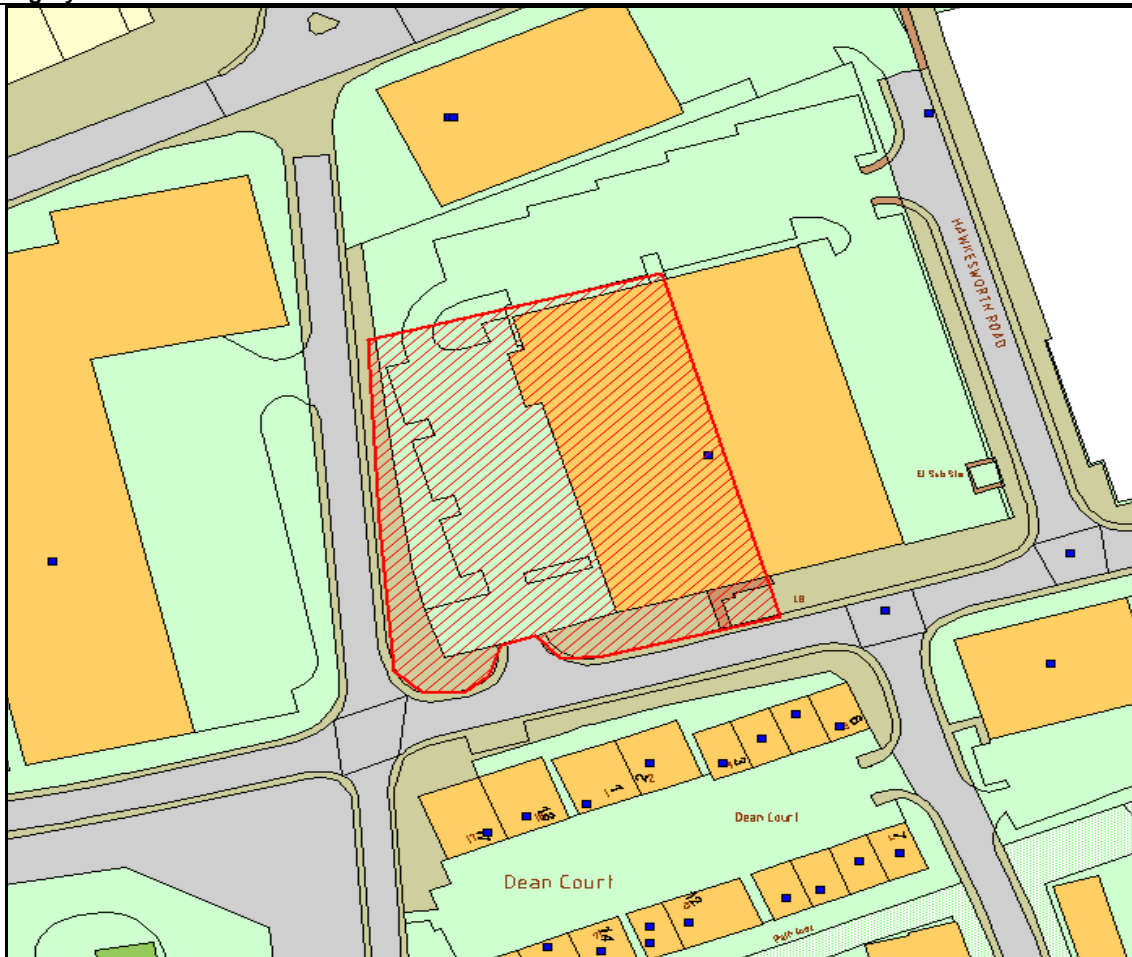
Reason

To ensure that the site is not occupied by people other than those of Gypsy and Traveller status, given the limited availability of Gypsy and Traveller sites within South Gloucestershire.

ITEM 2

CIRCULATED SCHEDULE NO. 13/14 – 28 MARCH 2014

App No.:	PK13/4319/F	Applicant:	Terramond Ltd
Site:	Unit 4 Armstrong Court Armstrong Way Yate Bristol South Gloucestershire BS37 5NG	Date Reg:	16th December 2013
Proposal:	Replacement of existing cladding and alterations to elevations and roofline to facilitate change of use from Class B1 and B2 to offices, meeting rooms, conference / training facilities, builders merchant, workshop, storage of plant, machinery and builders materials (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Creation of additional access on North Road, erection of 2.4 metre high boundary fencing and associated works.	Parish:	Iron Acton Parish Council
Map Ref:	370141 183319	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	6th February 2014



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100023410, 2008. **N.T.S.** **PK13/4319/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as there is public comment raising concern about the proposal, whilst the officer recommendation is to approve the development.

1. THE PROPOSAL

- 1.1 The site is located within the Great Western Business Park with access direct onto Armstrong Way. The site forms part of a larger industrial unit (approximately 1.4 hectares) located at 4 Armstrong Way. This application affects approximately 45% of the larger site (approximately 0.62 Hectares). The existing building subject of this application is positioned partly (approximately 50%) within this application site, with the remaining part of the building located outside of the application site area. This application affects only the part of the building within the application site.
- 1.2 In this instance, there is also a planning application (PK14/0066/F) which affects the remainder of the larger site and the remainder of the existing building. This is detailed in section 3 of this report.
- 1.3 The development proposed by this application details the change of use of part of the existing building on the site for mixed use as offices, meeting rooms, conference and training facilities, a builders merchant, workshop, storage of plant, machinery and builders materials. It is also proposed to provide parking for a fleet of (transit size) vehicles. The development would be accessed from the existing access on Armstrong Way and a new access is to be created off North Road.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan: Core Strategy (adopted)

CS1 High Quality Design

CS5 Location of Development

CS11 Distribution of Economic Development Land

CS12 Safeguarded Areas for Economic Development (Area 33 Great Western Business Park)

CS30 Yate and Chipping Sodbury

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

E3 Criteria for Assessing Proposals for Employment Development within the Urban Area, Defined Settlement Boundaries and/or Permitted by Policies E4/E6/E7 (E4 is no longer saved)

T12 Transportation Development Control Policy

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/0067/ADV Display of 2 no. non-illuminated fascia signs.

Approved (11th March 2014)

- 3.2 PK14/0066/F Part demolition / part retention of existing building to facilitate change of use from B1 and B2 to maintenance depot, vehicle storage, storage of solar signs for solar regeneration, offices and maintenance of solar signs from composite parts (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). New cladding / brickwork to roof and walls. Installation of fuel tanks and pump. Erection of 2.4 metre high boundary fencing and associated works.

Undetermined at the time of writing this report.

- 3.3 PK11/3722/F Change of use from B1 and B2 to Class B8 (storage and distribution) as defined in the Town and Country Planning (Use Classes) order 1987 (as amended)

Refused and dismissed at Appeal (23rd August 2012).

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
No Observations

- 4.2 Highway Authority
No Objection. The site is within an established employment area and it is not considered that the proposed change of use would result in any adverse impact in transportation terms. The proposed access to the site and level of parking is considered acceptable.

- 4.3 Drainage Engineer
No Objection in principle

- 4.4 Environmental Health Officer
No Objection in principle

Other Representations

- 4.5 Local Residents
One letter is received. The comments do raise objection to the proposed development in principle. However, the writer raises concerns in relation to the following;

- i) Noise; suggesting that the development is not operational after 10pm and before 6am and that noise attenuation is provided against noisy activities. The writer refers to the presence of lorries parked outside the

site continuing to run engines at night and suggests that a condition is applied to prevent engines from being left running over night.

- ii) Highway matters; raising concern over the parking of vehicles on double yellow lines around the site at night. The writer suggests that sufficient parking should be provided sufficient parking on the site.
- iii) Visual Amenity; referring to the loss of shrubbery around the site and the invasion of brambles and stinging nettles. The writer suggests that planting should be reinstated as part of the development.

5. **ANALYSIS OF PROPOSAL**

5.1 The whole site at 4 Armstrong Way is currently lawful under Use Class B1 (Business) and B2 (General Industry). It has not been occupied for a period of some ten years. The proposed development would be Sui Generis and would re-use part of the existing building and site for activities associated with Merlin Housing Society. The development is mixed use and would provide (effectively) a covered area for storage of building materials and equipment, workshop as well as associated office and conference training accommodation; with parking and manoeuvring areas within the curtilage of the building.

5.2 Principle of Development

Saved Policy E3 of the South Gloucestershire Local Plan is relevant to this planning application. The policy sets the criteria for the assessment of employment uses in the urban area, settlement boundaries and specifically protected employment areas. Policy CS12 of the South Gloucestershire Local Plan Core Strategy provides specific locations that are safeguarded for economic (employment/business) uses.

5.3 The site is located within the Yate Urban Area and is located in The Great Western Business Park (Area 33 as identified in Policy CS12; Table 1). Although the proposed development would constitute a Sui Generis Use and does not fall into a specific 'B' (business) use class, officers are satisfied that the proposal would represent a business use associated with the business operations of Merlin Housing Association.

5.4 Saved policy E3 of the South Gloucestershire Local Plan carries a presumption against the development of large scale B8 (storage and distribution) other than at sites within Severnside, Cribbs Causeway and Emersons Green (Area B). A previous application detailing the provision of large scale B8 uses on the whole of the site at 4 Armstrong Way (PK11/3722/F). This application was refused and was subsequently dismissed at appeal, principally on the basis that such development would not comply with the locational requirements of Policy E3 as it would have introduced a large scale B8 use into a location not within Severnside, Cribbs Causeway or Emersons Green (Area B).

5.5 In this instance there will be some storage and distribution associated with this development but this would be related to the business operations of the users of the site. It would not be large scale and any planning permission would not facilitate any further changes to B8 uses without a further planning application.

Officers are satisfied that the proposed development would represent a positive economic use and, in principle is not in conflict with Policy E3 of the South Gloucestershire Local Plan. Furthermore, the proposed development would retain an economic and employment use within the Great Western Business Park and therefore does not conflict with Policy CS12 of the South Gloucestershire Local Plan; Core Strategy.

5.6 On this basis, officers consider that the proposed development is acceptable in principle subject to the following considerations.

5.7 Visual Amenity

The proposed development involves only part of the site at 4 Armstrong Way. Essentially, it is proposed to alter and re-clad the external envelope of the Western part of the building on the site. The remainder of the building is subject of a further application PK14/0066/F detailed in section 3 of this report. In the event that development under that application is approved and implemented, the remaining part of the existing building would be significantly reduced in size. For the purpose of this application, consideration is given only to the work to be carried out to the Western half of the building.

5.8 The effect of this proposal would be to reduce the existing building by 50% to appear as a single bay portal frame building, as opposed to a double bay portal framed building. It is proposed to remove the parapet currently enclosing the top of the building and to expose the portal frame roof sitting behind. Other alterations involve re-cladding and the insertion of new windows into the South Elevation of the building; and the provision of large doors to the main workshop and storage areas of the proposal. The resulting appearance of the building is functional and is in keeping with the general character of the area as a business park. The final appearance of the building (cladding colours and profile etc) can be controlled by condition in the event that this application is approved. Nonetheless, it is considered that the appearance of the building will be acceptable and would act to improve the general appearance of the site and surrounding locality.

5.9 External areas of the development proposal will be made up of parking and manoeuvring facilities associated with the development. The site is enclosed by a high palisade fence which is to be retained. A new access is to be provided in the Northwest corner of the site from North Road. The area immediately to the outside of the fence is landscaped, and the development proposals include the re-planting of this area. The planting scheme is considered acceptable, and in the event that this planning application is approved, the planting can be secured by way of appropriately worded condition. Although there are no proposals to have outside storage, it is considered appropriate to prevent this by way of appropriately worded condition in the interest of visual amenity. It is noted that local residents have raised concern over the loss of planting and general appearance of the site. Officer are satisfied that this issue can be adequately dealt with as part of this planning application.

- 5.10 Subject to the above suggested conditions, it is considered that in general terms, the proposed development would not significantly alter the appearance of the locality and would not have a harmful impact on the visual amenity of the site or the surrounding locality.
- 5.11 Residential Amenity
The site is located within an established business park. There are no dwellings in the immediate vicinity of the site, although it is acknowledged that there are residential dwellings in the wider area. There would be no loss of privacy as a result of overlooking of residential dwellings from the proposed development. In this instance, the proposed development would involve activities associated with construction based industry, but there would be no heavy industrial process. A workshop is proposed as part of the main floor space of the building which would also provide storage of materials and equipment and it is considered that the level of noise associated with this use is unlikely to be at a harmful level. This activity would take place inside the building which would offer sound insulation. It is not proposed to use outside areas (which are proposed to be retained predominantly for parking and manoeuvring of vehicles), for activities associated with the workshop; and outside storage can be controlled by condition (as set out earlier in this report). It is acknowledged that the site has not been in use for a number of years now and that renewed activity will generate noise. However, this would not be materially greater than the potential noise resulting from renewed activities within the current authorised use and that would be available without a further planning permission. Given the nature of the surrounding industrial/business park and the activities already in place, it is considered that the proposed development would not materially alter the existing situation and as such would not have a harmful impact upon the residential amenity of occupants of dwellings in the wider area.
- 5.12 It is noted that local residents have drawn attention to the running of engines/coolers associated with parked lorries on Armstrong Way and nearby roads. It is acknowledged that such occurrences can cause potential nuisance and irritation to residents of nearby dwellings. However, where this occurring off site it cannot be controlled by planning legislation and is a matter for specific Environmental Health Legislation and the Police Authority.
- 5.13 Having regards to the above, it is considered that the proposed development is acceptable in respect of residential amenity.
- 5.14 Transportation and Highway Safety
The proposed development is easily access by road and benefits from being within a business park with road infrastructure being capable of accommodating large vehicles. The proposed development would introduce a new access gate into the site off North Road. It is considered that the proposed access is acceptable in the proposed location.
- 5.15 Officers consider that the change of use from B1/B2 to the proposed use would have any adverse impact on the capacity of the highway. Furthermore, the application details adequate car, motor cycle and cycle parking (including

commercial vehicles) and turning facilities within the site, commensurate with the scale of the development proposed.

5.16 It is noted that some concern has been raised in respect of large vehicles parking in the area of the site on double yellow lines. Notwithstanding this, officers are satisfied that there is sufficient parking within the site; and too this end officers consider that the development would not result in parking problems on the surrounding highway network. The issue of parking outside the site on restricted areas is a matter for control by the Police Authority or South Gloucestershire Parking enforcement legislation and cannot be considered as part of this application.

5.17 Having regards to the above, it is considered that the proposed development would not have a detrimental impact upon highway safety and amenity and is acceptable in transportation terms.

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 is granted subject to the following conditions

Contact Officer: Simon Penketh

Tel. No. 01454 863433

CONDITIONS

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

Reason

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

2. Prior to the commencement of development details and/or 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 and thereafter retained as such.

Reason

To ensure that the finished appearance of the building is acceptable in the interest of the character and visual amenity of the site and the surrounding locality; and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013

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

Reason

In the interest of the character and visual amenity of the site and the surrounding locality; and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013

4. The Landscaping Proposals as set out on drawing numbered 632-01 (as received by the Council on 21st November 2013) shall be implemented in the next available planting season following the completion of the development hereby approved. Thereafter the development shall be retained as such.

Reason

In the interest of the character and visual amenity of the site and the surrounding locality; and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013

CIRCULATED SCHEDULE NO. 13/14 – 28 MARCH 2014

App No.:	PK14/0029/F	Applicant:	Mr S Taylor
Site:	139 Bath Road Longwell Green South Gloucestershire BS30 9DD	Date Reg:	7th January 2014
Proposal:	Demolition of existing garage to facilitate the erection of 1no. detached dwelling with associated works. Creation of new access. (Resubmission of PK13/3780/F).	Parish:	Oldland Parish Council
Map Ref:	365979 170930	Ward:	Longwell Green
Application Category:	Minor	Target Date:	27th February 2014



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100023410, 2008.

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PK14/0029/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as representations have been received which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a detached dormer bungalow within the residential curtilage of no.139 Bath Road, Longwell Green.
- 1.2 The application site consists of a detached bungalow on a corner plot at the junction of Long Beach Road and Bath Road. The site is situated within the established urban area in the east Bristol fringe.
- 1.3 The application is a re-submission of a previous application ref. PK13/3780/F for a double storey detached dwelling in the same location, which was refused on 6th December 2013 for the following reasons:
 1. *The proposal would constitute a cramped form of development by virtue of the cramped nature of the site, the small rear garden, the excessive degree of site coverage with built form, the lack of a proper setting for a dwelling of such width and the close proximity, at a greater height to eaves than the host dwelling, contrary to policies H4 and D1 of the adopted South Gloucestershire Local Plan, policy CS1 of the emerging South Gloucestershire Core Strategy and the provisions of the National Planning Policy Framework.*
 2. *The proposed dwelling would be served by an inadequate amount of amenity space for a family dwelling, due to its size and layout, with an adverse impact on the residential amenity of future occupiers, contrary to policies H4 and D1 of the adopted South Gloucestershire Local Plan and policy CS1 of the emerging South Gloucestershire Core Strategy.*
 3. *The proposed development, by virtue of the lack of an on site turning facility would lead to vehicles reversing onto or off the site in close proximity to a road junction at a location where visibility is inadequate, thereby adding additional safety hazards faced by all highway users at this location. This is contrary to policy T12 and H4 of the adopted South Gloucestershire Local Plan.*
- 1.4 During the course of the application revised plans have been submitted detailing amendments to the amenity and parking layout to serve the original dwelling, auto-tracking information, and minor amendments to the rear elevation windows. A re-consultation with all consultees was not deemed necessary.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities of the East Fringe

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

H4 Development within Existing Residential Curtilages
L1 Landscape Protection and Enhancement
EP2 Flood Risk and Development
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control Policy

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

3.1 PK13/3780/F - Demolition of existing garage to facilitate the erection of 1no. detached dwelling with associated works. Creation of new access. Refused 6th December 2013

- 1. The proposal would constitute a cramped form of development by virtue of the cramped nature of the site, the small rear garden, the excessive degree of site coverage with built form, the lack of a proper setting for a dwelling of such width and the close proximity, at a greater height to eaves than the host dwelling, contrary to policies H4 and D1 of the adopted South Gloucestershire Local Plan, policy CS1 of the emerging South Gloucestershire Core Strategy and the provisions of the National Planning Policy Framework.*
- 2. The proposed dwelling would be served by an inadequate amount of amenity space for a family dwelling, due to its size and layout, with an adverse impact on the residential amenity of future occupiers, contrary to policies H4 and D1 of the adopted South Gloucestershire Local Plan and policy CS1 of the emerging South Gloucestershire Core Strategy.*
- 3. The proposed development, by virtue of the lack of an on site turning facility would lead to vehicles reversing onto or off the site in close proximity to a road junction at a location where visibility is inadequate, thereby adding additional safety hazards faced by all highway users at this location. This is contrary to policy T12 and H4 of the adopted South Gloucestershire Local Plan.*

- 3.2 PK13/3719/F - Erection of steel and glass balcony railing at first floor level to form enclosed roof terrace (retrospective). Approved 6th December 2013
- 3.3 PK10/3178/F - Erection of single storey front extension to provide additional living accommodation. Approved 4th January 2011
- 3.4 PK07/2455/F - Erection of single storey side extension to provide ancillary granny annexe. Erection of 1.8m high entrance gate. Approved 12th October 2007
- 3.5 PK07/1251/F - Alterations and single storey extension to existing garage to facilitate the conversion to a dependant relative annexe. Refused 12th June 2007
 - 1. *The erection of a further 7.25 metres of built form forward of the common building line on Long Beach Road results in a development that fails to respect the layout and character of built form in the streetscene and, if allowed, would detract from the visual amenities of the locality. The proposal is therefore considered contrary to Policy H4 A and D1 A of the South Gloucestershire Local Plan (Adopted) January 2006.*
 - 2. *The proposed extension, by reason of its size and design would fail to respect the scale, proportions, overall design and character of the existing property and streetscene to the detriment of the visual amenities of the locality. The proposal is therefore considered contrary to Policy H4 A and D1 A of the South Gloucestershire Local Plan (Adopted) January 2006.*
- 3.6 PK06/3033/F - Erection of single storey rear extension to provide additional living accommodation. Approved 4th December 2006
- 3.7 PK06/0800/F - Erection of single storey rear extension to form additional living accommodation. Approved 18th April 2006
- 3.8 PK05/0343/F - Installation of side dormer to facilitate loft conversion. Approved 23rd March 2005
- 3.9 PK03/2382/F - Erection of a detached garage. Approved 13th October 2003

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
It was resolved to restate the objection made to PK13/3780/F (demolition of existing garage to facilitate the erection of 1No. detached dwelling with associated works. Creation of new access at 139 Bath Road, Longwell Green) on grounds of over-development and inadequate provision for access to the road. This application is not significantly different to that previously submitted.
- 4.2 Transportation DC
No objection to revised plan and auto tracking diagram.
- 4.3 Highway Drainage
No objection, condition recommended.

