



**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. 09/14**

**Date to Members: 28/02/14**

**Member's Deadline: 06/03/14 (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](mailto:MemberReferral@southglos.gov.uk) providing details of

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

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

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

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

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

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

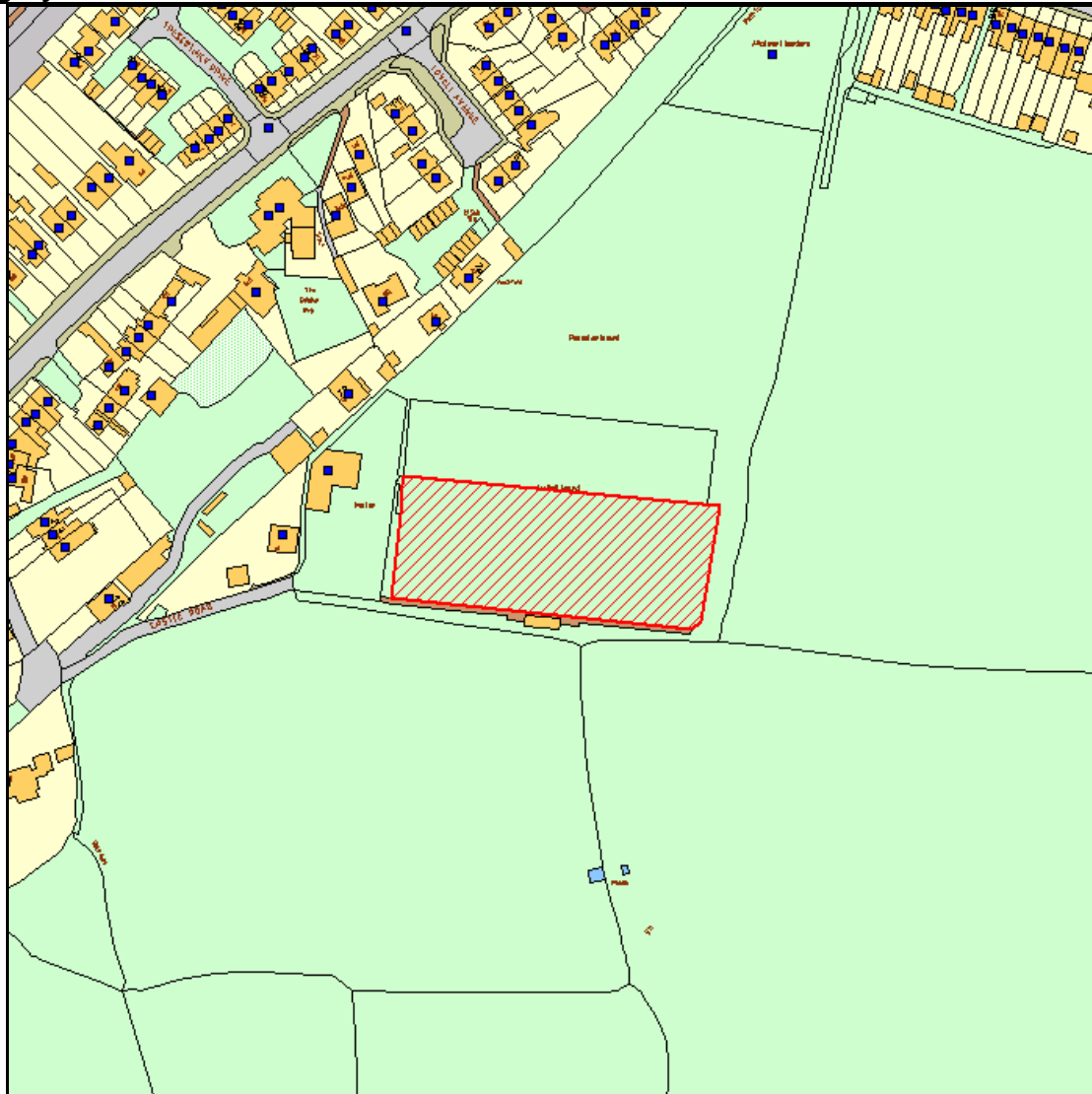
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk), where referrals can be picked up quickly by the Development Management Technical Support Team. If in exceptional circumstances, you are unable to e-mail 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 09/14 – 28 FEBRUARY 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/4298/RV	Approve with Conditions	Oldland Abbotonians FC Castle Road Oldland Common South Gloucestershire BS30 9SZ	Oldland	Bitton Parish Council
2	PK13/4487/F	Approve with Conditions	57 Yew Tree Drive Kingswood South Gloucestershire BS15 4UB	Rodway	None
3	PK13/4568/F	Approve with Conditions	131 Boscombe Crescent Downend South Gloucestershire BS16 6QZ	Emersons	Mangotsfield Rural Parish Council
4	PK14/0074/AD	Approve with Conditions	Just Learning Nursery Stoneleigh Drive Barrs Court South Gloucestershire BS30 7EJ	Parkwall	Oldland Parish Council
5	PK14/0132/CLP	Approve with Conditions	6 Oakdale Close Downend South Gloucestershire BS16 6ED	Downend	Downend And Bromley Heath Parish Council
6	PK14/0244/F	Approve with Conditions	31 Champion Road Kingswood South Gloucestershire BS15 4SU	Rodway	None
7	PT13/3361/F	Approve with Conditions	Land At Oldbury Lane Thornbury South Gloucestershire BS35 1RD	Thornbury North	Thornbury Town Council
8	PT13/4601/F	Approved Subject to	Land Between 10 And 12 Nightingale Close Frampton Cotterell South Gloucestershire BS36 2HB	Frampton Cotterell	Frampton Cotterell Parish
9	PT13/4665/F	Approve with Conditions	Lanes Dairy Rectory Lane Filton South Gloucestershire BS34 7BF	Filton	Filton Town Council
10	PT14/0076/F	Approve with Conditions	1 Kipling Road Filton South Gloucestershire BS7 0QP		Filton Town Council
11	PT14/0077/CLP	Approve with Conditions	Greenacres Perrinpit Road Frampton Cotterell South Gloucestershire BS36 2AR	Frampton Cotterell	Frampton Cotterell Parish
12	PT14/0112/F	Approve with Conditions	7 Greenhill Parade Alveston South Gloucestershire BS35 3LU	Thornbury South And	Alveston Parish Council
13	PT14/0129/F	Approve with Conditions	Halcyon Cottage Horsford Road Charfield Wotton Under Edge South Gloucestershire GL12 8SU	Charfield	Charfield Parish Council