- 4.4 Environmental Protection
No objection subject to condition.

Other Representations

- 4.5 Local Residents
Four letters of objection have been received from local residents. The comments are summarised as follows:
- Site already overdeveloped.
 - Site and garden too small and inadequate for a two bedroom property.
 - Dwelling will increase traffic congestion around a busy junction and add to parking problems.
 - Proposed access very close to junction of Bath Road.
 - Restricted views off proposed driveway especially at school times, children run around the corner.
 - Other houses along the same side only have access to rear of properties.
 - House frontage is out of character with the street scene and its open drive is not locally distinctive.
 - Inadequate outdoor amenity space.
 - D&A Statement acknowledges the incorrect position of the existing garage but this new development cannot be considered as an appropriate solution to the original contravention.
 - Off street parking and visibility is unsatisfactory. Recently counted x7 vehicles within the curtilage at one time,
 - Over development especially with the cumulative impact of building works carried out to date. In light of the Circulated Schedule No. 40/07 relating to PK07/2455/F (stipulating even in October 2007 that the site would not support any future developments) concerns over the cramped nature of this proposal should outweigh any contribution that may, or may not, be made to housing stock.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application seeks permission for the erection of a detached dormer bungalow within the garden area of no.139 Bath Road, Longwell Green. Saved policy H4 of the SGLP (Adopted) 2006 permits development within existing residential curtilages including new dwellings in principle subject to criteria relating to residential amenity, highway safety and design. This is consistent with the core planning principles contained within the National Planning Policy Framework 2012 which seeks to secure high quality design and a good standard of amenity for all existing and future occupants.
- 5.2 The application is a resubmission of a previously refused application, the decision for which is dated 6th December 2013. The application was refused for three reasons based on design, private amenity space and highway safety with specific reference to policies H4 and D1 of the SGLP, and CS1 of the Core Strategy. Since the determination of this application the Council has adopted its Core Strategy (December 2013) and as a result policy D1 of the SGLP has

been superseded. The design principles of superseded policy D1 are broadly reflected within policy CS1 of the Core Strategy.

5.3 Residential Amenity

The application proposes the erection of a 1.5 storey dormer bungalow within the garden of no.139 Bath Road. The proposed dwelling would be situated to the east of no.139 with the boundary being located 0.9 metres from the closest rear elevation. The dwelling would be to the west of no.1C Long Beach Road 0.9 metres from the mutual boundary. To the north of the application site is the rear garden of no.137 Bath Road and the access lane and garages on Avondale Court.

5.4 The impact of a dwelling in this location has been considered in detail within the previously refused application, which sought permission for a double storey dwelling in the same location as currently proposed albeit with an additional single storey element. The current proposal is lower in height and on a smaller footprint.

5.5 As discussed within the previous application report it is considered that a dwelling in this location would not prejudice the residential amenity of the occupiers of 1C Long Beach Road. The proposed dwelling would be on a similar building line to no.1C and as such would preclude the possibility of any overbearing impact in that direction, and would not result in a loss of light to them. No.1C has only a bathroom window facing the proposed dwelling, which is not a habitable room. The proposed dormer windows are to the front and rear elevations which, although overlooking the rear gardens of no.137 Bath Road and No.1C Long Beach Road, are not considered to prejudice mutual privacy given the context of the site in an established residential area. There would be no direct line of vision between the habitable windows of the proposed dwelling and the windows of either number 1C Long Beach Road or 137 Bath Road. The residential amenity of these surrounding occupiers is therefore considered to be protected.

5.6 In terms of the impact of the proposed development on the host dwelling - no.139 Bath Road - the proposed amendment would reduce the overbearing and oppressive impact when compared to the previously refused application. It was considered within the previously refused application that the proposed development would only impact secondary windows and as such an objection was not raised on these grounds. Given that the current proposal is for a dwelling that is lesser in height there are considered to be no reasonable objections on grounds of overbearing impact. In terms of privacy Officers raise concern at the location of the bedroom window on the far northern rear extension which would be 0.9 metres from the mutual boundary of the proposed dwelling. The land gradient decreases slightly from west to east and as such concern is raised that this window would directly overlook the rear garden and rear windows of the proposed dwelling to the detriment of mutual privacy. The applicant has agreed to overcome this issue by blocking up the relevant window and installing rooflights as an alternative. On balance this is considered to overcome this concern. Subject to a condition that this window is blocked up there are no objections on grounds of loss of privacy to both the existing occupants of no.139 and the future occupiers of the proposed dwelling.

- 5.7 In terms of private amenity space it is noted that the previous application was refused (reason 2) on the grounds that inadequate private amenity space would remain to serve the proposed dwelling, which had two bedrooms at first floor level and a study at ground floor level capable of use as a bedroom. The Officer's report also referred to the usability of the available outdoor space in an 'L' shape. The revised site layout removes the previously proposed single storey rear element thus increasing the amount of rear garden to serve the proposed dwelling and removing the proposed study. The revised plan identifies proposed amenity space of approximately 50 square metres in a 'useable' square. Policy CS16 seeks to ensure that new development provides adequate levels of private outdoor space and this principle is reflected again within saved policy H4. There are, however, no minimum size standards for private amenity space and each site is assessed on its own merits. On balance, given that the revised proposal is for a modest two bedroom dormer bungalow which is unlikely to be suitable for families, the amount of private amenity space provided is considered sufficient on balance. The revised proposal is considered to overcome refusal reason 2 on application PK13/3780/F. Given the scale of the site Officers consider it both reasonable and necessary to remove the permitted development rights from the dwelling to ensure that there is no further encroachment in to the private amenity space. A cycle and bin storage building has been identified in the rear garden area however full details have not been provided and as such this will form a suitably worded condition.
- 5.8 Notwithstanding the above Officers note that the revised application would result in a greater loss of private amenity space to serve the original dwelling owing to the increased turning area at the front of the new dwelling. The private amenity space left to serve no.139 under the previous application was considered to 'barely meet' the requirements of a five bedroom dwelling. This, however, was not sufficient to warrant a refusal of the application. Within the revised scheme the host dwelling would lose an additional 25 square metres of private amenity space. This is highly undesirable given the scale of the host dwelling. However, the applicant has identified an area within the curtilage of the site which is currently occupied by a hardstanding parking area which is not required to contribute towards parking provision under the current minimum parking standards. The revised site plan has identified this area, which is in the southwest corner of the site as an 'enclosed front garden'. Some private amenity space would also remain to the borders of the dwelling albeit small and irregularly formed. Whilst the private amenity space left to serve the host dwelling is undesirable it is considered under the circumstances of the site, given that some additional improved private amenity space has been identified, a refusal reason relating to private amenity space alone would not be sustainable.
- 5.9 Subject to a number of suitably worded conditions there are no objections on grounds of the residential amenity of the existing surrounding occupiers or the future occupiers of the proposed dwelling.
- 5.10 Design/ Visual Amenity
The application site consists of a rear garden which is currently entirely hardstanding with a large detached garage fronting Long Beach Road. The

garage has a gable end facing Long Beach Road and is situated forward of the building line of the dwellings to the east. The locality is an established residential area with a mix of housing type design and scale. Opposite the site on the southern side of Long Beach Road is an open green space. The host dwelling (no.139) is a sprawling bungalow which has been subject to numerous single storey extensions and a roof conversion. A roof terrace has recently been approved on the southern wing of the dwelling.

- 5.11 The previously application was refused on grounds of poor design owing to the cramped nature of the site, the small rear garden, the excessive degree of site coverage with built form, the lack of a proper setting for a dwelling of such width and the close proximity, at a greater height to eaves than the host dwelling.
- 5.12 As discussed within the previous Officer's report the application site was considered to be cramped with an excessive degree of site coverage. The cramped nature of the development was considered to have been exacerbated by the double storey nature of the building previously proposed in close proximity to the existing bungalow. In response to this refusal reason the applicant has submitted a revised design proposal incorporating a 1.5 storey dormer bungalow with a pitched roof. The dwelling would be on the same building line fronting Long Beach Road as no.1C.
- 5.13 In consideration of the revised proposals Officers give due consideration to the impact of it on the character and distinctiveness of the street scene. The NPPF makes it clear the Local Authorities should not attempt to impose architectural styles or particular tastes. It is however proper to promote or reinforce local distinctiveness. In this respect Officers note that the local area and street scene does not have a distinct or 'special' architectural character or appearance and is instead characterised by a mix of housing on varying sized plots. The revised dwelling has been reduced in both height and footprint in order to respect the setting of the adjacent bungalow and the size of the site. Whilst the overall appearance of the bungalow does not present an innovative or original design it is considered that it would remain visually subservient in the street scene and should not cause any detriment or harm to it. Additionally, the proposal would result in the loss of the existing detached garage which currently fails to respect the building line of no.1C and 1B Long Beach Road. It is considered that a modest dormer bungalow set back and respecting the building would be a visual improvement.
- 5.14 The cramped nature of the site is an unavoidable negative of the scheme and one that formed the basis of the first refusal reason on PK13/3780/F. The reduction in size has to some extent alleviated this concern. It is noted that two existing outbuildings would be removed as a result of the development and as such the cumulative amount of development on the site is unlikely to be substantially different from the existing situation. On further consideration of the cramped nature of the site Officers afford greater weight to the contribution that the new dwelling would have to the mix and affordability of housing in the locality. The National Planning Policy Framework 2012 and policies CS16 and CS17 of the Core Strategy seek to support a mixed community in all localities. New housing development must provide a wide variety of housing type and size to accommodate a range of different households including families, single

persons, older persons and low income households. Local authorities should seek to deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. It is noted that the proposed dwelling would be situated within a sustainable location in the existing urban area and within close proximity of services. The size of the dwelling is such that it would provide an opportunity within the locality for low cost housing for a first time buyer/ or single householder. It is considered on balance that the proposed dwelling would make a positive contribution to the mix of local housing in a sustainable location and would not cause any undue harm to the local area. This is considered to outweigh the concerns raised in relation to the cramped nature of the site. The development is therefore considered to be consistent with the provisions of the National Planning Policy Framework, and policies CS16 and CS17 of the Core strategy.

5.15 Highway Safety

The proposed dwelling would be accessed from an existing access which currently serves the detached garage on Long Beach Road. The previous application was refused on the grounds that no turning space would be available for vehicles to access the new dwelling and leave the site in a forward gear. Additional concerns were raised due to the lack of visibility from the site access on to the public highway. The intensified use of the access in close proximity to a busy junction and manoeuvring on the highway at this location was considered to compromise highway safety and this was reflected within refusal reason 3.

- 5.16 In response to refusal reason 3 the site layout has been amended to include a larger hardstanding and turning area to the front of the dwelling and the necessary visibility splays onto the highway. Revised plans received during the course of the application identify a turning area for a vehicle to enter and exit the access for both the new dwelling and the original dwelling. The plans demonstrate that the existing dwelling would benefit from at least three off street parking spaces and a turning area to serve a five bedroom dwelling. The new dwelling would benefit from one off street parking space with a turning area to serve a two bedroom dwelling. The parking provision identified is in accordance with the Council's Residential Parking Standards SPD (Adopted) 2013 and is therefore considered acceptable. Whilst concern has been raised in relation to the number of existing cars within the site it is highlighted that the application is assessed as a planning unit and not on the personal circumstances of the applicant. The parking identified is in accordance with the Council's standards and visibility and turning areas are satisfactory such that highway safety would not be prejudiced. As such there are no reasonable objections to the proposed development on grounds of highway safety and the previous refusal reason has been overcome.

5.17 Environment/ Drainage

No details have been submitted in relation to the drainage method for the proposed development. There is no objection in principle to the development however a condition will secure the submission of surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection prior to the commencement of development.

5.18 There are considered to be no other concerns relating to environmental effects or pollution resulting from 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 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. Notwithstanding the provisions 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 development as specified in Part 1 (Classes A, B, D and E), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved or those referred to in conditions 8 and 9, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To protect the residential amenity of the future occupiers of the proposed dwelling, and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS16 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

Reason

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

4. Prior to the commencement of development the east facing window located on the far northern wing of no.139 Bath Road shall be removed and blocked up as shown on drg no. 1818-5 Rev B received 11 March 2014, and thereafter maintained as such.

Reason

To protect the privacy and amenity of future and neighbouring occupiers, and to accord with saved policy 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 policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the provisions of the National Planning Policy Framework 2012

6. The access, turning areas and off-street parking facilities (for all vehicles, including cycles) to serve both the approved dwelling and no.139 Bath Road shown on the Site Plan (drwg no. 1818-5 Rev B) and Swept Path Analysis (SK01) hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose. The hard standing areas shall be constructed in a permeable bound surface and thereafter maintained as such.

Reason

In the interests of highway safety, and to ensure a satisfactory level of off street parking provision and drainage, to accord with saved Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, policies CS8 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the Residential Parking Standards SPD (Adopted) 2013.

7. 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 CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development full details of the bin and cycle storage, including elevations and materials, shall be submitted to and approved in writing by

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

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the future and neighbouring occupiers, to accord with saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Prior to the commencement of development a scheme of landscaping, which shall include proposed planting (and times of planting); boundary treatments and areas of hard surfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. For the avoidance of doubt details shall include the curtilages of both the proposed dwelling and 139 Bath Road.

Reason

In the interests of visual amenity and the residential amenity of the future occupiers and the occupiers of no.139 Bath Road, and to accord with saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 Mondays to Fridays (inclusive), 08:00 to 13:00 Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

ITEM 4

CIRCULATED SCHEDULE NO. 13/14 – 28 MARCH 2014

App No.: PK14/0096/F	Applicant: Mr White
Site: 11 Stanley Road Warmley South Gloucestershire BS15 4NU	Date Reg: 27th January 2014
Proposal: Erection of 1no. 3 bed detached dwelling including new access and associated works	Parish: Siston Parish Council
Map Ref: 366847 173660	Ward: Siston
Application Category: Minor	Target Date: 20th March 2014



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100023410, 2008. **N.T.S.** **PK14/0096/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The 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 a 3 bedroom, two storey detached dwelling.
- 1.2 The application site is a walled plot of land currently within the curtilage of no. 11 Stanley Road, located within the residential area of Warmley.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Parking Standards
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Residential Parking Standards (Approved for development management purposes 27th March 2013)

3. RELEVANT PLANNING HISTORY

- 3.1 P92/1542 – Erection of rear conservatory. Approved 10th May 1992.

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
With the existing use of land to be used rightly described as 'residential garden', it is considered this application should be refused on the basis regulations permitting such new development in residential garden space, often referred to as 'garden grabbing', have long been revoked. Concern is also raised that the work to create a new vehicle access to this land from Stanley Road has been completed in advance of the planning application being considered.

Highway Drainage

No objection in principle subject to a sustainable drainage condition

Sustainable Transportation

There is currently a vehicular access for No 11 off Crane Close which provides access to a garage and parking for this dwelling. It is proposed to create a new vehicular access for the new dwelling off Stanley Road which will provide two tandem parking spaces. No detail has been submitted on what parking will be available for the existing dwelling, as the proposed new dwelling will block access to the parking currently available. A minimum of two parking spaces for the existing dwelling would be required. The footway running along the frontage of the site onto Stanley Road is narrow and would need to be widened to a minimum of 2m along the whole frontage of the site to provide the required visibility from the proposed site access. A 2m pedestrian visibility splay would also need to be provided from the proposed vehicular access. A revised plan showing the amendments above (including the proposed vehicular access and parking for the existing dwelling) needs to be submitted for approval by the Council.

Environmental Protection

No objection in principle subject to standard construction controls

The Coal Authority

The Coal Authority initially objected to the proposal, and they considered that the applicant needed to revise and resubmit the Coal Mining Risk Assessment Report to the LPA. Further details were subsequently forwarded and a further response was received as follows:

The Coal Authority Response: Material Consideration

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority previously objected to this planning application in a letter to the LPA, dated 10 February 2014, as the Coal Mining Risk Assessment submitted in support of the application failed to acknowledge that the application site is likely to have been subject to historic underground coal mining at shallow depth; the Coal Mining Risk Assessment therefore did not adequately address the impact of coal mining legacy on the proposed development. Our letter also noted that some of the pages of the Coal Mining Report were missing.

The applicant has simply re-submitted the same Coal Mining Risk Assessment with the complete Coal Mining Report. This has not addressed the fundamental issues raised in our letter dated 10 February 2014. The Risk Assessment has still been informed solely by an out-of-date Coal Mining Report (dated 14 May 2007) and it does not appear to have been written by a 'competent body'. Critically, the Risk Assessment fails to acknowledge that the application site is likely have been subject to historic unrecorded underground coal mining at

shallow depth, although this has been identified as a risk in the Coal Mining Report.