**CIRCULATED SCHEDULE NO. 09/14 – 28 FEBRUARY 2014**

<b>App No.:</b>	PK13/4298/RVC	<b>Applicant:</b>	Mr Thomas Shepherd
<b>Site:</b>	Oldland Abbotonians FC Castle Road Oldland Common South Gloucestershire BS30 9SZ	<b>Date Reg:</b>	12th December 2013
<b>Proposal:</b>	Variation of Condition 02 attached to PK09/5475/F to allow floodlights to be used for the sole use of Oldland Abbotonians Football Club 1st Team and Senior Youth Team, league and cup matches only.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367509 171388	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd February 2014



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 100023410, 2008. **N.T.S.** **PK13/4298/RVC**

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

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

### **1. THE PROPOSAL**

1.1 The application relates to Oldland Abbotonians Football Club, which is based at a recreation ground located at the end of Castle Road, Oldland Common. The site lies within open countryside and Green Belt land adjacent to the eastern edge of the Existing Urban Area. The football pitch forms part of a larger area used for sports pitches and other recreational uses.

1.2 The actual playing area is enclosed by a low spectator barrier. To the north of the main pitch is an area used for training purposes; low level floodlights are utilised to illuminate this training area during winter training sessions. Vehicular access to the site is via a very narrow lane off Castle Road, which in turn leads onto High Street, Oldland Common. A Public Right of Way (PROW) – PBN 19 runs from Castle Road in an easterly direction across the southern extremity of the pitch.

1.3 Permission was granted subject to a number of conditions. Condition 02 of the consent reads as follows:

*The floodlights hereby approved shall be for the sole use of Oldland Abbotonians Football Club 1st Team League and Cup Matches only.*

#### *Reason 1*

*To minimise the effect of light spillage in the interests of the quality of the environment, the Green Belt and landscape in general, in accordance with Policies EP1, GB1 and L1 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006.*

#### *Reason 2*

*To minimise the effect of light spillage in the interests of residential amenity in accordance with Policies LC5 and EP1 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006.*

1.4 It is proposed to vary the wording of Condition 2 to also allow the use of the lights for Oldland Abbotonians Senior Youth Team.

1.5 In support of the application the applicant has submitted a statement of justification, the contents of which can be summarised as follows:

- Oldland Abbotonians F.C. is a community club.
- Bitton Road Runners are also based at the club.
- The football club has a thriving youth section from age 6 to 16.
- The F.A. recently published a review into the provision of youth football.

- Prompted by the F.A. review the club has looked at options available to meet the guidelines. With eleven youth teams, as well as four senior teams, playing across the weekend, it is felt that the best option available is for the senior youth team to play midweek football which requires the use of the floodlights, which at present are restricted to first team use only.

The applicant has since verbally confirmed that the intention is to enter an under 18's team in the midweek floodlit league. This would involve up to 11 home games and potentially a few cup games depending on performance and cup draws.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

The National Planning Policy Framework (NPPF) March 2012  
Circular 11/95 The Use of Negative Conditions

### **2.2 Development Plans**

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

CS1 - Design

CS4A - Sustainable Development

CS5 - Location of Development

CS9 - Managing the Environment and Heritage

CS23 - Community Infrastructure and Cultural Activity

CS34 - Rural Areas

South Gloucestershire Local Plan (Adopted) January 2006

L1 - Landscape Protection and Enhancement

L5 - Open Areas within Urban Areas

LC5 - Proposals for Outdoor Sports and Recreation Outside the Existing Urban Area and Defined Settlement Boundaries.