The Risk Assessment concludes that there are no specific risks from coal mining legacy and therefore no remedial measures are required. However as the Risk Assessment has failed to identify the risk from unrecorded historic shallow workings, The Coal Authority recommends that intrusive works are carried out to establish the exact situation regarding coal mining legacy issues on the site. These works should take place prior to development in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified, if necessary.

The Coal Authority Recommendation to the LPA

The Coal Authority recommends that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site, as these could potentially pose a risk to the proposed development.

In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mining to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

The Coal Authority considers that the proposed site investigations and subsequent remedial works, if required, will be sufficient for the purposes of the planning system and for the requirements of the NPPF to demonstrate that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of the above condition.

Other Representations

4.2 Local Residents

Two letters has been received from local residents, these are summarised as follows:

(1) Objection. Concern of overbuilding on this road, there appears to be a new build of 5 flats left incomplete within the vicinity, due to what is understood to be access issues. The lack of parking is of great concern, with residents having to park significant distances for their homes. Stanley Road is also used for parking for many local businesses, is a very busy road used as a rat run and bottlenecks in the morning and evenings. There is also a concern over visibility coming out past the proposed building, where children often come out of the park gate directly opposite from the school which is near a busy junction. Being

next to the Memorial Park it is going to look too cluttered and overbearing and would be an eyesore out of place with the Victorian terraces on either side.

(2) No general objection to the planning application but would request that the council review parking opportunities in this area of Stanley Road for local residents as parking has already been compromised by the recent implementation of new access to the property.

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. Planning applications must be judged on their individual merits, including whether the use of existing residential curtilage is an acceptable use of land in each instance.

5.2 Design / Visual Amenity

There are a number of different styles of properties in the immediate vicinity and the streetscene is varied. The proposed dwelling is of an appropriate standard in design and is not out of keeping with the character of the area and surrounding properties. The dwelling is of an acceptable size in comparison to the existing properties in the area and the surroundings. Materials used would be a mix of stone, brickwork and render with double roman tiles and the proposals would be considered to adequately integrate within the context of site and surroundings. The distance to the park, which is located immediately to the south across Crane Road is approximately 10 metres. The park is surrounded by road on each side, beyond which are located residential properties in each direction and it is not considered that the residential property the subject of this application would give rise to any material harm in this respect.

5.3 Residential Amenity

The dwelling would face towards Stanley Road, the main road running to the proposed front elevation of the application property. It is considered that it is suitably located such as to avoid any immediate residential amenity in terms of overlooking or privacy.

5.4 Given the overall scale and design of the extension and its relationship with the host dwelling and surrounding properties it is considered that the proposal would be acceptable in terms of residential amenity. It is not considered that the dwelling would give rise to any significant or material amenity impact.

5.5 Sustainable Transportation

There is currently vehicular access to parking on the proposed site from Crane

Road, although the plans indicate that the access to this parking will be blocked off. New access to the site is proposed to be from Stanley Road with two tandem parking spaces, adjacent to the parking provision for the existing dwelling. The retention of the required parking for the existing dwelling (2 spaces) will however need to be illustrated as part of the highways requirements and such a plan should also provide for the required visibility splays. This detail can be secured by condition for prior approval of the Council. This will address the parking and access requirements for the site in accordance with current Council requirements and guidelines.

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 proposal is of an appropriate standard in design and are not out of keeping with the existing dwelling house and surrounding properties. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact such as to warrant refusal of the application. Sufficient off-street parking would be required through condition to meet the Council's parking standards. A condition is also recommended to address the comments of the Coal Authority. On this basis the proposals accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted December 2013).
- 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 subject to the following conditions.

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. Prior to the commencement of the development hereby approved details of intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site and submitted to the Council for written approval. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mining to ensure the safety and stability of the proposed development, a further scheme of such remedial works shall be submitted to the Council for written approval and thereafter implemented as approved.

Reason:

In order to ensure the safety and stability of the proposed development and to accord with the requirements of the Coal Authority, the National Planning Policy Framework and Policy CS1 of the South Gloucestershire Local Plan Core Strategy December 2013.

3. Prior to the commencement of development hereby permitted a detailed plan illustrating off-street parking provision for 2 spaces for the existing dwelling, a widening of the footway along the frontage of the site and adequate visibility splays, shall be submitted to the Council for written approval. Upon such approval the details shall be implemented and thereafter retained, prior to the first occupation of the dwelling.

Reason:

In the interests of adequate off-street parking provision and highways safety and to accord with Policy T12 of the South Gloucestershire Local Plan and Policy CS1 of the South Gloucestershire Local Plan Core Strategy December 2013.

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

Reason

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

ITEM 5

CIRCULATED SCHEDULE NO. 13/14 – 28 MARCH 2014

App No.:	PK14/0447/CLE	Applicant:	Mr Thomas Luard
Site:	Dragons Lair Old Parish Lane Dodington South Gloucestershire BS37 6SE	Date Reg:	12th February 2014
Proposal:	Application for a Certificate of lawfulness for the use of a mobile home as a permanent residence (Resubmission of PK13/4489/CLE)	Parish:	Dodington Parish Council
Map Ref:	374840 179350	Ward:	Westerleigh
Application Category:	Minor	Target Date:	9th April 2014



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REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application is for a Certificate of Lawfulness, and as such, under the current scheme of delegation, is to be determined under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the existing use of a mobile home as a permanent residence. The application therefore seeks to demonstrate that the mobile home has been used as a separate a private dwelling house for a period in excess of four years prior to the date of submission (i.e. since 6th February 2010).
- 1.2 The site consists of mobile home located on agricultural land of Sands Lane, Dodington.
- 1.3 This application is the resubmission of the previously withdrawn application reference PK13/4489/CLE. This previous application was withdrawn due to concerns over the accuracy of one of the plans submitted. This application attaches a new and revised plan to overcome the previous officer concern.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24
Circular 10/97 Enforcing Planning Control

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/4489/CLE Certificate of Lawfulness of the use of a mobile home as a permanent residence
Withdrawn

4. CONSULTATION RESPONSES

- 4.1 Dodington Parish Council
No comment to make

Other Representations

- 4.2 Local Residents
None Received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The following evidence has been submitted in support of the application:
 - A statutory declaration of Mr Thomas Peter Morrell Luard including annotated maps, a Land Registry extract, a copy of the decision notice for planning

application P99/1824, copy of a receipt from Worcestershire Caravan Sales, extract from the Council Tax valuation list dated 16th September 2013.

- In determining the application the Council will also take consideration of aerial photographs held by the council.

6. SUMMARY OF CONTRARY EVIDENCE

6.1 None received

7. EVALUATION

7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.

7.2 In this instance it must be proven that the building in question has been used as a separate a private dwellinghouse for a period in excess of 4 years prior to the date of this application.

7.3 Assessment of Evidence

The statutory declaration of Mr Thomas Luard carefully explains the history to the site and the existence of a mobile home on the site. It is not disputed, on the basis of the information submitted and on the basis of aerial photographs held by the Council that the a mobile home has been on the site in question since 2003.

7.4 Having established that the mobile home was physically in existence, it is then necessary to look at whether it has been occupied as a separate a private dwelling since February 2010. Key to this assessment is that council tax has been paid on the mobile home as a private dwelling since the end of 2003. Mr Luard confirms in the statutory declaration that he has occupied the mobile home periodically as a separate dwelling from June 2003 to the present date.

7.11 Having weighed up all the evidence submitted and as summarised above, sufficient evidence has been submitted to show that the mobile home has been occupied as a permanent residence for a continuous four year period. Being mindful of the lack of any evidence to the contrary, it is accepted that, on the balance of probability, the site has been used as a separate a permanent residence for a continuous four year period.

8. CONCLUSION

8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the mobile home subject of this application has been used as a separate and permanent unit of residential accommodation for a continuous four year period prior to the submission of the application.

9. RECOMMENDATION

9.1 The Certificate of Existing Lawful Use be approved

Contact Officer: Marie Bath
Tel. No. 01454 864769

ITEM 6

CIRCULATED SCHEDULE NO. 13/14 – 28 MARCH 2014

App No.:	PK14/0481/F	Applicant:	Mr Tezcan Otman
Site:	9 Badminton Road Downend Bristol South Gloucestershire BS16 6BB	Date Reg:	19th February 2014
Proposal:	Change of Use of Land to (Class A3) outdoor seating area for coffee shop as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) Erection of timber planters.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365127 176747	Ward:	Downend
Application Category:	Minor	Target Date:	15th April 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as objections have been made by the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for two separate elements. Firstly, a change of use of part of the existing pavement to an outdoor seating area is sought. Secondly, permission is sought for the erection of timber planters.
- 1.2 The application site is an existing coffee shop located on Badminton Road in Downend. This is located within Downend town centre and is located within a primary shopping frontage. An application was submitted, and approved, for the change of use of the unit from A1 to A3 under planning permission PK10/0893/F.
- 1.3 The site is located adjacent to a pedestrian footpath that links the Badminton Road with the car park to the rear of the Willow Shopping Centre.
- 1.4 The proposed area subject to the change of use is a 3 metre deep section of pavement across the coffee shop frontage. It should be noted that this part of the pavement is not adopted highway.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS13 Non-Safeguarded Economic Development Sites

CS14 Town Centres and Retailing

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation

E3 Criteria for Assessing Employment Development

RT1 Development in Town Centres

RT8 Small Scale Retail Uses

RT9 Changes of Use of Retail Premises within Primary [...] Shopping Frontages in Town Centres

2.3 Supplementary Planning Guidance

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

(b) Shopfronts and Advertisements (Adopted) April 2012

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/0893/F Approve with Conditions 18/06/2010
Change of use of ground from retail (Class A1) to cafe (Class A3) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended). (Retrospective).

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
Objection: 'the size of the enclosed area is excessive and will obstruct pedestrian passage and the proposed solid construction will not enhance the area. We have no objection to a smaller seating area on the pavement, as now, or to a temporary, portable screen around this.'
- 4.2 Drainage
The location of the public sewer may affect development, the applicant should contact Wessex Water for advice.
- 4.3 Transport
Should planning permission be recommended it should be subject to a number of conditions

Other Representations

- 4.4 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for a change of use to be associated with the existing coffee shop and the erection of timber planters.
- 5.2 Principle of Development
There are two elements to the proposed development, the seating area and the planters. The planters must be assessed for the impact on visual amenity against the relevant design policies whilst the outdoor seating area should be assessed in terms of transportation, public safety and use. As the use of the associated premises in Class A3 has been approved, this application cannot reconsider the use; an A3 use has been found to be appropriate.
- 5.3 Design
The proposed seating area will project 3 metres from the front elevation over the existing pavement. The planters themselves are low level, only 0.4 meters in height. These will then be planted to provide additional height and provide softness to the design. Overall, the height of the completed would stand at 0.7 metres although the height of the planting cannot be controlled.
- 5.4 As the unit is located at the end of a rank of shops adjacent to the pedestrian walkway to the main car park, it would not result in a obstruction to the layout of

the streetscene. Instead it is located at a junction of routes where it is appropriate for something to project (provided it does not cause an obstruction) and would still allow for the movement of people around the site.

5.5 The design and layout of the proposed planters are acceptable and would contribute to an active and engaging streetscene.

5.6 Use in the Town Centre

Policy RT1 manages development in town centres. This section of the Badminton Road is defined as being within Downend town centre. Retail and other developments appropriate for a town centre location will be permitted subject to an assessment of the impact upon that town centre.

5.7 The use of this section as an external seating area would not detract from the vitality and viability of the centre. In fact the extension of the coffee shop into the public realm would help to enliven the area and bring active uses to the street, promoting the sense of vitality. Furthermore, the small scale of the proposal is consistent with the existing use and unit and the function of the centre.

5.8 A condition attached to the permission for the use of the coffee shop restricts the opening hours to 0700 to 1800 on any day of the week. The opening condition will also be attached to the seating area. As the times of operation of the external seating area are limited, it is not considered that the development will affect residential amenity.

5.9 The erection of the external seating area will not have an environmental impact.

5.10 Transport and Public Safety

Transport and public safety are an important consideration especially as the development will be situated on land currently used as part of the pavement. The Council's transport officer has assessed the application and does not raise an objection. However, a number of conditions have been requested.

5.11 One condition is that any door, entrance or gate associated with this development be inwards opening only to avoid obstructing the remaining footway. This condition will be applied should permission be granted.

5.12 The second requested condition is that a minimum unobstructed footway of 3 metres be kept clear between the proposed development and the edge of the footpath be kept clear at all times. An amended plan has been submitted that reduces the depth of the proposed seating area so that a 3 metre wide section of pavement is retained. It is not therefore necessary to attach this as a condition.

5.13 A condition that required that the remaining pavement to be kept clear would not pass the six tests of a planning condition as set out in Circular 11/95 as it is neither enforceable (as the applicant has no control over this land) and is an unreasonable requirement in relation to the operation of the outdoor seating area. The Transport Officer has confirmed that the revision to ensure a 3 metre pavement is acceptable.

5.14 It is therefore considered that the proposed development would not affect highway or public safety and is acceptable.

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 tested against the policies listed above. The use of the land for coffee shop seating is appropriate in the town centre location; the design meets an acceptable standard of external appearance; and, the development will not prejudice residential amenity or highway safety.

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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 It is recommended that planning permission be GRANTED 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 outdoor seating area hereby permitted shall not be open to customers outside of the following times: 07.00 to 18.00 on any day.

Reason

To support the function, vitality and viability of Downend Town Centre, to protect residential amenity and to accord with policies E3, RT1 and RT9 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the provisions 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 such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority. All doors, entrances and gates associated with the development hereby approved shall only be positioned so that they open inwards.

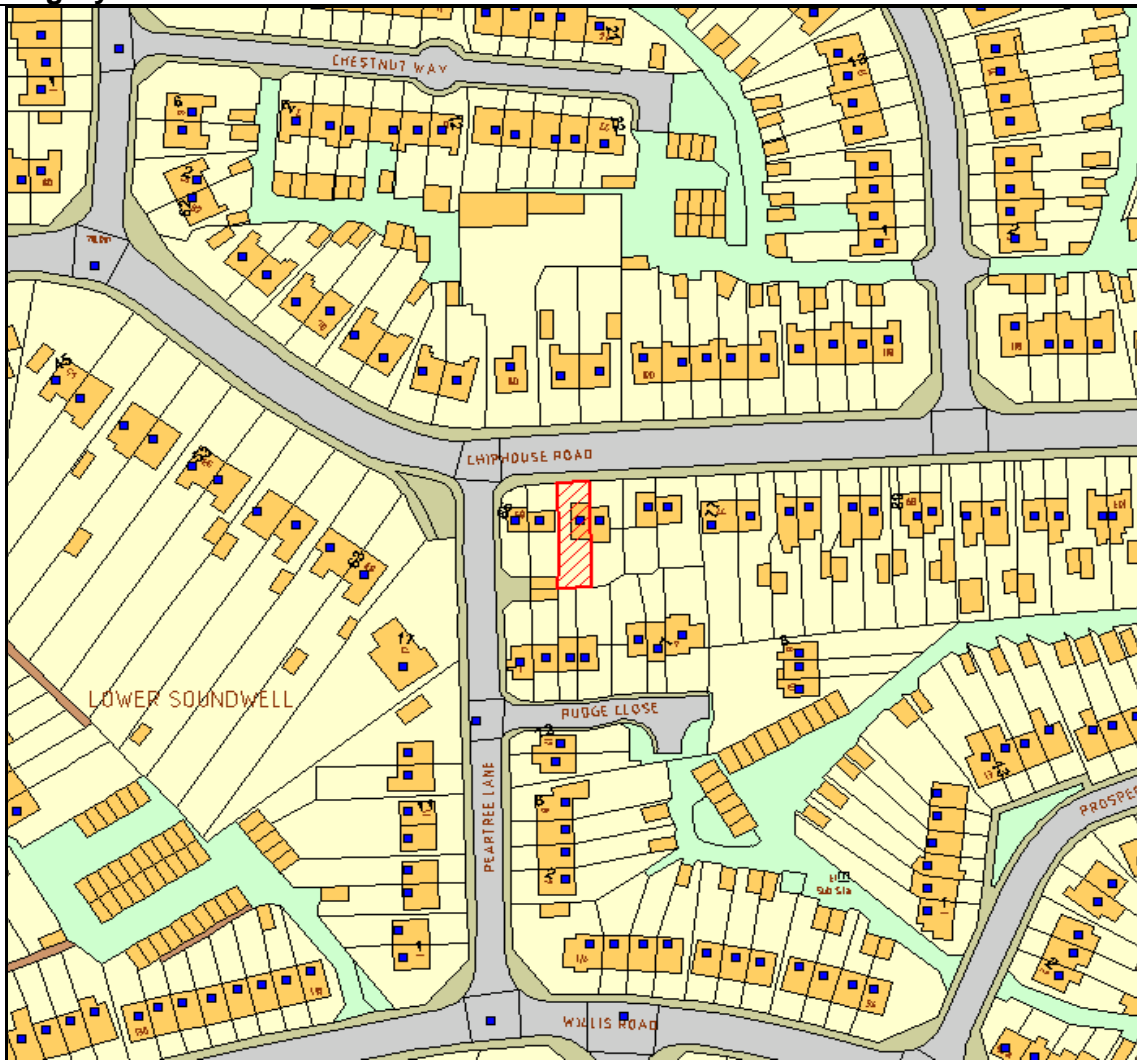
Reason

In the interests of pedestrian safety and to accord with Policy T12 and RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 7

CIRCULATED SCHEDULE NO. 13/14 – 28 MARCH 2014

App No.: PK14/0507/F	Applicant: Mr J Reynolds
Site: 69 Chiphouse Road Kingswood Bristol South Gloucestershire BS15 4TY	Date Reg: 20th February 2014
Proposal: Removal of existing conservatory to facilitate the erection of two storey rear extension to provide additional living accommodation.	Parish: None
Map Ref: 365783 175021	Ward: Rodway
Application Category: Householder	Target Date: 14th April 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the removal of an existing conservatory to facilitate the erection of a two-storey rear extension to provide additional living accommodation.
- 1.2 The application site relates to a two-storey semi-detached property situated in the established settlement boundary of Kingswood.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design

CS5 Location of Development

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies

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

T12 Transportation Development Control

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 K5846/2 Residential development of 15 houses & conversion of existing buildings to 3 houses. New access road
Approved 14.5.90

4. CONSULTATION RESPONSES

4.1 (Insert name) Parish/Town Council

The area is unparished

4.2 Other Consultees

Highway Drainage

No objection subject to an informative

Other Representations

4.3 Local Residents

Three letters of objection have been received. The points raised are summarised as:

- Very concerned about being overlooked. Extension will be close to my garden fence and my privacy will be affected
- Would like hours of working to be conditioned
- Proposal would take away privacy and light from surrounding houses
- Proposed upper window would look directly into our bedroom window.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives.

Saved 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.