LC9 - Protection of Open Space and Playing Fields

LC12 - Recreational Routes

T8 - Parking Standards

T12 - Transportation Development Control Policy for New Development.

### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Check List (Adopted) 23<sup>rd</sup> Aug 2007

## **3. RELEVANT PLANNING HISTORY**

3.1 Over the last 30 years, there have been numerous planning applications mostly relating to the clubhouse, all of which were approved; the only exception being the following:

3.2 P97/4097 - Erection of single-storey extension to existing Sports Pavilion. Refused 8<sup>th</sup> Sept. 1997 for reasons of:

- Disproportionate addition in the Green Belt. No very special circumstances.
- Proposal would attract additional vehicles to the site, increasing highway hazards on access lane.

- Adverse impact on residential amenity from increased traffic.
- 3.5 PK08/2346/F - Erection of 5no. floodlights to senior football pitch.  
Refused 6 Oct 2008 for reasons of:
- Inappropriate development in the Green Belt. No special circumstances.
  - Fails to enhance the visual amenity of the Green Belt.
  - Insufficient information to fully assess the impact of light spillage.
  - Siting of pylons would adversely affect PROW.
- 3.6 PK09/5475/F - Erection of 4no. floodlights to senior football pitch. (Re-submission of PK08/2346/F)  
Approved 27 November 2009.

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

- 4.1 Bitton Parish Council  
Councillors wished to support the application which would enhance facilities for youth sport. However, they were aware of concerns of local residents who could be adversely affected by additional use of the floodlights and therefore requested that a condition be applied requiring that every opportunity be taken to install equipment such that the lights would be focused as well as possible to avoid light spillage beyond the pitch.

##### Other Consultees

- 4.2 The Open Spaces Society  
No response
- 4.3 Sustainable Transport  
No objection
- 4.4 PROW  
No comment.
- 4.5 Environmental Protection  
The current restrictions relating to the use of the Floodlights at the Football Club afford some protection to nearby residents by limiting the number of times matches can be played in the evening.

Currently the club are permitted to use the Floodlights on a Saturday afternoon and one midweek evening until 22.00hrs. This protects local residents from excess light annoyance but it also limits the noise from the use of the pitch. The nature of a football game involves lots of loud vocal communication amongst the players and even more noise if there are spectators.

There is an existing clause enabling additional use with written consent of the Local Planning Authority which would be for extreme cases.

Any additional use of the matches would be likely to cause disturbance and loss of amenity to local residents.

4.6 Highway Drainage  
No comment.

**Other Representations**

4.11 Local Residents

1no. letter/e.mail of objection was received from the occupant of no. 148 High Street, Oldland Common who raised the following concerns:

- There is no indication in the application if this is something that will happen weekly. Frequency is an issue.
- Our front bedrooms are used by members of the household who go to bed around 8pm and are floodlit by the lights when they are on - this causes disturbance to sleep patterns
- 10pm is too late for the lights to be on during the week.
- Residents in the High Street have their quality of life affected by the floodlights at Oldland Abbotonians and Sir Bernard Lovell School - we are literally sandwiched between the two. If this is approved it will lead to another application for another day, another day and another day leading to full time use eventually.
- Parking is an issue - a recent match at the club caused us to be unable to access our drive properly with cars parked on both sides of the busy high street making access both dangerous with regard to visibility, and inconvenient. An increase in this would cause even further inconvenience.
- Noise - the noise from the club can cause nuisance to local residents. Sound deflectors should be used both here and at SBL.

1no letter of support was received from the occupant of no. 125 High Street, Oldland Common who made the following comments:

In the five years I have lived in the village, I have been pleasantly surprised as to how little impact having a good standard football club right on my doorstep has had. I live in the High Street and my property backs on to the recreation field that the club uses and not once have they ever given me cause for concern or inconvenience.

There has never been any noise concerns and regarding the parking, Oldland Abbotonians FC have their own car park and any issues with parking in the High Street has, in my opinion, never been down to events or matches taking place at the club.

Since the floodlights were erected, they have had no impact at all on my quality of life and I see no reason why granting this application will make any difference. The lights will not be on any more frequently, it is merely a change of use to allow another team(s) to be able to play there.



I have two children that live with me and I have found the club very inclusive and welcoming and their youth section is renowned as one of the best in the area. The ability to develop young children and give them a good start in life while teaching them discipline, respect and teamwork is an invaluable skill to possess and though it may not immediately be obvious, the passing of this application will further the good work that the club are doing in this area of youth development.

Personally, I would recommend this application to be passed. It will provide a small, community based football club to continue and develop the excellent work they currently do in working with youngsters at no cost, financial or otherwise, to the local environment.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The National Planning Policy Framework was published in March 2012. The document replaces most PPG/PPS guidance providing a more simplified and up to date advice in determination of planning applications.

The NPPF indicates that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless:

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

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

The South Gloucestershire Local Plan Core Strategy was adopted in Dec. 2013. The Core Strategy is therefore now a material consideration in the determination of planning applications. In determination of this application there are no significant differences between the relevant adopted Local Plan policies and those within the Core Strategy.

### **5.2 The proposal falls to be determined under Policy LC5 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the improvement of outdoor sports facilities outside the existing urban area provided that:-**

- A. Proposals for facilities which are likely to be major travel generators are located on sites which are, or will be, highly accessible by public transport, on foot and by bicycle; and
- B. Development would not itself, or when considered with other recent or proposed sports and recreation developments in the immediate locality, have an unacceptable effect on the character and diversity of the landscape; and

- C. Development would not have unacceptable environmental or transportation effects; and
  - D. Development would not unacceptably prejudice residential amenities; and
  - E. Development would not give rise to unacceptable levels of on street parking to the detriment of the surrounding area and highway safety.
  - F. Any external lighting or advertisements would not result in the unacceptable loss of amenity , nor constitute a road safety hazard.
- 5.3 The site lies within the Bristol and Bath Green Belt and open countryside but does lie close to the urban fringe where residential properties are located. Given the reasons for imposing condition 2 in the first place, the main issue to consider in varying the condition is therefore the affect of light spillage on the Green Belt and landscape in general and on residential amenity. Application PK09/5474/F for the original floodlights previously established that the lights are essential/appropriate sporting facilities and as such are not inappropriate development within the Green Belt.
- 5.4 Planning History  
In assessing the impact of the proposal on local residential amenity and the environment in general, officers consider that it is worth reiterating the analysis of the lights that was made in the original Circulated Schedule report for PK09/5475/F, this was as follows:-
- 5.5 *It is proposed to illuminate the football pitch using Musco Green Generation Lighting. This very modern floodlighting has been specifically designed to be environmentally friendly.*
- 5.6 *The Council's Senior Lighting Engineer has inspected the submitted technical data and having seen similar lights in action, has confirmed that the lights are impressive in terms of the reduction of light pollution.*
- 5.7 *Nevertheless the Lighting Engineer previously expressed concern about the proposed installation of the floodlights, given that they would be located within the Green Belt and close to the residential properties in Castle Road, No.15 being only 18m from the pitch.*
- 5.8 *Further information was requested in the form of:*
- *ULR calculation – (Upward Light Ratio)*
  - *Light Trasspass ILE into the windows of nearby nos. 14, 15, 7a, 7b and 139 to the west and north of the football pitch.*
- 5.9 *A revised Lighting Design and revised Design and Access Statement has now been submitted to the satisfaction of the council's lighting Engineer. Any negative effect of light spillage onto nearby property has been kept to a minimum and lies within the recommended values set up by the Institute of Lighting Engineer's guidance for the reduction of obtrusive lights. The proposed restrictions on the hours of use of the lights are also noted. Given the revised design, the technical information provided and proposed restrictions on use, officers conclude that sufficient information has been submitted to accurately assess the impact of light spillage from the floodlights on the nearby residential*

*properties and wider locality and that there is no objection to the scheme as now proposed.*

- 5.10 From the above assessment it is evident that any light spillage from the floodlights is kept to a minimum and as such it would now be unreasonable to impose a further condition as suggested by the Parish Council (see para. 4.1 above).
- 5.11 The use of the lights is strictly controlled; Condition 2 currently only permits the use of the lights for 1st team cup and league games whilst Condition 3 restricts the time of use to 14.00hrs to 17.30hrs Saturdays or Bank Holidays and 07.00hrs to 22.00hrs Monday to Friday with no use on Sundays. Furthermore Condition 3 also restricts the midweek use of the lights to one day only Monday to Friday inclusive, within a single week. It is important to note that Condition 3 would not alter, even if Condition 2 were varied to allow the Senior Youth Team to use the lights for league and cup games.
- 5.12 Whilst the variation of Condition 2 as proposed, would no doubt increase the overall number of games played under the floodlights, this would not be by a significant amount. The amount of light spillage would be the same as currently exists and it is noted that the maximum number of games that could possibly be played in mid-week i.e. one, would not increase, as Condition 3 would remain unaltered.

#### Noise

- 5.13 Concerns have been raised by the Council's Environmental Health Officer about the possible increased disturbance for local residents from noise likely to be generated by matches taking place. It should be noted however that the reasons stated for Conditions 2 & 3 are not noise related.
- 5.14 The application site is an existing football pitch, where noise associated with the playing of football, is already experienced by local residents. The provision of the floodlights provided for an extension of the hours of playing football later into the evenings, but only on a limited basis in the darker winter months. In the absence of floodlights, these fixtures would otherwise be played during the lighter evenings at the end of the season, when residents are more likely to use their gardens, and bedroom windows are more likely to be open.
- 5.15 Officers acknowledge that there is a danger of bad language emanating from the players and spectators; however that is a matter that cannot be controlled through the planning system but by match and club officials alike. The proposed variation would only allow additional games to be played by the Senior Youth Team which it is estimated would only attract 20-30 spectators per game, which is significantly less than a first team game.
- 5.16 Some noise would also arise from the comings and goings of vehicles in the evenings but the level of disturbance is unlikely to be any more than any other match day.