In addition saved Policy T12 seeks to ensure that development will have no adverse impact on highway safety and residential parking standards have been revised under supplementary planning guidance adopted 2013.

The proposal is considered to accord with the principle of development.

5.2 Design and Visual Amenity

The existing dwellinghouse is a modest size modern property. The existing rear conservatory would be demolished to facilitate the development. It must be noted that the conservatory does not benefit from permission as the permitted development rights for the property were removed under the original planning permission. Its removal and replacement by this proposed extension would regularise the situation.

The proposed two-storey rear extension would cover the area currently occupied by the existing conservatory, matching its width of 3.8 metres. The structure would be stepped with measuring approximately 4.7 metres deep at ground floor level while at first floor level it would measure 3.7 metres deep. It would have a hipped roof reaching a maximum height of 5.9 metres, lower than the host roof at 7 metres. A single window would be positioned in the first floor to the additionally proposed bedroom and a bank of full height windows and doors and 2no. rooflights would serve the proposed ground floor conservatory.

5.3 Given the above it is considered that the proposal is of an acceptable design and massing to complement the area in general. Good quality materials would be used in its construction and as such the proposal is considered to accord with good design principles.

5.4 Residential Amenity

The application site is part of a development of modern houses situated half way up this hill on the southern side of Chiphouse Road. To the rear the property is separated from neighbours on all three sides by fencing. As the land slopes from the west to the east, neighbours at No. 67 Chiphouse Road are situated some metres above the application site. Likewise the 1.8 metre high fencing between the application site and neighbours to the rear is on top of a raised flower bed resulting in the fence being above 2 metres in height when viewed from the application site.

First floor windows of properties to the rear at No. 3 and 4 Rudge Close are currently approximately 21 metres away from the rear first floor windows of the application site. As a result of the proposal these windows would be approximately 3.7 metres closer to each other making an overall approximate distance of 17 metres. In a built up urban area this is not an unusual or an unacceptable distance. Furthermore, at this distance the amount of light currently entering neighbouring properties would be unaffected. It is considered that a refusal on this basis could not be supported in an appeal situation.

It is acknowledged that the existing garden is quite a small space, but again is not uncommon for the area or the style of house. Although the proposed ground floor extension would be 0.7 metres larger than the existing conservatory in terms of its depth, it is considered that sufficient garden space would remain to serve the property.

Given the above the proposed small increase in overall footprint, the stepped design of the extension and its distance from neighbours the impact is considered not to be unacceptable given the location of the application site in a built-up area.

5.5 Highway Engineers

The application has been assessed and it is considered that the proposed development would not have an adverse impact on the parking provision currently associated with the dwellinghouse.

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted)

January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That the application be **APPROVED** subject to the conditions below.

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. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 8:00 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays nor at any time on Sunday or Bank Holidays.

Reason

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

ITEM 8

CIRCULATED SCHEDULE NO. 13/14 – 28 MARCH 2014

App No.: PK14/0521/F
Site: 76 North Street Downend South
Gloucestershire BS16 5SF

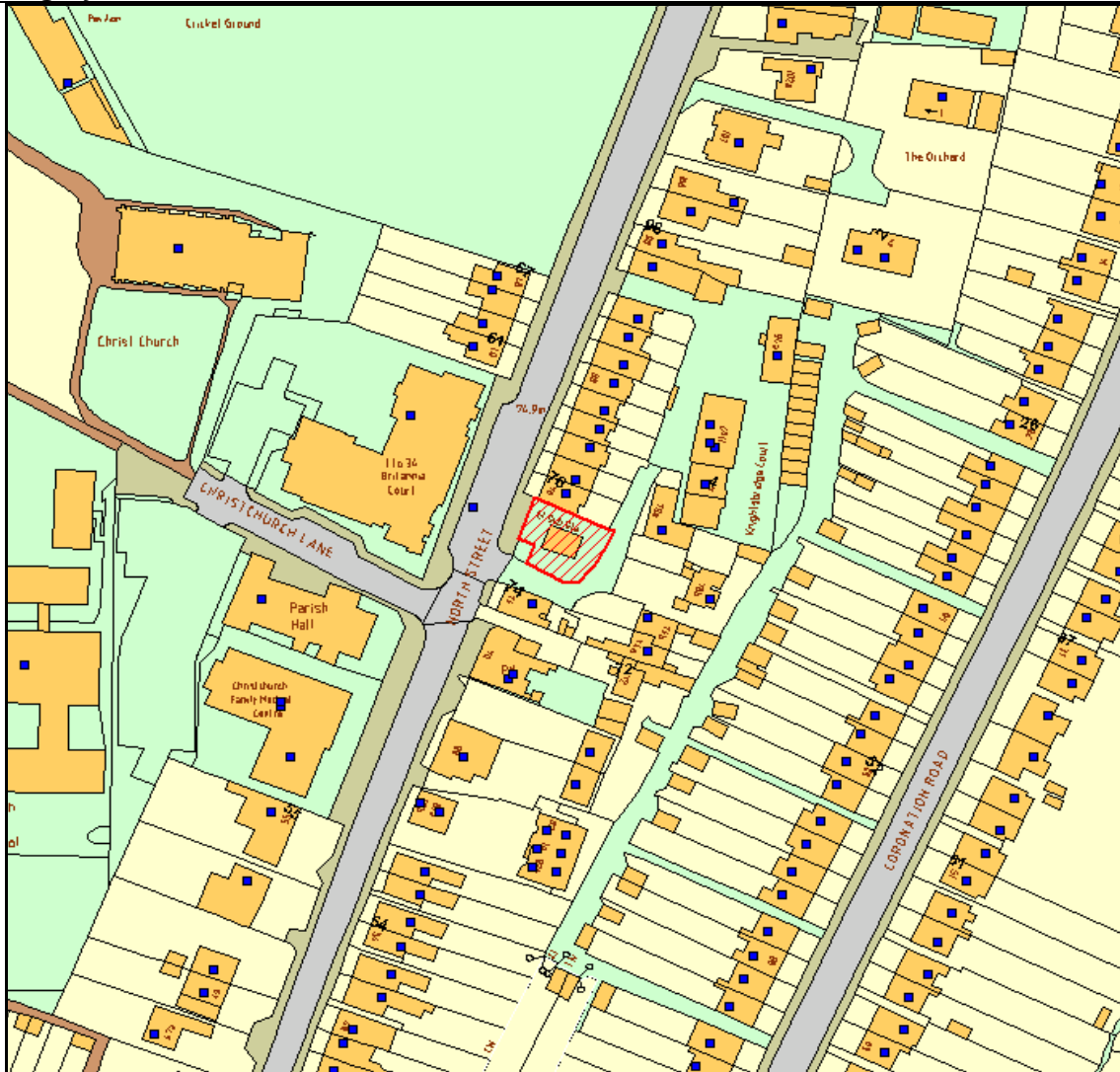
Applicant: Mr George Oxford
Date Reg: 17th February 2014

Proposal: Erection of 1no. semi detached dwelling and associated works. (Amendment to previously approved scheme PK11/3910/F to re-position substation pod)

Parish: Downend And Bromley Heath Parish Council

Map Ref: 365042 176442
Application Category: Minor

Ward: Downend
Target Date: 9th April 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the circulated schedule as representations have been received which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a semi-detached dwelling located at the end of a terrace facing North Street, which is within the established urban area of Downend. The site is currently occupied by an electricity sub station
- 1.2 The application is a re-submission of a previously approved application – ref. PK11/3910/F, which was approved 9th October 2012 in conjunction with the section 278 agreement and undertaking dated 18th September 2012.
- 1.3 The only change to the proposed plans is a slight amendment to the site layout owing to the relocation of the electricity pod station. This has no impact on the proposed elevations, floor plans or parking arrangement but does result in the relocation of the proposed bin store.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities of the East Fringe

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

L1 Landscape Protection and Enhancement
EP2 Flood Risk and Development
EP6 Land Contamination
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control Policy

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK11/3910/F - Erection of 1no. semi detached dwelling and associated works.
Approved 6th February 2012

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
We are concerned that by re-siting the sub station to the corner of the plot, it will mean that cars will have to exit the site in reverse and visibility will be poor.
- 4.2 Transportation DC
No objection subject to condition.
- 4.3 Highway Drainage
No objection subject to condition.
- 4.4 Environmental Protection
No objection subject to condition.

Other Representations

- 4.5 Local Residents
Two letters have been received from local residents. The comments are summarised as follows:
- Confirmation sought that the private access lane will not be used by the occupants of the new property (or visitors), or workmen during construction.
 - Strongly object to the applicant lying on the application Item 15 There were two trees on site and it is surrounded by very high hedges 3mt in places and the birds love them. One of the trees was dug out by Western power and the top of the other one was cut off along with about 12 mt of thick hedges. There are approx 40mt of very tall thick hedges still left on site.
 - Hope the Environmental Protection report is actioned.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application seeks permission for the erection of a double storey semi-detached dwelling. The application is a re-submission of a previously approved application – ref. PK11/3910/F, which was approved 9th October 2012 in conjunction with the agreement and undertaking dated 18th September 2012. This planning permission remains extant and is therefore afforded substantial weight in the determination of this application. Since the recommendation on the above mentioned application a number of changes have taken place in both national and local policy. Notably the principle of the previously approved application was assessed against policy H2 of the SGLP (adopted) 2006, which has now been superseded.
- 5.2 The current application stands to be assessed against the provisions of the National Planning Policy Framework 2012 and policies CS5, CS8, CS15, CS16

and CS17 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013. The erection of new dwellings within the urban area and boundaries of settlements as defined by the SGLP Policies Maps is considered acceptable in principle subject to criteria relating to residential amenity, highway safety, design, and environmental considerations. This is consistent with the assessment contained within application ref. PK11/3910/F.

5.3 Residential Amenity

The proposed amendment to the previously approved application would have no bearing on the scale, location or appearance of the previously approved scheme. The elevations and floor plans remain as previously approved. The proposed dwelling was subject to detailed consideration within the Officer's report on application ref. PK11/3910/F. It was concluded that the proposed development would not prejudice the residential amenity of any of the nearby occupiers and would not prejudice mutual privacy. This assessment is considered appropriate within the context of the changes in both national and local policy since the previous recommendation and as such there are not considered to be any changes in the development that would prejudice the residential amenity of neighbouring occupiers. The current application makes a small alteration to the private amenity space as a result of the relocation of the sub station. This is not considered to prejudice the retention of adequate and suitable private amenity space in accordance with policies CS16 and CS17 of the Core Strategy. Relevant conditions relating to the installation of windows and construction hours will be re-attached.

5.4 Design

As discussed previously there are no proposed changes to the elevations or floor plans of the dwelling. The design of the dwelling remains as previously approved. Since the determination of PK11/3910/F policy D1 of the SGLP has been superseded. Policy CS1 of the Core Strategy however reflects the principle of policy D1. Additionally the National Planning Policy Framework 2012 attaches great importance to the design of the built environment. It is considered that the previous assessment in terms of design and the visual amenity of the street scene remain valid and appropriate in the context of the current national and local policy. The proposed amendment to the site layout would mean that the bin store would be located away from public view behind the substation. Some of the planting identified to the front of the previously approved site layout has been removed as a result of the substation. Neither of these amendments would prejudice the character and distinctiveness of the locality. There are therefore no concerns on grounds of design.

5.5 Transport

Application PK11/3910/F was approved 9th October 2012 in conjunction with a section 278 under the Highways Act 1980, the agreement and undertaking was completed dated 18th September 2012. The application was subject to two conditions which relate to the implementation of the parking and access, and the extension of the double yellow lines along North Street to the front of the site. It is understood that work is currently underway on the highway improvements as a result of the section 278 agreement and work on installing the yellow lines is in progress. The parking layout and access arrangements remain as previously approved with no turning area within the site. Given that

this layout has already been approved, subject to the condition that the access and parking is implemented in accordance with the plans, there are no objections on grounds of highway safety. The condition relating to the yellow lines is no longer considered necessary as works are underway. Although the Parish Council raise concern that cars will have to reverse on to the highway it is highlighted that this arrangement has already been deemed acceptable and subsequently approved.

5.6 Environmental Effects

The historic use of the site as an electricity sub station may have caused contamination which could give rise to unacceptable risks to the proposed development. The Environmental Protection team has raised no objection to the proposed development subject to conditions as previously imposed within PK11/3910/F.

5.7 Location of Substation

The relocated substation does not form part of this application and is not within the red line of the application. The relocation of the substation, although not forming part of the proposed development, was considered in detail within the previously approved application. It was considered that there are no material considerations associated with the relocation of the substation residential amenity or environmental impacts that would outweigh policy or the recommendation on the application. The comments of the Parish Council in relation to the relocation of the sub station and the potential impact on visibility are noted, however, the location of the substation is not within the remit of this application to control and is likely to fall within part 17 of the Town and Country (General Permitted Development) Order (As Amended) 1995. The Transport Officer has considered the revised application and has not raised any concern in relation to visibility.

5.8 Landscape Features

Concern has been raised by a local resident in relation to the details provided within section 15 of the application form which relates to trees or hedges on the application site, which states that there are no trees or hedgerows in the site. It is noted that there is existing planting/ hedgerow within the site on the boundaries and in the southwest corner, however, these are not considered worthy of protection. Given the location of the site within an urban area it is considered that the site would not be suitable for protected species. An informative relating to nesting birds and the Wildlife and Countryside Act will be attached to the decision notice.

5.9 Drainage

No drainage details have been submitted with the application. The previous application was subject to a SUDS condition to ensure that drainage details are submitted prior to the commencement of development. The advice of the Drainage Engineer is that this condition is attached again. Subject to this condition there are no objections on grounds of drainage/ pollution.

5.10 Other Matters

Additional concerns have been raised during the consultation period relating to the private lane which runs to the south and east of the application site. Local

residents request confirmation that this lane will not be used by the occupants of the new property (or visitors) and workmen whilst building work is taking place. The private lane identified is not within the red line of this application. It is highlighted that access to the piece of land identified, and/ or parking on it, would require the consent of the landowner. Planning permission would not grant access to any land outside of the applicant's ownership. This is a civil matter and does not form a material consideration in the determination of the application.

6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

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 saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the Residential Parking Standards SPD (Adopted) 2013.

4. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used at No. 76 North Street, Downend.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

Reason

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

6. The current and historic use(s) of the site may have given rise to contamination. Prior to the commencement of development, an investigation shall be carried out by a suitably qualified person, into the previous uses and contaminants likely to affect the proposed development. The resulting report shall be submitted to and agreed in writing by the local planning authority.

a Where potential contaminants are identified, prior to commencement of development an appropriate ground investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risk the contamination may pose to the proposed development in terms of human health, ground water and plant growth. The findings shall be presented in terms of a conceptual model and identify unacceptable risks. Details shall be provided on how any unacceptable risks will be mitigated. A report shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. The development shall proceed in accordance with the mitigation measures so agreed.

b) Prior to occupation, where works have been required to mitigate contaminants, a report verifying all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

c) If unexpected contamination is found after the development has been begun, development shall be halted on the part of the site affected. The Local Planning Authority shall be informed immediately in writing. A further investigation and risk assessment shall be undertaken and where necessary an additional remediation scheme shall be prepared, submitted to and agreed in writing by the Local Planning

Authority. Thereafter the scheme shall proceed in accordance with the remediation measures so agreed.

Reason

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

7. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 Mondays to Fridays; 0900 to 1400 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

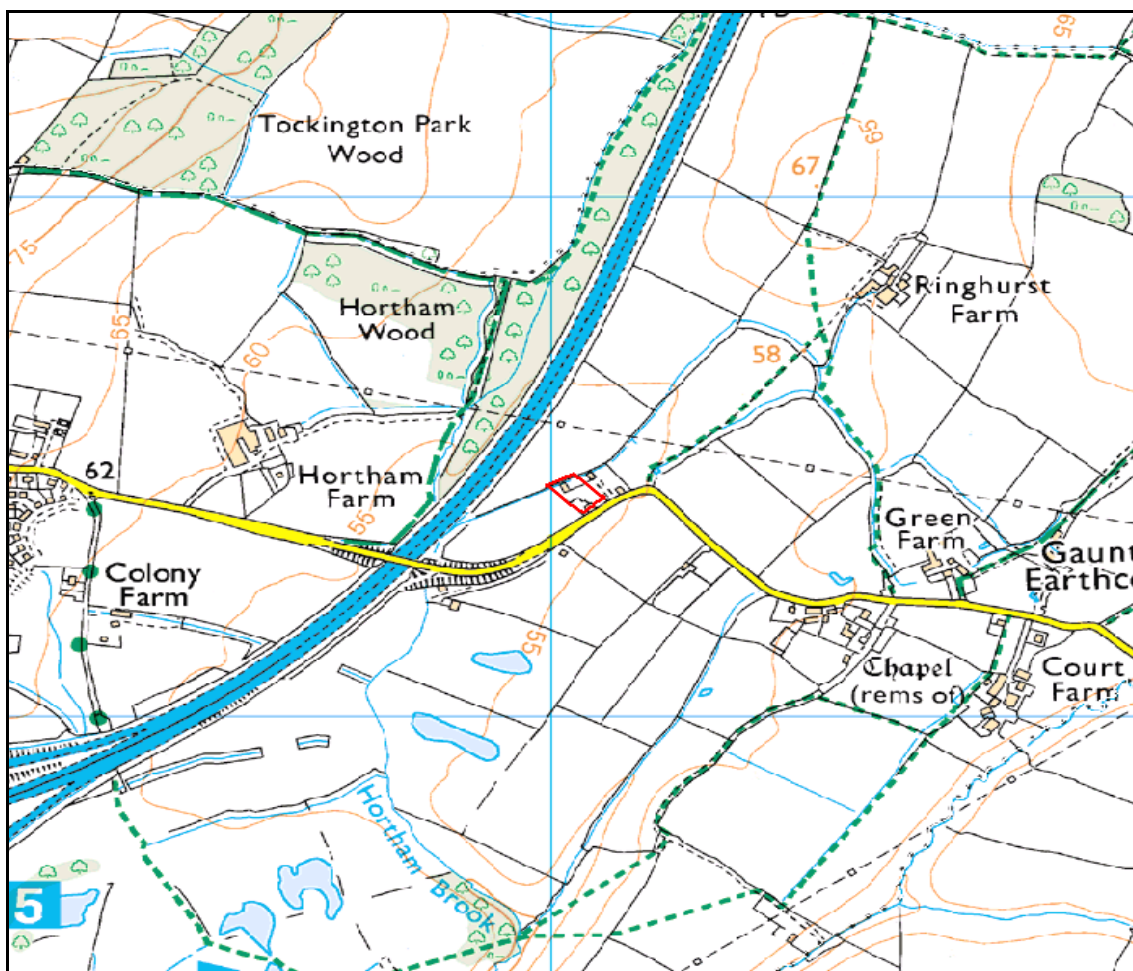
Reason

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

ITEM 9

CIRCULATED SCHEDULE NO. 13/14 – 28 MARCH 2014

App No.:	PT13/2788/F	Applicant:	Mrs Yolande Stone
Site:	Westfield Park Hortham Lane Almondsbury South Gloucestershire BS32 4JP	Date Reg:	9th August 2013
Proposal:	Erection of two storey modular office and welfare structure. (Retrospective).	Parish:	Almondsbury Parish Council
Map Ref:	363034 184452	Ward:	Almondsbury
Application Category:	Minor	Target Date:	1st October 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as a result of responses received to the consultation process, contrary to officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a two storey modular office and welfare structure. As the structure already exists the application is retrospective. The application seeks temporary retention of the structure for a period of 5 years.
- 1.2 The site itself is used for a logistics company. It is stated that that the modular structure currently on site was erected in October 2012 to replace old portacabins which had been on the site since 2008 and had become unfit for purpose. The modular structure would be used for administrative purposes and staff welfare for the 18 full time staff that are employed on the site.
- 1.3 The site is located off Hortham Lane in an area behind the property known as 'The Cottage'. The site behind contains an area of existing yard and a much larger existing pitched roof building within the yard used for logistics purposes. The temporary office structure the subject of this application is located immediately adjacent and to the east of the existing larger building. The site is surrounded by significant periphery leylandii and trees providing screening. The site is located within the designated Green Belt.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
L1 Landscape Protection and Enhancement
T12 Transportation Development Control Policy for New Development
E6 Employment Development in the Countryside

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 Council Green Belts

3. RELEVANT PLANNING HISTORY

- 3.1 P86/1881 – Demolition of existing storage buildings and erection of enlarged storage/workshop building. Erection of screen wall. Construction of parking area. Use of vacant land in association with existing transport business. Approved 19th May 1988 (outline).