#### 5.17 Transportation Issues

Conditions 3 and 6 were not imposed for any highway safety reasons. Officers are satisfied that the proposed revisions would not result in any material impact on highway safety and hence there are no highway objections.

#### Analysis

5.18 The NPPF (para.69) states that planning decisions should aim to promote:

- Opportunities for meetings between members of the community who might not otherwise come in contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;

5.19 The NPPF (para.70) states that to deliver the social, recreational and cultural facilities and services the community needs, planning decisions should:

- Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

5.20 There is clearly a balance to be made in this case between a) the benefits of the proposal in relation to the viability of the Football Club and to the furtherance of youth football as identified by the F.A. and b) any additional adverse impact on the visual amenity of the Green Belt, landscape in general and residential amenity of local residents.

5.21 Having regard to the technical specifications and effectiveness of the floodlights to keep light spillage to a minimum; together with the very limited times that the lights could be used under condition 3, which would remain; officers consider that any additional adverse impact of the light spillage associated with the additional Youth Team fixtures would not be significant. Furthermore, officers consider that the limited adverse impact would in this case be outweighed by the benefits to Youth Football and the enhanced facilities available to the community that the Football Club would have to offer. This would conform to the aims and objectives of paras. 69 & 70 of the NPPF.

## 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 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 listed on the Decision Notice and the relevant condition (2) varied to read as follows:

*The floodlights hereby approved shall be for the sole use of Oldland Abbotonians Football Club 1st Team and Senior Youth Team League and Cup Matches only.*

### *Reason 1*

*To minimise the effect of light spillage in the interests of the quality of the environment, the Green Belt and landscape in general, in accordance with Policies L1 and LC5 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and provisions of the NPPF.*

### *Reason 2*

*To minimise the effect of light spillage in the interests of residential amenity in accordance with Policy LC5 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006.*

**Contact Officer: Roger Hemming**  
**Tel. No. 01454 863537**

## **CONDITIONS**

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

### Reason

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

2. The floodlights hereby approved shall be for the sole use of Oldland Abbotonians Football Club 1st Team and Senior Youth Team League and Cup Matches only.

### Reason 1

To minimise the effect of light spillage in the interests of the quality of the environment, the Green Belt and landscape in general, in accordance with Policies L1 and LC5 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and provisions of the NPPF.

Reason 2

To minimise the effect of light spillage in the interests of residential amenity in accordance with Policy LC5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. The use of the floodlights hereby approved shall be restricted to 14.00 to 17.30hrs Saturdays or Bank Holidays and 07.00hrs to 22.00 hrs Monday to Friday with no use on Sundays. The midweek use of the lights shall be restricted to one day only Monday to Friday inclusive, within a single week. Any use of the lights outside these hours/days shall only be with the prior written consent of the Local Planning Authority.

Reason 1

To minimise the effect of light spillage in the interests of the quality of the environment, the Green Belt and landscape in general, in accordance with Policies L1 and LC5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and provisions of the NPPF.

Reason 2

To minimise the effect of light spillage in the interests of residential amenity in accordance with Policy LC5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. Notwithstanding the details shown on the plans hereby approved, the leading edge of the floodlights hereby approved shall be located a minimum distance of 0.5m away from the edge of the concrete path delineating the route of PROW PBN 19.

Reason

To safeguard the utility and amenity of the public footpath in accordance with Policy LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5. Within 3 months of the date of this planning permission, the existing dugouts located on or adjacent to the PROW PBN 19 shall be removed and the relevant section of footpath made good and surfaced in concrete to leave a level, linear path along the definitive line of the PROW.

Reason

To enhance and safeguard the utility and amenity of the public footpath in accordance with Policy LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