- 3.2 P87/1458 – Erection of storage/workshop building with related offices. Erection of screen wall. Construction of parking area. Use of vacant land in association with existing transport business. Approved 19th May 1988.
- 3.3 P87/3064 – Installation of self-contained sewage treatment plant. Approved 1st February 1988.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
Object - No disabled access

- 4.2 Other Consultees

Sustainable Transportation

The stepped access is discriminatory to the mobility impaired and therefore the development is contrary to guidance laid out in DfT's Inclusive Mobility, legislation held in the Disabled Discriminatory Act and the requirements of Local plan Policy D1 and T12. Because the Design and Access Statement suggests a ramp may be provided 'in the future', it is considered that this can be conditioned with immediate affect to make this development satisfactory in planning terms.

Landscape

There is no landscape objection to this application with regards to Policy L1 of the Adopted Local Plan.

Highway Drainage

No objection

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

The logistics facility already exists at this location and the principle of the use for the site for transportation and workshops is established. This is illustrated by the planning history for the site. The proposals are for an infill development on land already within the boundaries and usage of the facility in order to serve the site. The NPPF indicates a presumption in favour of sustainable development in the interests of wider economic, environmental and social provisions, except where it may compromise key sustainable development principles set out in national planning policy or where any adverse impacts would significantly and demonstrably outweigh the benefits, it is considered that these proposals would positively contribute to those interests, subject to detailed development control consideration. The site is however located within the designated Green Belt and the proposals will amongst other things be required to be assessed against current Green Belt criteria. The policies of the National Planning Policy

Framework are material considerations in the consideration of planning decisions.

5.2 Green Belt

One of the main principles of Green Belt policy is to protect the openness of Green Belt land. This is reflected in national guidance and local policy. In terms of the Green Belt the NPPF, which is a material consideration which should be given considerable weight, provides a list of potential exception developments (para. 89), that may not be considered as inappropriate in the Green Belt. Amongst these exceptions is limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. It is apparent that the site is previously developed and is also in continuing use, the proposals are on operational land within the confines of the facility located immediately adjacent to a much larger existing building associated with the site, which itself is enclosed by clear boundaries and robust boundary vegetation, and not widely visible from the road or other vantage points. In this respect it is not considered that the proposals, given their location, scale and design and in context with the existing site and surroundings would have a materially greater impact upon the openness of the Green Belt or the purpose of including land within it than the existing development in this instance. The proposals are therefore considered to comply with the NPPF and associated Green Belt considerations.

5.3 Visual Amenity

It is considered that given the location of the proposals in context with the rest of the facility there would be no significant landscape impact at this location.

5.5 Local Amenity

The use of the site is already established and it is not considered that the addition of such a structure would give rise to any material amenity impact in their own right, particularly given the location of the proposals in relation to the site and the its relationship and distance to the nearest residential properties and wider viewpoints.

5.6 Transportation

It is not considered that the proposal would materially affect the volume of vehicle movements nor the existing access, however there are concerns over the stepped access and how this may affect the mobility impaired, contrary to guidance. It is however considered that this can reasonably be overcome by condition requiring a ramp and as such this would be included on any 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 application is for a modular office and welfare structure to serve an existing operational employment site, the addition of the facility is acceptable in scale and design and as such are considered to accord with the NPPF in terms sustainable development and Green Belt principles and Policies L1, T12 and E6 of the South Gloucestershire Local Plan (Adopted) January 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, subject to the conditions recommended.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

1. The building hereby permitted shall be removed and the land restored to its former condition on or before 5 years from the date of this decision notice.

Reason

The form and appearance of the building is of a temporary nature and is permitted for a limited period only because of the special circumstances of the case.

2. Within one month of the date of this decision notice details of a mobility impaired access ramp to the modular building, hereby approved, shall be submitted to the Local Planning Authority for written approval. Upon such approval the details shall be implemented within one month and thereafter retained for the duration of the development.

Reason:

In the interests of providing adequate access to all to the building and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

ITEM 10

CIRCULATED SCHEDULE NO. 13/14 – 28 MARCH 2014

App No.: PT14/0200/F
Site: Units 1- 4 Simmonds View Stoke
Gifford Bristol South Gloucestershire
BS34 8HQ

Applicant: Mr Jasbir Baryah
Date Reg: 27th January 2014

Proposal: Erection of first floor extension to
provide 6no. residential flats with
associated works

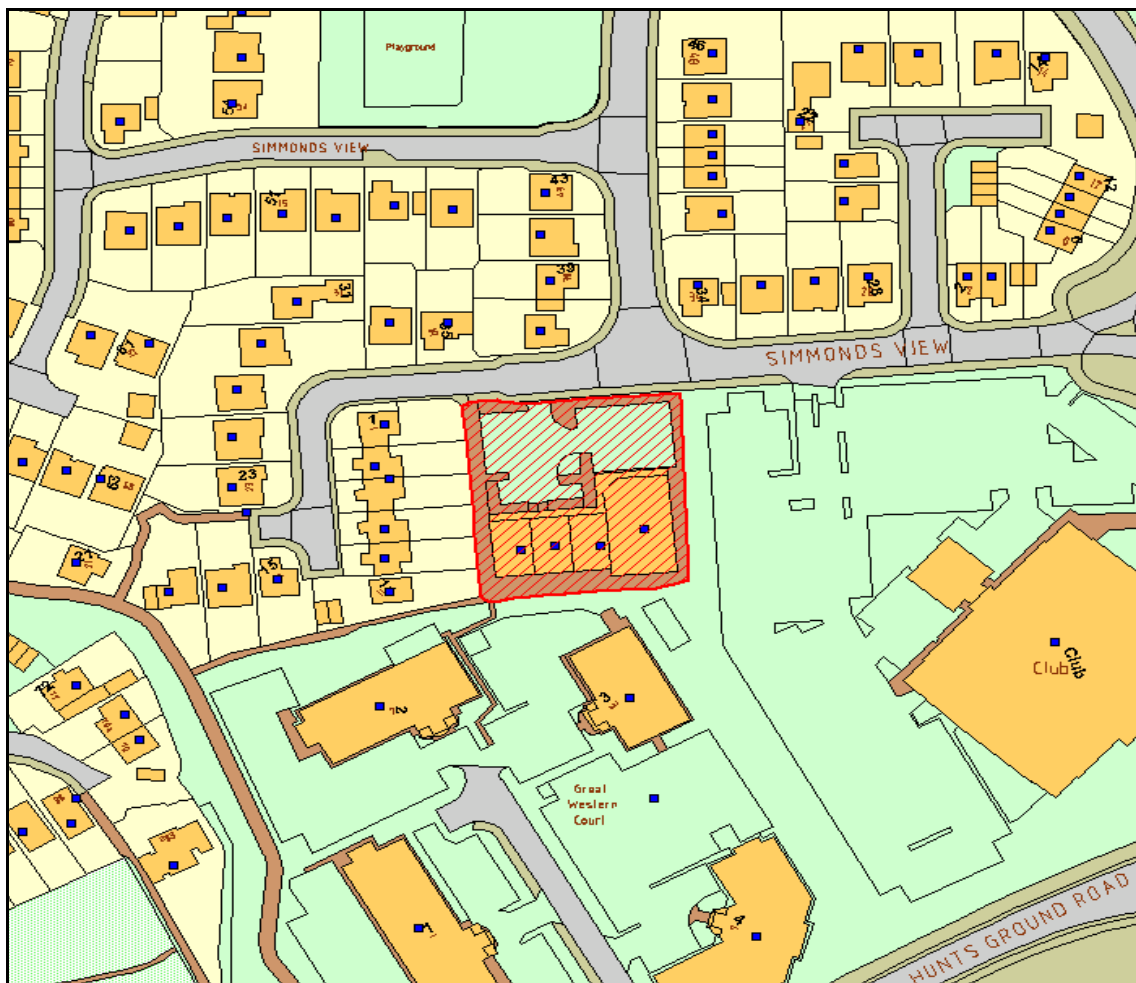
Parish: Stoke Gifford
Parish Council

Map Ref: 362948 179994
Application Minor

Ward: Stoke Gifford
Target 19th March 2014

Category:

Date:



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PT14/0200/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of letters of objections from local residents and Stoke Gifford Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a first floor extension above existing units to provide 6 no. 2-bedrooms residential flats at Units 1-4 Simmonds View, Stoke Gifford, Stoke Gifford.

The proposed first floor extension would extend the ridge height from 7.4 metres to 9.6 metres on Unit A and would install full-width flat roof dormer on the front and rear elevation on Units B, C, and D. In addition, the gable wall of Unit D would be slightly raised by approximately 0.4 metres. It is also proposed a small ground floor extension to the side of Unit A and that would measure 1.8 metres wide by 7.5 metres long and 4 metres high to its ridge.

During the course of the application, a revised proposed block plan and proposed elevations were submitted in order to retain the existing trees along Simmonds View and to relocate bin and cycle stores to the side of Unit A. In addition, it is also proposed to raise an existing gable wall on Unit D by approximately 0.4 metres to address officers' concerns in respect of overlooking issues. A number of drawings were also submitted to rectify the discrepancies of the drawings.

- 1.2 The application site is located within a residential area of Stoke Gifford, adjacent to a designated employment area of Simmonds View. To the north and west of the site is residential properties, and a parking area of fitness club is located to the east of the site, and the Great Western Court is located to the south of the site. The existing Unit A (convenience store) and Unit B (Chinese takeaway) have been damaged by a fire accident in July 2013. The roof of these units have been removed and existing wall are still retained on site. The entire block is currently vacant.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- L1 Landscape Protection and Enhancement
- EP4 Noise Sensitive Development
- T7 Cycle Parking
- T8 Parking Standards
- T9 Car Parking Standards for People with Disabilities
- T12 Transportation Development Control Policy for New Development
- RT11 Retention of Local Shops, Parades, Village Shops and Public house

South Gloucestershire Local Plan: Core Strategy

CS1 High Quality Design
CS5 Location of Development
CS14 Town Centres and Retail
CS16 Housing Density
CS17 Housing Diversity

- 2.3 Supplementary Planning Guidance
Design Checklist Supplementary Planning Documents
Residential Parking Standards (Adopted December 2013)

3. RELEVANT PLANNING HISTORY

The site has been subject to a number of planning applications in the past, however the following is the most relevant to the determination of the application.

- 3.1 P98/2106 Erection of 4 single storey retail units with associated work.
Approved 08.09.98

- 3.2 The existing units have been subject to the following applications:

Unit A: PT07/1255/F Installation of ATM to front elevation. Approved
29.05.07

Unit B: P99/1878 Change of use from retail (A1) to hot food takeaway
(A3) Approved 04.08.99

Unit C: P99/1479 Change of use of Unit C from A1 (retail) to A2
(financial and professional services) Approved 04.08.99

PT10/2623/F Change of use from financial and professional
services (Class A2) to restaurant (Class A3). Approved 26.11.10

PT11/1637/F Change of use from financial and professional
services (Class A2) to a restaurant (Class A3). Approved
22.07.11

Unit D: PT02/0382/F Change of use from retail to hot food takeaway
(Class A3). Allowed 12.02.03

PT02/0391/F Installation of extract ventilation system and external
compressors. Refused 09.09.02

CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
Objection - Over development / Reduction in customer car parking / Out of
keeping with existing environment / Over looking existing residential properties
/ Local Member to call in application.

4.2	<u>Other Consultees</u>	
	Sustainable Transport	No objection.
	Environmental Health Officer:	No objection subject to planning conditions seeking sound reduction.
	Highway Drainage:	No comments.

Other Representations

4.3 Local Residents

Two letters of objections have been received and the residents raise the following concerns:

- A poorly thought out approach to the car parking/highways.
- It is not appropriate to segregate 6 No car parking spaces for use by the proposed residential units.
- The provision of parking for the commercial premises was not sufficient and often well over-subscribed at peak times.
- The plans to add 6 residential flats would add more to current parking issues,
- Noise would be an issue from flats
- The build will impact on the day light into gardens
- The extra deliveries and collection would add to the noise / early deliveries once the shops have been refurbished.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal is to erect first floor extension including dormers to provide 6 no. 2-bedroom residential units on site. Two of the existing units have been subject to the fire accident in July 2013. This proposal is not to change the existing uses of the ground floor, and is only related to the proposed residential units on the first floor level.

Policy CS1 of the adopted Core Strategy requires good standards of site planning and design including taken accounts of safety, security and crime prevention.

Policy CS5 of the adopted Core Strategy allows development within the existing urban area and settlement boundaries, therefore there is no objection to the principle of the proposed residential development subject to the following assessment.

5.3 Design / Visual Amenity

Whilst the proposal would raise the original ridge line of the existing the roof form would be similar to the original as the proposed first floor extension would incorporate with a fully hipped roof on Unit A. The existing pitched roof above the remaining units would be retained, and the proposed flat roof dormers would be lower than the proposed ridgelines and would be slightly set back from the gable end.

The external materials, such as roof, walls, windows, and door, of the proposed extension and dormers would match those of the existing building. Your case officer considers that the design of the proposal would respect the character and appearance of the host building and the locality, and the design of the proposal is acceptable and also would not cause significant harms to the character of the street scene.

5.4 Residential Amenity

The nearest residential properties to the proposed first floor extension would be No. 1-11 (odd) of Simmonds View as their garden area would be adjacent to the proposed dormers. No. 35 and 37 Simmonds View are located opposite the entrance of the site.

The main elements of the proposed extensions are: i. first floor extension above Unit A, and that would raise the original ridge height of the existing building, ii, ground floor extension to the side of Unit A iii. flat roof dormers above Unit B, C and D and iv the gable wall of Unit D would be raised in height by approximately 0.4 metres.

With regard to the proposed extension to Unit A, it is noted that the Unit is located adjacent to an existing parking area of the health and fitness club and would be adjacent to the existing 2 storey office building to the rear. In addition, the existing building was built at lower ground level compared to the ground level of the adjacent office buildings. The proposed extension would be approximately 30 metres from the nearest residential properties, No. 35 and 37 Simmonds View. The windows on the first floor extensions would be more than 30 metres from these properties and more than 25 metres from the rear garden of No. 1-11 (odd) Simmonds View. It is therefore considered that the proposed first floor and ground floor extension to Unit A would not cause significant overbearing or overlooking impact upon the neighbouring properties.

With regard to the proposed dormers above Unit B, C and D, it is noted that the proposal would not extend the footprint of the existing building. The proposed dormers would be lower than the proposed ridgelines and would be slightly set back from the gable wall of Unit D, therefore the overbearing impact and loss of daylight caused by the proposed dormers to the neighbouring properties, No 1 – 11 (odd) Simmonds View, would not be significant to warrant a refusal of this application. Although the gable wall of Unit D would be raised by approximately 0.4 metres, officers do not consider that the proposed raised height would cause significant overbearing impact or loss of daylight upon the neighbouring occupiers.

In addition, no windows are proposed to the side elevation of Unit D, and the proposed raised height of Unit D, therefore there would not be any direct overlooking impact caused by the proposal. Officers acknowledge that the bedroom windows on the front elevation and proposed walkway along the front elevation may overlook part of rear garden of the adjacent properties, however the degree of overlooking would not be significant given that the windows would be slightly set back from the gable wall, the proposed walkway would be

screened by the proposed raised gable wall, and these windows would sit at an angle of the neighbours' rear garden.

Officers therefore consider that the proposal would not cause significant overbearing or overlooking impacts upon the neighbouring properties.

Other residential issues relating to noise and disturbance

Officers acknowledge a local resident's objection regarding the noise and disturbance from the proposed flats and the shops (due to the extra and early deliveries or collection).

As the site is within the established residential and commercial development, officers do not consider that the proposed new flats would cause significant noise and disturbance to the neighbouring properties as the proposal would not change the primary character of the locality. Nevertheless, it is considered that it would be reasonable and necessary to impose a planning condition restricting the construction hours on site in order to protect the amenity of the neighbouring residents.

As the proposal would not change the authorised uses of the existing units, it is considered that the noise and nuisance impact caused by the existing uses would not be substantiated to warrant a refusal of this application.

With regard to the residential amenity of the future occupiers, the Environmental Health Officer had concerns the noise impact upon the new occupiers due to the proximity of the dust. The applicant submitted acoustic information and the Officer considered that the submitted details are acceptable provided that a planning condition is imposed to protect the occupiers from the noise caused by the existing units on the ground floor.

Officers acknowledged that the proposal would provide 2-bedrooms residential units, which would be likely to be used by a young family, and none of them have their own private garden. Given that an existing play ground and a public open space is less than 100 metres away, it is considered that there would not be significant issues upon the residential amenity of the future occupiers.

5.5 Highway safety and parking provision

Officers acknowledge that residents are concerned the parking facilities for the existing uses and the proposed residential development.

This site has been the subject of extensive pre-app discussions where the number of flats has been reduced from 10 units down to the current proposal for 6 units.

In terms of the proposal the applicant has proposed that the six flats have 1 dedicated parking space each, with the remainder of the parking on site shared between the commercial units. The parking provision for the residential flats equates to one space per flat, whereas the residential parking standards require 1.5 spaces per flat. Although this development has a slight reduction in standards this is considered acceptable given the location of the site in close

proximity to Parkway Station with its bus station, it is located in close proximity to **SGTL**, and as such is considered to be in a sustainable location that warrants this slight reduction.