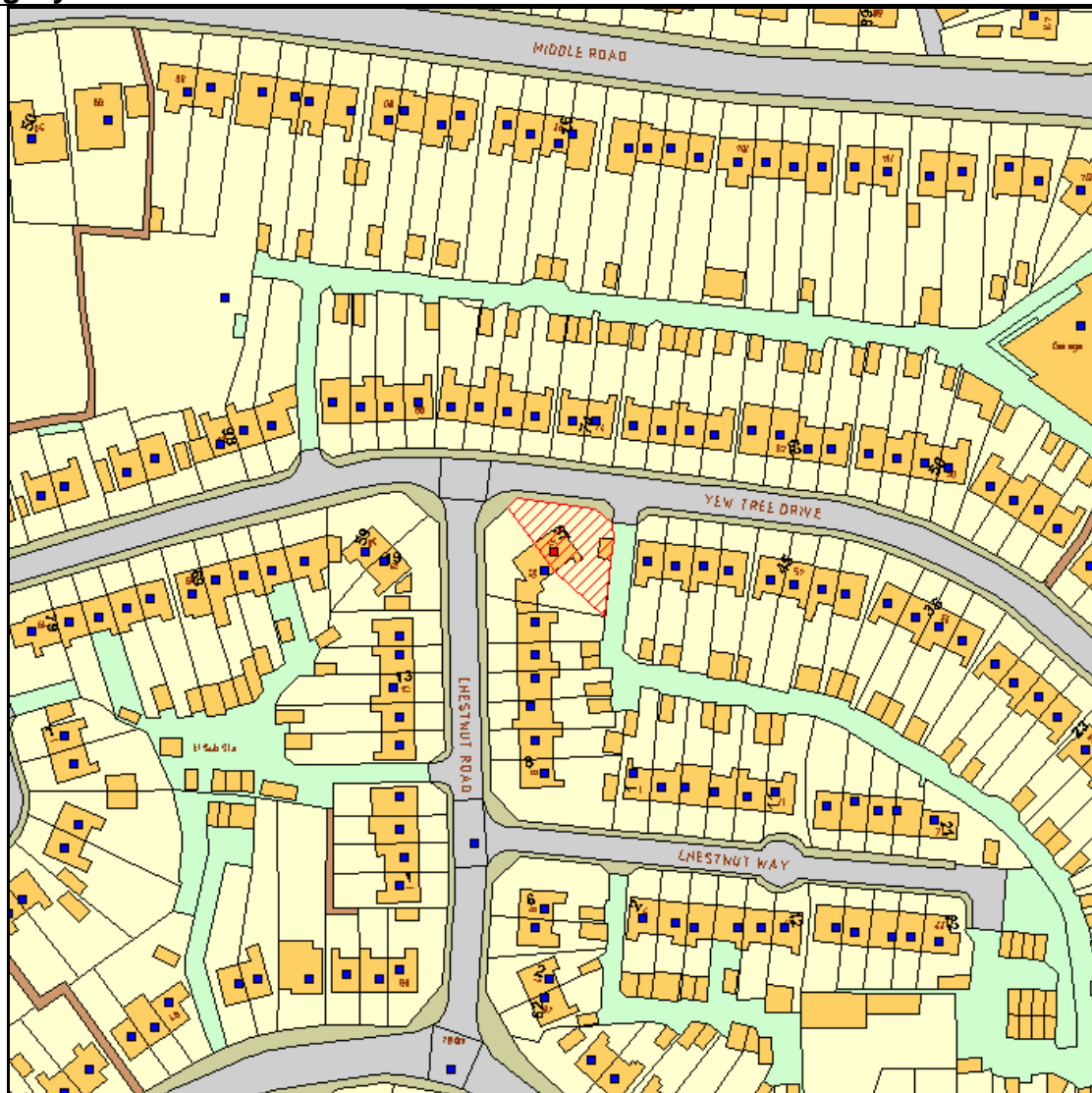
## ITEM 2

### CIRCULATED SCHEDULE NO. 09/14 – 28 FEBRUARY 2014

**App No.:** PK13/4487/F  
**Site:** 57 Yew Tree Drive Kingswood South Gloucestershire BS15 4UB  
**Applicant:** Mr D Sampson  
**Date Reg:** 4th December 2013

**Proposal:** Demolition of existing garage to facilitate erection of 1no. dwelling and associated works. (Resubmission of PK13/3726/F)  
**Parish:** None

**Map Ref:** 365706 175187  
**Application Category:** Minor  
**Ward:** Rodway  
**Target Date:** 24th January 2014



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PK13/4487/F

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

This application has been referred to the Circulated Schedule following the receipt of objections from local residents, the concerns raised being contrary to officer recommendations.

### **1. THE PROPOSAL**

- 1.1 The application relates to a three-bedroom, two-storey, semi-detached dwelling house, located on a corner plot at the junction of Yew Tree Drive and Chestnut Road, Kingswood. The location is suburban in character and is dominated by predominantly terraced housing of similar, age (circa 1930's) scale and design. The existing property no.57 is set down in relation to adjoining no.29 Chestnut Road, as the land rises generally from east to west. There is a single garage to the east of the dwelling, accessed by a short driveway off Yew Tree Drive. There is a second driveway to the side of the house with parking for two cars.
- 1.2 It is proposed to erect a small two-bedroomed, detached dwelling, to the eastern side of no. 57; the existing garage would be demolished. In order to take account of the higher ground level in relation to the existing neighbouring property, the proposed dwelling has been designed as a split level building; with the lower level set into the slope. The existing garden would be subdivided to provide separate amenity areas for the existing and proposed houses. Two off-street parking spaces would be provided within the front garden area to serve the existing house (no.57) and these would be accessed directly off Yew Tree Drive; one parking space would be provided within the site to serve the new dwelling and this space would be accessed via a new access off Yew Tree Drive.
- 1.3 The current scheme has been re-designed following the withdrawal of an earlier proposal for two flats (PK13/3726/F) to which officers raised a number of concerns.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

The National Planning Policy Framework 27 March 2012

#### **2.2 Development Plans**

The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013

CS1 - High Quality Design

CS4A – Presumption in Favour of Sustainable Development

CS5 - Location of Development

CS6 - Infrastructure and Developer Contributions

CS9 - Managing the Environment and Heritage

CS17 - Housing Diversity

CS18 - Affordable Housing

CS23 - Community Infrastructure and Cultural Activity

CS24 - Green Infrastructure, Sport and Recreation Standards



South Gloucestershire Local Plan (Adopted) 6th January 2006

L1 - Landscape Protection and Enhancement

L5 - Open Areas within the Existing Urban Areas and Established Settlement Boundaries.