The parking left for the commercial units complies with the Councils parking standards for the form of development, and as such there is no transportation objection to this proposal.

5.6 Landscape issues

Your case officer had concerns over the original submitted landscaping scheme which showed that the existing trees are to be removed in order to provide covered bins and cycle storage. The applicant submitted a revised block plan showing the existing trees to be retained and the covered bins and cycle storage are relocated to the side of Unit A. Officers consider that the revised scheme would protect the landscape character of the locality and the proposed bin and cycle storage would not cause any harm to the appearance of the area as they would be highly screened by the existing building.

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

3. The hours of working on site during the period of construction shall be restricted to Mondays to Fridays 08.00am to 18.00pm and Saturdays 08.00am-13.00pm; 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 CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

4. The duct riser walls shall meet the minimum sound reduction given in Table 2 of the document, 'Kitchen Extract Duct Riser: Noise Assessment (Acoustics Report M1412/RO1) provided. The proposed duct must be mounted on anti-vibration mounts so that there is no mechanical connection with the riser, and the extract fan noise must not be greater than the assumed noise data used in Table 1 of the same document.

Reason

To protect the residential amenity of the future occupiers and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

5. Prior to the first occupation of the proposed residential units, the covered bin stores and secured cycle stores shall be provided in accordance with the approved details, and shall be maintained as such thereafter.

Reason

I. To protect the residential amenity of the future occupiers and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

II. To encourage means of transportation other than the private car, to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. No windows shall be inserted at any time in the west side elevation of the property.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy CS1 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 11

CIRCULATED SCHEDULE NO. 13/14 – 28 MARCH 2014

App No.: PT14/0378/F
Site: The Birches Wotton Road Rangeworthy
South Gloucestershire BS37 7LZ

Applicant: Mr And Mrs Roberts
Date Reg: 18th February 2014

Proposal: Conversion of garage to form additional
living accommodation (retrospective).
Erection of car port.

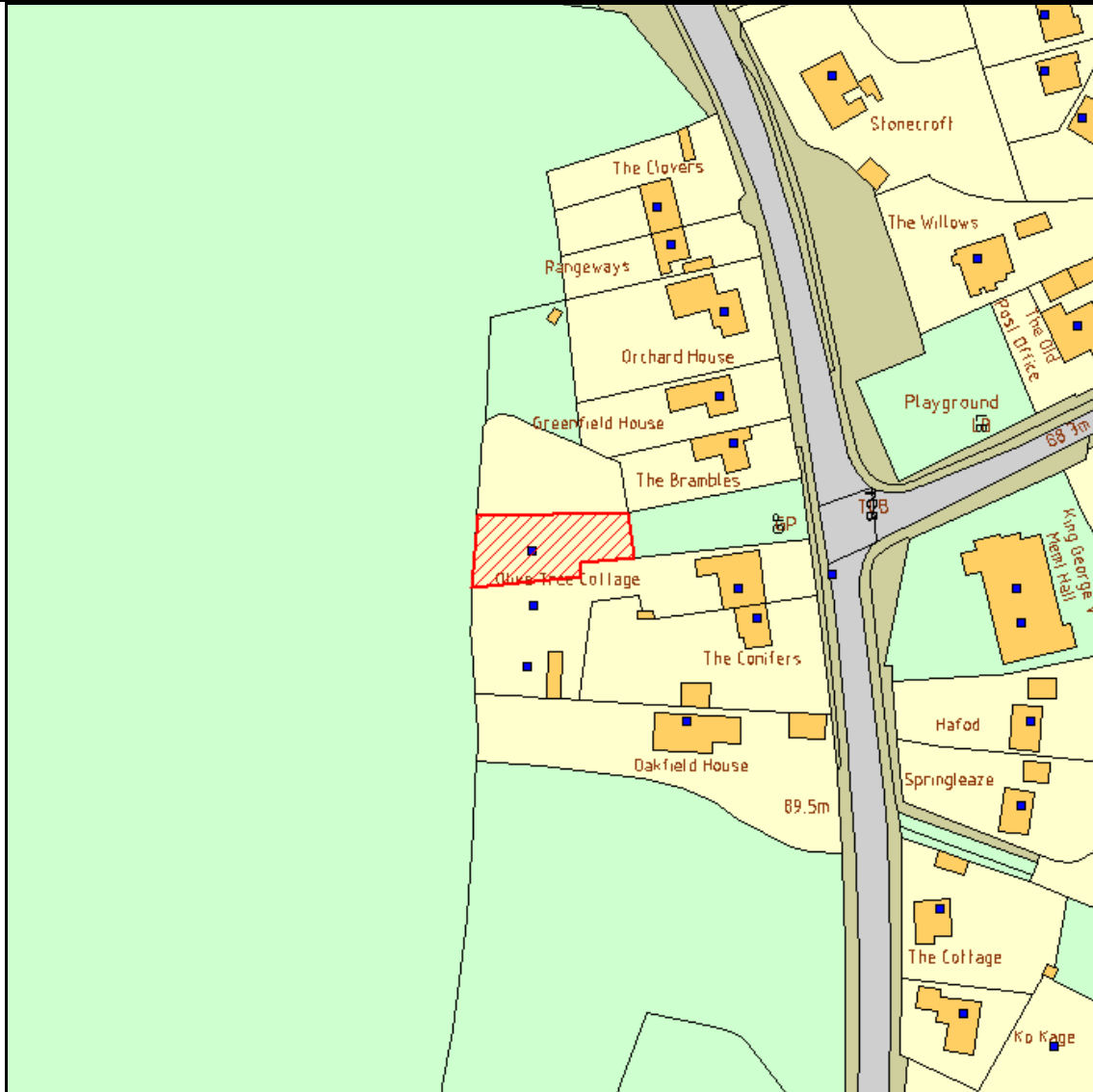
Parish: Rangeworthy Parish
Council

Map Ref: 369079 185764
Application Householder

Ward: Ladden Brook
Target 11th April 2014

Category:

Date:



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PT14/0378/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the circulated schedule for determination as comments of objection have been received from Rangeworthy Parish Council. Such comments are contrary to the recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks to regulate the conversion of the integral garage into living accommodation and seeks permission for the erection of a car port. The garage conversion is retrospective as the development has already been completed; the carport has yet to be constructed. In order to make this point clear, the description of development has been slightly amended before referral to the Circulated Schedule. The description which appears here is marginally different from the description of development on which neighbours were consulted.
- 1.2 The application site is a recently completed development of three bungalows in Rangeworthy. This site refers to 'plot 1', the bungalow at the end of the cul-de-sac.
- 1.3 It should be noted that the planning permission which authorised the original development included a number of conditions that removed permitted development rights and placed a tie on the provision of off-street parking facilities. These conditions partly contribute as to why a planning application is required.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

L1 Landscape
T12 Transportation
H4 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance
 - (a) South Gloucestershire Design Checklist (Adopted) August 2007
 - (b) Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/4506/NMA Objection 02/01/2014
Non-material amendment to PT12/3556/F to add window to front elevation of plot 1 and make the garage into living accommodation
- 3.2 PT12/3556/F Approve with Conditions 07/02/2013
Erection of 3 no. detached dwellings with garages, new access and associated works. Erection of detached garage for The Conifers.
- 3.3 PT11/2199/O Approve with Conditions 11/10/2011
Erection of 3no. detached dwellings and garages with associated works (Outline) with access to be determined. All other matters reserved.
- 3.4 PT10/3197/O Refused 13/01/2011
Erection of 3no. detached dwellings and garages with associated works (Outline) with access to be determined. All other matters reserved.(Re-Submission of PT10/0954/O)
- 3.5 PT10/0954/O Withdrawn 07/06/2010
Erection of 3no. dwellings (Outline) with access to be determined. All other matters reserved.

4. CONSULTATION RESPONSES

- 4.1 Rangeworthy Parish Council
Objection: 'It is understood that an earlier Planning Application to convert the garage to living accommodation (PT13/4506/NMA) was refused. If approval is now granted to this retrospective application, it sets a precedent for other properties in the development where there is no room for a car port.'
- 4.2 Drainage
No comment

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission to regulate the conversion of the garage into living accommodation and for the erection of a car port.
- 5.2 Principle of Development
Now that the property is completed, it has gained its own residential curtilage. Therefore, applications for planning permission can be assessed against policy H4 of the Local Plan. This policy allows for extensions and alterations subject to an assessment of design, amenity and transport.

5.3 In addition to these considerations, the development will have to show that it can accord/not be in conflict with the conditions on the authorising application regarding the provision of car parking. The proposal must also accord with the latest iteration of planning policy.

5.4 Taking the above into account, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.5 Parking Provision

Condition 5 attached to planning permission PT12/3556/F states:

The off-street parking places hereby permitted shall be provided before the dwellings hereby permitted are first occupied and shall thereafter be retained for that purpose.

Reason

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

5.6 This condition retains parking spaces in order to retain satisfactory parking provision. Policy T8 of the Local Plan has now been replaced by policy CS8 of the Local Plan Core Strategy and the Residential Parking Standard. These policies/documents must be used to establish whether or not satisfactory parking is provided to meet the needs arising from the development.

5.7 As permitted, the property contained three bedrooms. The conversion of the garage has been labelled on the plans as a 'study'; however, on the case officer's site visit (prior to occupation) the room seemed, when viewed through the window to be fitted out more as a bedroom. Therefore, the proposal will be assessed as a four bedroom dwelling.

5.8 Under the Residential Parking Standard, both three- and four-bedroom properties require two off-street parking spaces. To accord with the parking standard, single garages must have an internal measurement of 3 metres by 6 metres.

5.9 The garage which has been converted does not accord with the size standard as it measures 3 metres by 5 metres and therefore does not contribute to parking provision. The two external spaces (over which the carport is proposed) accord with the size standard for parking spaces, as they measure 2.4 metres by 4.8 metres. The total provision of parking spaces is two.

5.10 The number of spaces therefore meets the provisions of the Residential Parking Standard and adequate off-street parking is provided to meet the needs arising from the development.

5.11 Design

In terms of design considerations, these are limited to the change to the appearance of the house through the loss of the garage door and insertion of a window and the siting, layout and appearance of the carport.

- 5.12 A window has replaced the vehicular access door in the front elevation as part of the garage conversion. This window is noticeably larger than the other windows in the property as it has been selected to fill the approved aperture. Whilst on plan the window is noticeably larger, on site the window does not seem inappropriately sized and is not detrimental to the design of the building.
- 5.13 Turning to the carport, this is located over the approved parking spaces to the east of the dwelling. This is located forward of the principal elevation of the property and tucked into a piece of land between three different residential properties.
- 5.14 The proposed carport would have an overall ridge height of 4.7 metres, an eaves height of 2.4 metres, and external dimensions of 5.8 metres by 6 metres. Although slightly below the size standard for a double garage, the proposed carport is very similar in size to a garage building. The size standard for garages has not been applied to the carport as, because the building has an open front, it is considered highly likely that the carport would be used solely for the parking of vehicles and would not contain ancillary domestic storage (as many garages do).
- 5.15 Finished in timber close board panels, the building has an ancillary outbuilding appearance to it. It is located in a position where it will have little impact on the site layout. It is therefore considered that the development reaches an acceptable standard of site planning, design and visual appearance and accords with policy.
- 5.16 Amenity
Development should not prejudice residential amenity. The introduction of a window on the ground floor of the building does not materially impact upon amenity as it only provides a view over an area that already is subject to views gained from the first floor window. Whilst the window on the first floor serves an en-suite and is obscure glazed, views from the ground floor window will be mostly blocked by the erection of the carport. This window is therefore considered to have little impact on the levels of residential amenity in the locality.
- 5.17 The proposed carport building is likely to have a greater impact on amenity due to the height and location of the building in close proximity to the boundary. The carport is located 10 metres and 25 metres distant from the nearest residential properties. As there are no windows in the carport it would not result in a loss of privacy. The distances from nearby properties and the size of their gardens means that the relatively modest carport will have little impact on the amenity of these properties; it will not result in the loss of outlook, reduced levels of light, or a material decrease in privacy.
- 5.18 Comments of Parish Council
It is stated by the Parish that the approval of this application should not be given as it would set a precedence for other properties to undertake similar development and it has already been refused under a NMA.

- 5.19 NMA applications seek the opinion of the Local Planning Authority as to whether a proposed change is material or not. If it is concluded that a change is material, it does not mean that the proposed change is unacceptable, just that it should be considered through a full planning application. The refusal of an NMA does not infer that the following planning application should also be refused.
- 5.20 With regard to setting a precedence, all applications for planning permission are assessed on their merits against planning policy. Where the proposal accords with policy, planning permission will be granted. Therefore, the recommendation for approval is based on the specific circumstances of this case (including the fact that a carport can be provided). In other cases where there is insufficient provision of car parking, planning permission may not be given.

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 the policies listed above. Adequate off-street parking spaces are provided to meet the needs arising from the development; an acceptable standard of site planning and design is proposed that would not prejudice 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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended to GRANT permission subject to the conditions listed on the decision notice.

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.

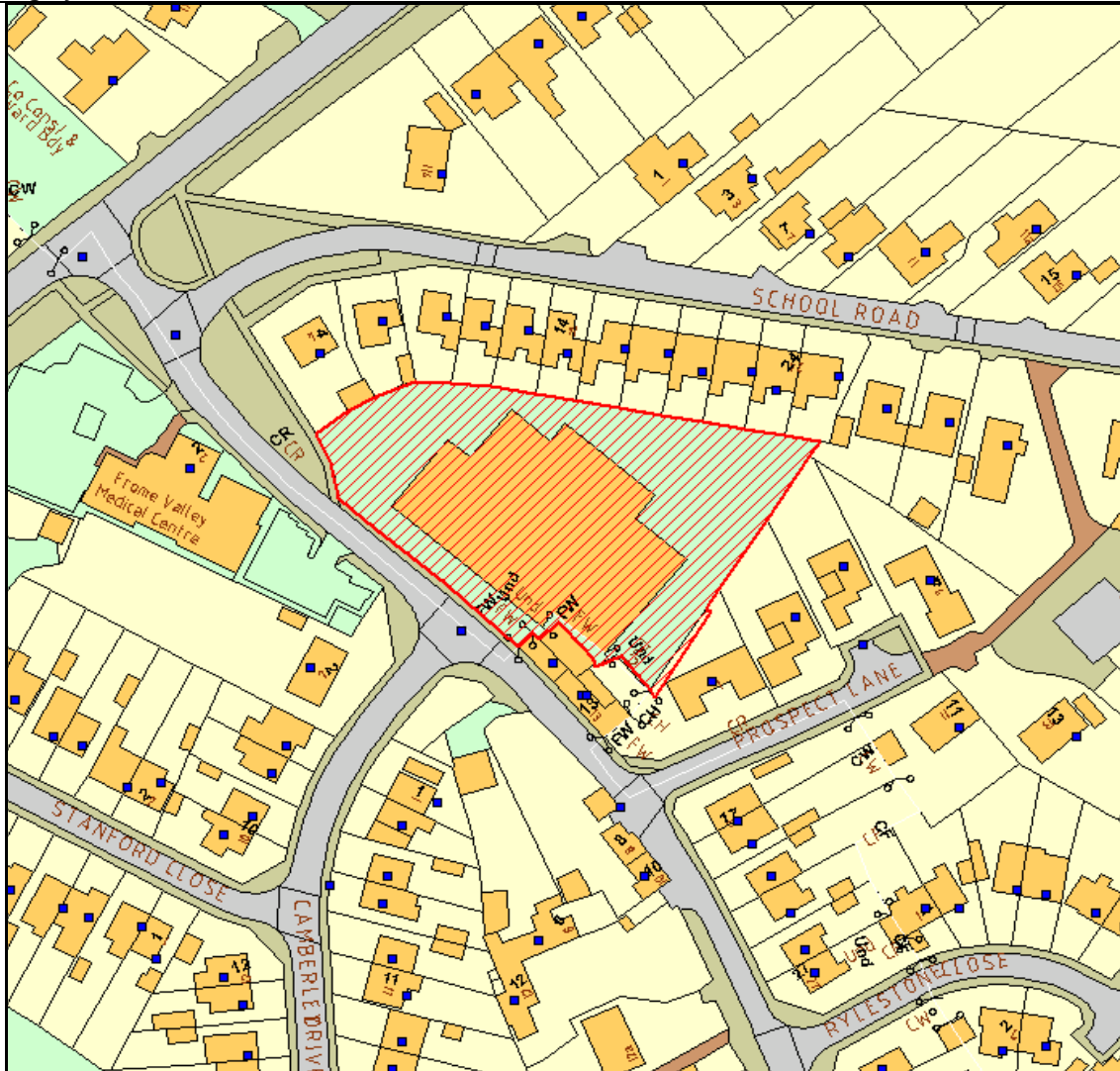
Reason

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

ITEM 12

CIRCULATED SCHEDULE NO. 13/14 – 28 MARCH 2013

App No.:	PT14/0471/F	Applicant:	Freshwater Design And Build Co Ltd
Site:	11 Court Road Frampton Cotterell Bristol South Gloucestershire BS36 2DE	Date Reg:	12th February 2014
Proposal:	Demolition of existing commercial premises to facilitate the erection of a gospel hall (Use Class D1) with new central access driveway and 3no. detached dwellings (Use Class C3) with individual driveway haulingways over Court Road and associated gardens and landscaping.	Parish:	Winterbourne Parish Council
Map Ref:	365767 181790	Ward:	Winterbourne
Application Category:	Minor	Target Date:	7th April 2014



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100023410, 2008. **N.T.S.** **PT14/0471/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because objections have been received from neighbouring occupiers contrary to the Officers recommendation. The application is circulated before the expiration of the consultation period due to time constraints. Members are advised however, that if any additional responses are received that raise any new relevant issues, then the application will be re-circulated.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of an existing commercial premises to facilitate the erection of a gospel hall (Use Class D1) with a new central access driveway and 3no. detached dwellings (Use Class C3).
- 1.2 The application comprises a currently vacant commercial site of approximately 0.38 hectares in area on the northeastern side of Court Road within the established residential area of Frampton Cotterell.
- 1.3 A large commercial premises currently occupies the site and directly fronts the street. The premises consists of a curved roof warehouse with 2no. large metal roller shutter doors; and a two storey flat roof rendered office with a brick base. The office contains a number of horizontally proportioned windows.
- 1.4 Hardstanding parking areas are located to the front, rear and sides of the building. The garden of residential properties abut the northern (rear), eastern and western (side) boundaries of the site. The neighbouring properties nos.11 and 13 Court Road, which is a dual pitched roof rendered cottage of horizontal proportions, shares a close relationship with the existing site and the neighbouring property and rear garden boundary abut the site. Opposite the site is the cul-de-sac Camberley Drive, which primarily consists of two-storey semi-detached properties. To the west of the site on the opposite side of Court Road is the Frome Valley Medical Centre.
- 1.5 Due to concerns raised by representations received, the applicant has clarified that the proposed dwellinghouses are intended for private sale, and are not to be used in any institutional way.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
T12 Transportation Development Control Policy for New Development
T8 Parking Standards
T7 Cycle Parking
L1 Landscape Protection and Enhancement
L11 Archaeology

EP4 Noise Sensitive Development
LC4 Proposals for Educational Facilities within Existing Urban Areas and Boundaries of Settlements

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS9 Managing the Environment and Heritage
CS13 Non-Safeguarded Economic Development Sites
CS16 Housing Density
CS17 Housing Diversity
CS34 Rural Areas

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Residential Parking Standards SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT05/2551/F, installation of 2no. air conditioner units, approval, 10/10/05.
- 3.2 PT04/3574/F, erection of replacement external steel fire escape, approval, 19/11/04.
- 3.3 P89/1538, external alterations to existing premises to facilitate the installation of a compactor, approval, 29/07/89.
- 3.4 N888/2, conversion of blacksmiths workshop to office accommodation. Erection of covered water tank on roof of existing offices, approval, 15/01/76.
- 3.5 N888/1, change of use of premises from general industry to use as a depot in connection with eradication of woodworm, dry rot, pest control and hygiene services. Conversion of existing showroom to ancillary offices, approval, 09/10/75.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection
- 4.2 Frampton Cotterell Parish Council
Awaiting Comments
- 4.3 Archaeology
No objection
- 4.4 Environmental Protection
No objection subject to condition in respect of potential land contamination

4.5 Community Services

Adequate provision for refuse/recycling storage areas should be provided in accordance with policy CS1 of the Core Strategy. Private external lighting should be approved by the Local Planning Authority.