EP2 - Flood Risk and Development

H4 - Development within Existing Residential Curtilages

LC2 - Provision of Education Facilities

T7 - Cycle Parking Provision

T8 - Parking Standards

T12 - Transportation Development Control Policy for New Development

LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.

Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) adopted 23<sup>rd</sup> August 2007.

Trees on Development Sites (SPG) Adopted Nov 2005.

The South Gloucestershire Residential Parking Standards (Adopted)

SG Landscape Character Assessment (Adopted Aug 2005) – Character Area 14, Kingswood.

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK13/3726/F - Demolition of existing garage and erection of 2no. self-contained flats with access and associated works.  
Withdrawn 14 Nov. 2013

**4. CONSULTATION RESPONSES**

- 4.1 Parish Council  
Not a parished area.

- 4.2 Other Consultees (including internal consultees of the Council)

Highway Drainage

No objection to the drainage proposal. Connections to sewers will need to be agreed with Wessex Water.

Wessex Water

There is a foul water sewer within the site. No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water.

Environmental Protection

No objection subject to standard informatives relating to construction sites.

Sustainable Transport

Planning permission has previously been sought (PK13/3726/F) to erect two flats on land adjacent to No57. Transportation objection was raised on the proposed parking arrangements within the site boundary. The planning application was withdrawn prior to its determination.

This current submission seeks planning permission to erect a two-bed dwelling on the same area of land. Vehicular parking arrangements for the existing dwelling are in a tandem style in a similar position to previously proposed.

Parking for the new dwelling is via a new vehicular access onto Yew Tree Drive. The level of vehicular parking proposed conforms with the Council's new residential parking standards and is therefore considered acceptable.

Yew Tree Drive is an unclassified road so there is no requirement for turning to be provided within the site boundary.

In light of the above, there is no transportation objection to the proposed development.

The Coal Authority  
No objection

### **Other Representations**

#### 4.3 Local Residents

9no. letters/e-mails have been received from local residents, all objecting to the proposal. The concerns raised are summarised as follows:

- Will result in increased on-street parking and congestion.
- Design not in-keeping.
- Overdevelopment.
- The parking areas are unusable.
- Inadequate drainage.
- Adverse impact during development phase.
- Restricted access – poor visibility.
- No dimensions on plans.
- Loss of garage.
- Loss of amenity space.
- Loss of privacy to neighbouring property.
- Would set a precedent for similar schemes.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The site lies within the Urban Area and being residential curtilage, there is no in-principle objection to the development of the site for residential use. The South Gloucestershire Local Plan Core Strategy has now been adopted (Dec 2013) so the policies therein can now be afforded significant weight. Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para. 187 of the NPPF, Core Strategy Policy CS4A states that, when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible. The NPPF Para. 187 states that Local Planning Authorities should

- look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 5.2 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.
- 5.3 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments.
- 5.4 Policy CS17 goes on to say that building on gardens will be allowed where this would not adversely affect the character of an area and where, cumulatively, it would not lead to unacceptable localised traffic congestion and pressure on parking. Such development will be allowed where each home has adequate private/semi-private and/or communal outdoor space and where occupiers have access to adequate open and play space within the immediate vicinity.
- 5.5 Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits development within existing residential curtilages, including extensions to existing dwellings and new dwellings subject to criteria that are discussed below. Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.
- 5.6 Density  
The NPPF seeks to make efficient use of land in the Urban Area for housing. The proposal is considered to make efficient use of the land in what is a relatively sustainable residential location, close to the centres of Kingswood and Staple Hill, within relatively easy distance of the shopping and community facilities and main bus routes. In this respect the proposal therefore accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.
- 5.7 Scale and Design  
Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 only permits new development where good standards of site planning and design are achieved. Criterion 1 of Policy CS1 requires that siting, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.8 The existing dwelling is a circa 1930's building with rendered walls and a tiled roof. The proposed materials to be used to construct the new dwelling would not entirely match those of the existing building, the lower ground floor having white rendered walls and the ground floor above having vertical timber