4.6 Transportation DC Officer

There is no in principle objection to this proposal, for the application to be considered acceptable a revised plan is required that indicates how the additional parking can be accommodated on site which also shows the revised residential visibility standards. In addition to this the applicant would be required to submit a travel plan that shows how the proposals and aspirations in terms of vehicle occupancy, timing of meetings can be achieved and controlled so as to avoid network peak times.

The widening of the existing footway to 2m wide at the front of the development and the construction of the new access is welcomed and would need to be dedicated and constructed via a suitable legal agreement.

4.7 Drainage Officer

No objection subject to condition

4.8 Affordable Housing Officer

There is no requirement for affordable housing provision at this point.

Other Representations

4.8 Local Residents

26no. letters of objection have been received from members of the public. The following is a summary of the reasons given for objecting:

- Additional traffic will create highway safety issues;
- Will make access onto Court Road difficult;
- Number of cars and people that will visit the hall will result in congestion and highway safety issues;
- The dwellings may be used as shelters if they are connected to the church;
- Adverse effect in terms of noise;
- Parking is insufficient and will result in on-street parking in the locality;
- Detrimental to highway safety;
- Air conditioning units are too close to neighbouring boundaries;
- Loss of view due to the close proximity of the hall to a neighbouring property;
- Will de-value neighbouring properties;
- Proposal will exacerbate existing highway issues due to congestion caused by medical centre and matches on local play fields;
- Proposal will exacerbate existing highway issues caused by a blind corner and lack of footway;
- Access to hall opposite the Camberley Drive entrance will cause highway safety issues;
- Hall could be used for other uses;

- Bretheren should pay for road improvements and traffic calming measures through S106 agreement;
- Elderly persons accommodation should be more appropriate for the re development of the site;
- Court Road is a rat run in the mornings and evenings;
- Loss of natural light;
- The scale and mass of hall will have an overbearing effect on neighbours.

3no. letters of support have been received from members of the public. The following is a summary of the reasons given for supporting the scheme and a number of issues that have been raised:

- Plans are sympathetic with the existing housing;
- The proposed build is excellent and a great use of the site;
- Clarification is required on the type of trees and planting and that it will be suitably maintained;
- Will the level of parking be sufficient;
- Sustainable measures should be encouraged;
- Will the meeting hall be the sole use of the owners.

4no. responses have been received from members of the public who do not object or support the scheme but have raised the following issues:

- Are dwellings to be sold on the open market or will they belong to the owners of the hall;
- Where will all the cars park;
- When will building works commence;
- Will hours of working during construction be restricted;
- It is important that disruption be minimised in an area with young families;
- Will neighbours be informed of the decision.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS5 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 states that in rural areas small scale development may be permitted within the settlement boundaries of villages. The proposal is relatively small scale and comprises the erection of 3no. dwellinghouses and a meeting hall. The proposal will see the re-use of an existing brownfield site where the existing built form does not make a positive contribution to the character and visual amenity of the area. The site is not considered to be significantly isolated and there are public transport links to the wider area. Although a large proportion of the site is proposed to be utilised for car parking relating to the meeting hall, Officers are satisfied that the level of parking proposed is necessary. The density of the scheme is therefore, considered acceptable.

Accordingly, the proposal is considered to represent sustainable development. It is however, necessary to consider matters relating to the loss of employment land.

- 5.2 Policy CS13 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 states that proposals for the change of use on economic development sites not safeguarded by policy CS12 will not be allowed unless it can be clearly demonstrated that all attempts have failed to secure a suitable economic development re-use.
- 5.3 According to the applicant, the Rentokil business that formerly occupied the site has relocated from the area leaving the buildings vacant. The former business operated between the hours 08:00am – 06:00pm and employed approximately 30 office staff.
- 5.4 The disposal of the site was confirmed in February 2013 and the agents Colliers have been responsible for marketing the site over the past 12 months. A full marketing campaign was carried out including: the erection of an agency board at the property; producing marketing particulars; carrying out mail shots to agents and local occupiers; and internet advertising. The applicant states that a few enquiries from industrial companies were deterred following the inspection of the property, its condition and proximity to housing resulting in no formal offers from this sector. Given the extent of the marketing it is considered that all reasonable attempts have been made and have failed to secure a suitable business re-use for the site.
- 5.5 Given the above, the principle of the development is considered acceptable by virtue of policies CS5 and CS13 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 and saved policy LC4 of the South Gloucestershire Local Plan (adopted January 2006. The main issues to consider are the appearance/form and impact on the character of the area; the effect on the residential amenity of neighbouring occupiers; the transportation effects; and environmental effects.
- 5.6 Appearance/Form and Impact on the Character of the Area
Plot nos.1 and 2 are two-storey properties with pitched roofs and projecting two-storey gables to the front and rear. Plot no.3 is 1.5 storeys in height with first floor accommodation built into the roof. All three properties have single, attached side garages. The proposed dwellings are set back from the street by approximately 6 metres to allow for parking and planting to the front.
- 5.7 The properties to the rear of the site are two-storey detached dwellings with brick and render finishes with gabled front and rear elevation and somewhat long, vertical proportions. Immediately opposite the site fronting Camberley Drive are two-storey semi detached brick properties, with a bungalow on a corner plot at the entrance. A large two-storey medical centre is located to the west of the site, which comprises the original stone building and modern brick extension to the rear with a slate roof; a 1.8 metre (approx.) high pennant stone wall is located on the boundary of the site. Immediately to the south of the site is a two-storey rendered cottage with a traditional narrow form and horizontal proportions, which directly fronts the street. Accordingly, there is considered to be a general mix of architectural style of dwellings in the surrounding area.

- 5.8 The applicant has specified that the proposed dwellings will comprise a common palette of local materials. Walls will be finished with self-coloured render over a brick plinth; brick chimneys and soldier courses and cills. The two-storey scale of the dwellings is in-keeping with the scale of the majority of the surrounding built form. The dwellings are set back approximately 6 metres from the street with garden space and vehicular parking to the front of the dwellings. A 0.6 metre high brick wall is proposed to the front of the dwellings enclosing the front gardens and driveways. It is considered that the proposal will not appear adversely out of keeping with the siting of surrounding built form and will provide an improved frontage onto Court Road over the existing situation.
- 5.9 The proposed meeting hall is single storey in scale and is encompassed by a dual pitched roof. The front of the meeting hall is recessed under the roof to form a canopy. The meeting hall comprises a 1.5 metre high brick base with stained horizontal boarding above and dark grey insulated profiled sheeting panels. The meeting hall is not considered to be adversely out of keeping with the character of the surrounding built form. Weight is given to the fact that this part of the scheme will primarily only be viewed in the context of the site and from glimpses from Court Road.
- 5.10 If permission is granted a condition is recommended in respect of samples of materials to ensure a high quality standard of external appearance.
- 5.11 Landscaping
The site does not contain any trees or vegetation that make a significant contribution to the character of the area. A tree growing to the front of the site is shown as being retained, which is welcomed. If permission is granted, a landscape condition is recommended for details of how the tree will be protected throughout the course of the development. The applicant has specified that boundary planting is proposed to the whole site, and a number of trees are proposed in the front and rear gardens of the proposed dwellings. If permission is granted, a condition is recommended to ensure that the species and times of planting are agreed with the Local Planning Authority in the interests of the character and amenities of the area. It is not considered that a condition regarding a scheme of maintenance is required in this instance.
- 5.12 Residential Amenity
Concern has been raised by neighbouring occupiers with regards to the impact of the development on their amenity due to the proximity of the proposed meeting hall to neighbouring gardens and properties in terms of loss of natural light, outlook, and through noise and disruption.
- 5.13 Before considering the impacts of the development it is first necessary to consider the existing situation at the site. The site has operated as a pest control business with a depot and ancillary offices for a number of years (Use Class B8). The site has also been used for general industry (Use Class B2) historically. The previous business employed approximately 30 staff members and normally functioned during the hours of 08:00 – 18:00; however, there are no conditions on the original consent restricting the number of employees or the hours of operation. Accordingly, the site could lawfully operate as a

relatively intensive business, which would very likely impact on the residential amenity of neighbouring occupiers. This is considered to hold material weight. The proposal gives the Local Planning Authority an opportunity to consider an alternative use for the site, which is more compatible with neighbouring dwellinghouses and to restrict and control the use.

- 5.14 The existing industrial building is approximately 7 metres from the rear garden boundary and 12 metres from the neighbouring property to the southeast (1 Prospect Close) at the closest point; and approximately 1.5 metres from the rear garden boundary and 5 metres from the neighbouring property to the south (13 Court Road).
- 5.15 The proposed meeting hall measures approximately 17 metres in length, 21 metres in width and 3.3 metres in height at eaves level and 6.4 metres at ridge height. The building has a rectangular shape footprint and is encompassed by a dual pitched roof. The front elevation is recessed to form a front canopy.
- 5.16 *Impact on no.13 Court Road and no.1 Prospect Lane*
A revised plan has been received, which has amended the siting of the meeting hall to reduce the impacts on neighbour occupiers. The amended plan demonstrates that the proposed hall will be approximately 5.3 metres from the eastern flank boundary at the closest point and 7.7 metres at the furthest point. Although the building remains close to the garden of no. 13 to the south, it has been moved further to the northwest so that it will not extend so far across the rear garden of the neighbouring property (no.13). Although the building will still be prominent from views from the neighbouring garden, on balance, it is not considered to be significantly different to the existing situation. Given the location of the neighbouring property (no.13), south of the building, it is not considered that there will be a significant adverse effect in terms of loss of natural light. On balance, it is considered that the revised siting of the building will not have a significantly adversely more harmful effect on the outlook of neighbouring occupiers than the existing situation.
- 5.17 No. 1 Prospect Lane has a limited number of windows at first floor level and the dwelling is orientated at an oblique angle to the building. As such, and taking into account the increased distance to the boundary, it is not considered that the proposal will have a significantly adversely greater effect on the residential amenity of occupiers than the existing situation in terms of loss of natural light or outlook.
- 5.18 No windows are proposed in the southwestern end elevation or the southeastern rear elevation, which face towards neighbouring properties. As such, given the single storey scale of the meeting hall, it is not considered that it will adversely affect the privacy of neighbouring occupiers.
- 5.19 *Impact from Dwellings Proposed*
The 3no. dwellings proposed are located in the western corner of the site and therefore, consideration is required regarding the effect on the occupiers of neighbouring properties. The dwellings contain rear windows at first floor level, which would face towards neighbouring properties and gardens to the northeast. Notwithstanding this, it is considered that there will be a sufficient

level of separation to ensure that neighbouring occupiers are not adversely overlooked. Plot 1, which is closest to the neighbouring properties, is orientated so that views from the rear elevation windows are at a more oblique angle to neighbouring properties.

5.20 The northern gable side elevation of plot 1 directly faces the neighbouring property and garden no.4 School Road. The only opening in this elevation at first floor level is a small bathroom window. A condition is recommended, if permission is granted, for this window to comprise obscure glazing at all times. The proposal will result in the northern side gable elevation of plot 1 being within close proximity to the rear boundary of no.4 School Road. Although the neighbouring property is directly north of plot 1, on balance, given the level of separation of approximately 13 metres, and the fact that views of this elevation will be largely screened by an existing single detached garage, it is not considered that neighbouring occupiers will be significantly adversely affected through loss of outlook or natural light.

5.21 *Amenity of Proposed Dwellings*

Amended plans have been received, which have increased the size of the garden area of Plot 1. It is not considered that future occupiers of the dwellings would be adversely affected in terms of loss of natural light or privacy. Provided that the use of the meeting hall is controlled and limited by way of condition, it is not considered that occupiers will be significantly adversely affected by noise.

5.22 *Noise/Disruption*

The air conditioning units have been moved to the northeastern side elevation of the building where they will be less visible and at an increased distance to neighbouring properties (approximately 8 metres and 18 metres from the boundary and property of no.2 Prospect Lane respectively). Weight is given to the fact that the Council's Environmental Protection Officer has raised no objections to the proposal, and it is considered that neighbouring occupiers will not be significantly adversely affected.

5.23 According to the applicant the meeting hall will be open to all members of the public for providing Gospel activities. The hall will not be used for social events or rented out for other community activities. A condition is recommended if permission is granted to restrict the use of the building to activities directly associated with a place of worship. The use of the hall will primarily be used for daily meetings lasting approximately an hour, although more intensive use of the hall is proposed on Sundays where a monthly meeting could be attended by up to 270 people. The meetings are to include activities such as prayer, bible reading, communion, and gospel. When considered on balance, compared to the existing unfettered commercial use of the site, as well as other uses within Use Class D1, it is not considered that the proposed gospel activities will generate a significant level of noise. Openings in the building are restricted to the front elevation of the building, which faces away from the majority of existing neighbouring properties, will help reduce the impacts on neighbouring occupiers.

- 5.24 Concern has been raised regarding the level of noise and disruption that will be generated by cars entering/leaving the site and by car doors slamming. However, subject to a condition to restrict the use of the hall in the early morning and late in the evening it is not considered that there will be an unreasonable effect on the residential amenity of neighbouring occupiers. Whilst it is noted that the hall would be used relatively early on Sundays weight must be given to the fact that a commercial business could operate from the site on any day of the week without any restrictions in terms of time.
- 5.25 Transport
This proposal is a relatively low traffic generator overall when compared with what the extant use could generate. In terms of the timing of the vehicle movements associated with the proposal, it is noted that the majority of movements are outside of the local network peaks when traffic flows on the local highway network are low.
- 5.26 The supporting Transport Statement prepared by Key Transport Consultants Ltd states that at similar sites, as to that proposed, the level of vehicle occupancy was high. The Council's Transportation Officer confirms from experience that this is normally the case especially when associated with a Travel Plan that minimises single occupancy car use.
- 5.27 The congregation levels change depending upon the service being held from relatively modest levels up to a maximum of 270 people (once a month). In terms of general usage of the hall and the site, there are no transportation issues that need addressing. There is however, concern in relation to monthly meetings when the maximum number of attendances could occur. It is noted that the applicant identifies that a minimum need of 61no. parking spaces would be required for these meetings, and the plans demonstrate that a reinforced grass area will be provided for use as additional overflow parking at these times. A revised plan has been submitted to demonstrate that the required number of parking spaces can be accommodated at the site.
- 5.28 The levels of visibility along Court Road are proposed to be in-line with Manual for Streets. Whilst this agreed is, the applicant should ensure that visibility from the residential dwellings should be 2.4 metres x 40 metres rather than 2 metres as proposed. The applicant has agreed that the visibility splays for the houses and meeting hall will be 2.4 metres by 40 metres, and a revised plan has been submitted with regards to this. If permission is granted a condition is recommended to ensure that the boundary treatments to the front of the properties is no higher than 0.6 metres in height to ensure that they do not obstruct the splays.
- 5.29 If permission is granted a condition is recommended for a travel plan to be submitted, which shows how the proposals and aspirations in terms of vehicle occupancy, timing of meetings can be achieved and controlled so as to avoid network peak times.
- 5.30 The widening of the existing footway to 2 metres at the front of the development and the construction of the new access is welcomed and would need to be dedicated and constructed via a suitable legal agreement. It is considered that

the use of a condition requiring the improvements to be undertaken is more appropriate in this instance and passes the six tests for a condition contained in Circular 11/95. Whilst the land to which the highway improvements relate is outside of the control of the applicants, it is considered highly likely that the improvements to the access could be undertaken, therefore, such a condition is considered reasonable, necessary and enforceable.

5.31 Affordable Housing

The affordable housing trigger under Policy CS18 of the adopted Core Strategy for rural areas is 5 or more dwellings or 0.20 hectares or more.

5.32 In this instance the number of units falls under the affordable housing threshold but the site area measures 0.38 hectares however affordable housing will not be asked for in light of the following.

5.33 The area of land for the residential scheme i.e. 3 houses alone measures 0.12 hectares and it is only because of the works associated with the gospel hall i.e. driveway and car parking that have resulted in the increased site area and therefore it is not deemed reasonable to secure affordable housing.

5.34 However should a future application come in to develop the site as a whole for residential development or the site is subdivided the site will be taken as whole for the purposes of calculating affordable housing.

5.35 Land Contamination

The former industrial uses of the site may have caused contamination, which could give rise to unacceptable risks to the proposed development. If permission is granted a condition is recommended for an investigation to be carried out by a suitably qualified person and a report of the findings to be submitted to the Local Planning Authority for approval. If potential contaminants are identified then it will be necessary for the report to include suitable mitigation measures to suitably address the risks.

5.36 Further Matters

The devaluation of neighbouring properties is not a material planning issue that can be given weight in this instance. The comments regarding other uses that may be more appropriate for the site, such as elderly housing, are noted; however, the Council does not own the application site and development proposals are required to be assessed on their own merits. The Council cannot specify when building works can commence; however, if permission is granted, a condition is recommended to specify that development must commence within 3 years of the date of the decision. A decision notice will be posted on the Council's Planning Website. In terms of sustainability the proposed dwellings will be required to comply with statutory building regulations in terms of sustainable construction. The design and orientation of the dwellings will allow solar panels to be added at a later date if required. A neighbouring occupier has stated that the applicant should provide road improvement and traffic calming measures by way of a S106 agreement. Guidance contained in the National Planning Policy Framework specifies that planning obligations should only be sought where they meet all of the following tests: necessary to make the development in planning terms; directly related to the development;

and fairly and reasonably related in scale and kind to the development. Weight is given to the fact that the Council's Transportation Officer has not requested any road improvements or traffic calming measures; therefore, a S106 agreement on this basis will not pass the criteria in terms of being necessary or reasonable. The applicant has agreed to improve the existing footway at the front of the site, and these improvements can be secured by condition if permission is granted.

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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 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. Prior to the relevant element of works commencing samples of the roofing and external facing materials (including fenestration) 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 an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

3. Prior to the commencement of development excluding demolition a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting);

boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

In the interests of the character and appearance of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

4. A) Previous historic uses of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
- B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
- C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
- D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

5. 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 amenities of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

6. Prior to the commencement of development above groundworks and excluding demolition details relating to the storage provision for refuse bins and boxes shall be submitted to and agreed in writing by the Local Planning Authority. The residential units hereby approved shall not be occupied until the storage areas have been provided in accordance with the agreed details.

Reason

In the interests of the amenities of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

7. The off-street parking provision shall be carried out in accordance with the plan "Site Plan Proposed" no.829-13/101C received by the Council on 26th March 2014 prior to the first occupation of the buildings and retained thereafter.

Reason

To provide an acceptable level of parking in the interests of highway safety and the amenities of the area and to accord with saved policies T12 and LC4 of the South Gloucestershire Local Plan (adopted) January 2006.

8. Prior to the first occupation of the meeting hall hereby approved a Travel Plan shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented as approved before the meeting hall hereby permitted is brought into use; or otherwise agreed in the Travel Plan. For the avoidance of doubt the Travel Plan shall set out how the proposals and aspirations, in terms of vehicular occupancy and timing of meetings, can be achieved and controlled so as to avoid network peak times.

Reason

In order to promote more sustainable methods of travel and to accord with saved policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

9. Prior to the commencement of development excluding demolition 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 an adequate means of drainage is provided at the site and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

10. The meeting hall 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

In the interests of highway safety and the amenities of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and saved policies T12 and LC4 of the South Gloucestershire Local Plan (adopted) January 2006.

11. The highway improvements shown on the drawing "Site Plan Proposed" no.829-13/101C received by the Council on 26 March 2014 shall be completed in accordance prior to any occupation of the development hereby permitted.

Reason

In the interests of highway safety and to accord with saved policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

12. Services shall not take place at the approved meeting hall before 7:00am Monday - Saturday or 6am on Sundays and the meeting hall site shall be vacated by 9:30pm Monday - Saturday and 8:00pm on Sunday.

Reason

In the interests of the residential amenity of neighbouring occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

13. The hours of working on site during the period of construction shall be restricted to the following times:

Monday - Friday.....7:30am - 6:00pm

Saturday.....8:00am - 1:00pm

No working shall take place on Sundays or Public Holidays.

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

Reason

In the interests of the amenities of neighbouring occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

14. The height of the boundary treatment at the front of the dwellings hereby approved shall not at any time exceed 0.6 metres in height.

Reason

In the interests of highway safety and to accord with saved policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

15. The first floor bathroom window in the northwestern side elevation of plot 1 shall at all times comprise obscure glazing to a level 3 standard of higher.

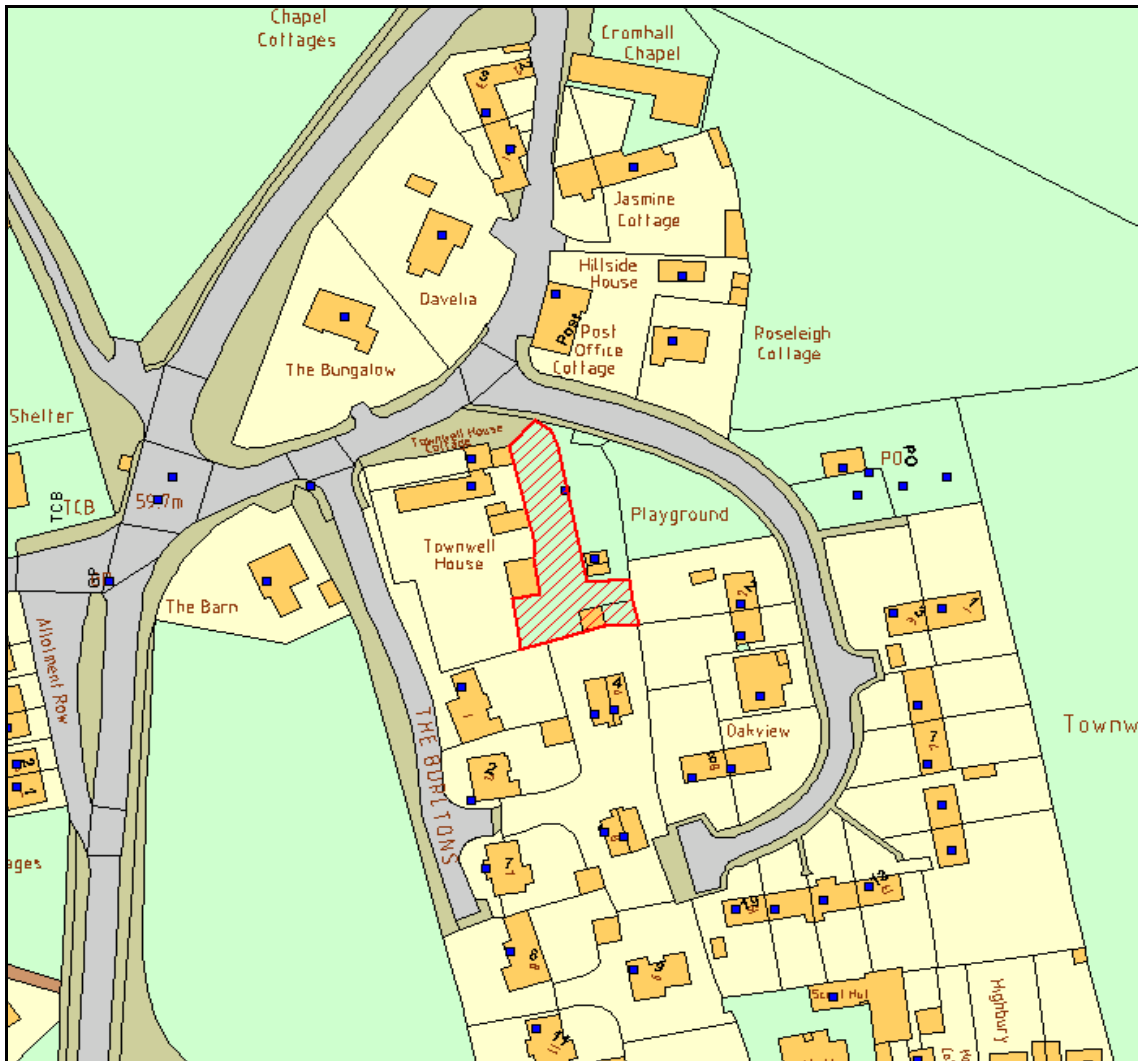
Reason

In the interests of the privacy of neighbouring occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

ITEM 13

CIRCULATED SCHEDULE NO. 13/14 – 28 MARCH 2014

App No.:	PT14/0476/F	Applicant:	Mr P Hanney
Site:	Walnut Tree House Townwell Cromhall South Gloucestershire GL12 8AQ	Date Reg:	12th February 2014
Proposal:	Extension and raising of roof to facilitate conversion of garage to dwelling. Resubmission of PT13/2752/F	Parish:	Cromhall Parish Council
Map Ref:	369742 190709	Ward:	Charfield
Application Category:	Minor	Target Date:	7th April 2014



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100023410, 2008. **N.T.S.** **PT14/0476/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The proposal is circulated to members because the officer recommendation is in conflict with objections from neighbours.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the raising of the roof of a large car port with room in the roof and the addition of a front extension. The resultant building is proposed to be used, together with two parking spaces and a domestic garden as a separate dwelling. Three replacement parking spaces are provided at the front of the original house for use by the existing house.
- 1.2 The application site includes the existing drive which gives access to three garages in separate ownership and two neighbouring houses also have pedestrian access over the red lined site. A large Walnut tree is located in the rear garden of Walnut Tree House and this is subject of a Tree Preservation Order.
- 1.3 The site is situated within the settlement boundary of Townwell, Cromhall.
- 1.4 This scheme has been amended by plans received on 19 March 2014. The changes were the removal of a window in the gable facing east, the insertion of two rooflights in the roof elevation facing north, down the drive and by the repositioning of the three proposed parking spaces for the original house in a manner which maintains the existing drive width. Further information regarding the works in relation to the TPO Walnut tree were also provided. These plans and amended tree information are the subject of seven day reconsultation to neighbours and Cromhall Parish Council which will expire during the circulation of this report. Should new planning issues be raised, which are not covered in this report, then the issues will be considered further and the officer report re-circulated.

2. POLICY CONTEXT

- 2.1 National Guidance
The National Planning Policy Framework 27th March 2012
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006 (retained policies)
H4 Residential Development within Existing Residential Curtilages

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS4A Presumption in favour of sustainable development
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
Residential Parking Standards adopted Dec 2013

3. RELEVANT PLANNING HISTORY

3.1 PT11/3297/F Conversion of carport to an independent dwelling. {comprised bedroom, circulation space and bathroom at first floor with a kitchen at ground floor. Amenity space was a small square on the far side of the existing car parking area} Refused on 13.12.2011 for the following reasons:

1 The proposal would introduce a poor quality living environment for the future residents of the proposal by reason of the proposed site layout, its relationship with the neighbouring dwellings and the small-enclosed area of amenity space proposed. The proposal is therefore considered to be contrary to the provisions of PPS1, PPS3 and Planning Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

2 The creation of a single dwelling in the manner proposed would comprise a cramped and contrived form of development that would be out of keeping with the more spacious character of the surrounding pattern of residential development, relate poorly with the host dwelling and which would be detrimental to visual amenity. The application is therefore considered to be contrary to the provisions of PPS1, PPS3 and Planning Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3.2 PT13/2752/F Extension and raising of roof to facilitate conversion of a garage into a dwelling. Withdrawn

3.3 There have also been enforcement issues at the site of the carport.

4. CONSULTATION RESPONSES

4.1 Cromhall Parish Council
No comment received

4.2 Highway drainage team
No comment

4.3 Transportation team
No objection

4.4 Tree Officer
No objection subject to conditioning of a further Arboricultural report. The resultant method statement and protection plan should also be conditioned. This detailed arboricultural report then needs approving by a tree officer before the condition can be discharged.

Other Representations

4.5 Local Residents
Objections from seven surrounding houses have been received regarding the following concerns:

- Concerns about previous unauthorised uses at the carport for residential accommodation and for the storage of materials for business use.

- Concern that previous applications at the site had been refused due to poor living conditions, cramped and contrived form of development, out of keeping with surrounding development.
- Loss of privacy
- Loss of available amenity space for the dwelling.
- Concern about surface water flooding down the drive and into neighbour properties or pooling.
- There is no soakaway provision at the site – drains are connected to street drains. The plan does not alleviate the drainage situation.
- The plan is more contrived than the previous version as the rear garden is divided.
- Parking should not be on the frontage of the dwelling.
- Inadequate parking for the existing house (there are often four cars and another parked on the road) and the proposal with concern that the extra vehicles will park on the roads surrounding the site. Concern that this will add to the parking pressure likely to be noted due to the additional 11 properties recently granted planning permission and the proposed village shop, all at the junction of Townwell.
- Loss of light to garden due to raising the height of the structure.
- Raising of roof by 0.9m would have detrimental impact on 2 Townwell.
- Concern at parking spaces being directly outside the front door of Townwell House Cottage – due to fumes and manoeuvring outside the writer's door. Impact on health and well being / quality of life.
- More loss of sun due to the height increase as the sun sets 'directly from the opposing dwelling'.
- More traffic parking on the road next to the children's playground.
- Concern that waste collections and other HGV deliveries will not be able to access Townwell.
- Further action requested to control on street parking in the area.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Planning policy H4 allows for the principle of the proposed development subject to considerations regarding appearance/form and the impact on the character of the area, the impact on the residential amenity of neighbouring occupiers and transportation effects (policies T12 and H4 of the Local Plan). It also advises that residential amenity space should also be adequate for the proposed dwelling. Policy CS1 considers design issues and policy CS4a issues a presumption in favour of sustainable development.

5.2 Appearance/Form and Impact on the Character of the Area

The site is located within the domestic curtilage of this house. The building in question is a stone fronted and stone finished rear car port with rendered side elevations and a pitched, tiled roof over. The roof space is accessed currently via a door alongside the open car port access. Raising the eaves and ridge by 0.6m from 2.4m to 3m and 5.75 to 6.35m respectively. This is not such a significant difference in height that the building would detract from the local area which is characterized by two storey houses standing taller than this building. The proposal would however be more visible to the immediately

neighbouring houses and the impact on these neighbours is considered below. Materials proposed for the increased height of the original carport are stone and render to match the original construction. The front extension is proposed to be render where it faces south and timber cladding to the north and east elevations. Timber cladding is used on the applicants own conservatory and as such timber together with the use of other matching materials are considered acceptable.

The proposal uses the site of the applicants own parking facilities to create the dwelling proposed. As such displaced parking spaces are shown to be provided on the front garden of the house known as Walnut Tree House. Three car parking spaces are located immediately off the joint drive which are considered to be acceptable in appearance. A low wall which retains the existing garden at around 30cm above the existing drive way will be rebuilt around the parking spaces. This defines the remaining half of the garden and a planting bed is created between the parking spaces and the road. A landscaping condition can adequately secure the greening of this space to mitigate for the loss of the garden space to car parking.

Ample amenity space would be retained for the existing dwelling and created for the proposed dwelling. By contrast to the previous refusal on this site, the proposal is for an unusual but reasonably well lit dwelling with a garden not dissimilar in scale to houses close by.

5.3 Residential Amenity

The host building is located at the very southwest of the site, tucked into a corner of the site. The closest properties to the garage are to the southeast and southwest of the proposal and are currently 11m away from the existing car port. The proposal would bring the extended structure to ten metres from the north facing elevation of 3 The Burltons. The juxtaposition of the properties together with the eaves height proposed and the fact that the proposal is not directly in line of sight with the rear windows at 3 The Burltons, prevents material harm by reason of overbearing impact at that neighbours house. Similarly at 1 The Burltons the increase of the garage height by 0.6m on the northern side of the garden would not materially affect the residential amenity of the occupiers. This property also has trees at the rear of its own garage which will obscure some of the view of the garage. The building would remain 23m from the properties to the northwest, preventing harm to those residents. Residents have concerns that their gardens would be affected but this is not a direct impact on residential amenity and in any case would be limited by reason of the juxtaposition of the carport buildings to surrounding properties and the limited increase in height from existing situation.

In terms of privacy the amended plan removed a window which may have overlooked and inserted two rooflights which look down the drive instead. Two other rooflights face east and west. None of these are considered to cause a loss of privacy to neighbours as there are 29m between the rooflights serving bedrooms and the neighbours windows.

Landscaping

The site is adjacent to a large Walnut tree in the garden of Walnut Tree House. The application has been amended to better show the extent of the Root Protection Zone and the final paragraph from the submitted Arboricultural report states that *“A detailed Arboricultural Report is currently being prepared by Silverback Arboricultural Consultancy, which will include a detailed Tree Protection Plan, Method Statements for the construction of the fence and parking spaces, and they will also undertake a watching brief on the scheme, to oversee the works within the RPA and liaise with the South Gloucestershire Council Tree Officer.”*

The tree officer raises no objection to the proposed works subject to this being a pre-commencement condition. As such the health of this tree is maintained. Further, planting of a defined area close to the road side of the site can mitigate for loss of the open garden.

5.4 Transportation

The proposal shows how two parking spaces are to be provided for the proposed dwelling. Three parking spaces are also shown to be provided for the existing dwelling which maintain the width of the existing driveway. The new parking spaces for the new dwelling are proposed to be finished in gravel but as it is not clear how the proposed parking spaces for the original house are to be finished a condition is necessary which will also ensure that a sustainable drainage solution is achieved. The numbers of parking spaces provided meet the Councils minimum residential parking requirements. Whilst it is recognised that commercial vehicles often visit the carport, the carport will no longer be available for the storage of business goods. Further comments were received about potential parking on the road outside of the site and that this may interfere with public safety, particularly close to the adjacent children’s play area. The proposal provides sufficient parking to cater for the needs of the properties concerned, according to the Residential Parking Standards adopted by the Council in December 2013 and if further parking is required on the highway then it is the responsibility of roadusers to ensure that they have parked safely and lawfully.

5.5 Drainage

It is recognised that there are concerns about drainage from neighbours. The extension is proposed in place of much of the existing tarmac parking area. Further areas of parking are proposed to be finished in gravel. The building control application procedure ensures that an adequate drainage solution is used for the additional roof water created by the proposal. In order to control the surface water relating to the new parking spaces a condition is imposed such that the developer must agree how those spaces are to be finished together with any other hard surfacing and this would be expected to be linked to the Arboricultural recommendations.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in

accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the Core Strategy (adopted December 2013) 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 conditions set out below:

Informatives regarding ownership of the site, plan details, hours of working and construction matters are also recommended.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

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. In accordance with the Arboriculture Report and Method Statement received by the Council on 20 March 2014 the development hereby permitted shall not be carried out until such time as a detailed Arboricultural Report is prepared and submitted by a suitably qualified Arboricultural Consultant and is agreed in writing by the Local Planning Authority. The Arboricultural Report will include a detailed Tree Protection Plan, Method Statements for the construction of the fence and parking spaces and details of a watching brief to oversee the works within the Root Protection Area. The works shall then be carried out in accordance with the agreed details.

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

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 and with respect to timber cladding, the garden room at Walnut Tree House unless other materials are first submitted to and agreed in writing by the Local Planning Authority.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core strategy (Adopted) December 2013.

4. Prior to the commencement of development a scheme of landscaping for the area of the front garden between parking space A and the highway, which shall include details of proposed planting and times of planting shall be submitted to the Local Planning Authority and approved in writing. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policies H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

5. No windows, rooflights or dormer windows other than those shown on the plans hereby approved shall be inserted at any time in the elevations 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.

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan:Core Strategy (Adopted) December 2013.

7. The off-street parking facilities shown on the plan hereby approved shall be provided, in respect of the proposed dwelling and the existing dwelling, before the proposed new house is first occupied, and these parking spaces shall thereafter be retained for use by each of the respective houses.

Reason

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

8. The hours of working on site during the period of construction shall be restricted to 07.30 to 18.00 Monday to Friday, 08.00 to 13.00 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or

other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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