- cladding; the roof would be a low pitched metal seamed roof. The proposed windows and doors would be timber.
- 5.9 Due to the fact that the proposed dwelling would be recessed into the slope, it would appear within the street scene as a small bungalow, the eaves and roof ridge being set well below those of the existing and neighbouring houses. The overall scale of the dwelling would be modest and would have a significant degree of subservience when viewed in relation to the neighbouring properties.
- 5.10 Officers acknowledge that the form and contemporary design of the proposed dwelling would bear little relationship to the otherwise uniform character of the houses within the locality and as such would be an entirely anomalous feature within the street scene; in this respect the proposal would not entirely accord with the criteria attached to Core Strategy Policy CS1. On the other hand the proposal would make a positive contribution to creating a mixed community by providing a small home in the locality with the social, environmental and economic benefits that would bring.
- 5.11 Furthermore, the proposal represents sustainable development where the Council has worked pro-actively with the applicant to find solutions to overcome the previously identified problems of developing this site for housing, which accords with NPPF para. 187 and Core Strategy Policy CS4A.
- 5.12 There is clearly a fine balance to be drawn between the above, somewhat conflicting, policy approaches. Officers in reaching their conclusions in respect to the acceptability or otherwise of the design and scale of the proposal, are mindful of recent appeal decisions in which a succession of Inspector's have been seen to be more flexible where design issues are concerned; this was particularly the case in the appeal decision for PK13/1764/F (Appeal Ref: APP/P0119/A/13/2204041 – Bristol MG Workshop, Signal Road, Staple Hill.
- 5.13 Having regard to all of the above, officers consider that on balance, the scale and design of the proposed built form is considered to be acceptable.
- 5.14 Landscape  
Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape.
- 5.15 The development would lie wholly within the existing garden area, which is relatively large for a property of this size. Officers consider that the garden does not contain any significant landscape features. The front garden is enclosed by a low wall and hedge and currently does not exhibit a particularly open aspect. Within the rear garden are a number of bushes which do to some extent make a positive contribution to the visual amenity of the area. These bushes however are not afforded any statutory protection and would certainly not meet the criteria for Tree Preservation Order. As such, all of these trees/bushes could be removed without any recourse to planning control.
- 5.16 Whilst little information has been provided as to which of the trees/bushes are to be removed or retained, officers are satisfied that, in the event of planning

permission being granted, a suitable condition could be imposed to secure the prior submission and written agreement of a comprehensive scheme of landscaping for the site.

- 5.17 The site has been assessed against Policy L5 in relation to its value as an open space but officers consider that in this case the criteria attached to L5 do not apply as up to 50% of the garden area could be built upon using permitted development rights. On balance therefore and subject to the landscape condition suggested above, there are no objections on landscape grounds.

5.18 Transportation Issues

Two tandem parking spaces would be provided to the front of no.57 where currently there is garden; it is proposed to access these spaces directly from Yew Tree Drive. The existing detached single garage, serving no. 57, would be demolished. A new access with a single parking space and hard surfaced manoeuvring area would be introduced to serve the proposed dwelling. This level of parking provision complies with the new minimum standards listed in Appendix A of the South Gloucestershire Council Residential Parking Standards. Cycle parking and bin stores would also be provided to the front of the proposed dwelling. Yew Tree Drive is a non-classified estate road and as such the proposed access could be implemented under permitted development rights and cannot therefore be reasonably resisted. It is noted that a number of properties within Yew Tree Drive have made their front garden areas over to hard-standing areas for parking.

- 5.19 Local residents have raised concerns about the accessibility of the parking spaces and possible increased on-street parking as well as the visibility splays but the Council's Transportation Officer has raised no objection to the proposed arrangement. Subject therefore to conditions to secure the proposed access and parking facilities; hard surfacing of the parking areas; cycle and bin stores; prior to the first occupation of the new house, there are no highway objections. The proposal is considered to accord with chapter 4 of the NPPF in that the residual cumulative impacts of the development would not be severe.

5.20 Impact Upon Residential Amenity

The proposed dwelling would not protrude beyond the established building lines on Yew Tree Avenue and being recessed into the slope would have no overbearing impact for neighbouring residents. There are no habitable room windows in the side elevation of no. 57 and no windows are proposed for the eastern side elevation facing the neighbouring property to the east, which would be separated from the proposed dwelling by a track accessing garages to the rear. There would be adequate distance between the front and rear elevations of the proposed dwelling and windows in the properties opposite. The proposed decking areas would be well enclosed by high boundary treatments. There would therefore be no loss of privacy from overlooking or inter-visibility between the proposed and neighbouring properties.

- 5.21 In any event, officers consider that some over-looking of neighbouring property within an Urban Area is only to be expected and should not necessarily be

justification for refusal of planning permission, especially where efficient use of land is required.

5.22 Moving to the issue of amenity space, the layout of the scheme has been designed such that adequate amenity space would be provided for the existing and proposed dwellings. A timber fence would be erected to sub-divide the plot and provide privacy for no. 57. All boundary treatments could be controlled via the hard and soft landscaping scheme secured by condition. Officers are therefore satisfied that there would be no significant loss of residential amenity to result from the scheme.

#### 5.23 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. Any increase in noise levels or anti-social behaviour, would be the subject of normal environmental health controls. There are therefore no objections on environmental grounds. In terms of drainage, the Council's Drainage Engineer has raised no objection to the proposed SUDS Drainage Scheme. Any connections to the main sewers would need to be agreed with Wessex Water. A Coal Mining Risk Assessment has been submitted to the Coal Authority's satisfaction.

#### 5.24 Affordable Housing

The proposal is for 1 house only, which is below the Council's threshold for affordable housing provision.

#### 5.25 Education Service

The development comprises 1 house only and this is below the threshold (5) for contributions towards Education.

#### 5.26 Community Services

The proposal is for 1 house only, which is below the Council's threshold (10) for contributions to Community Services.

#### 5.27 Other Issues

Of the concerns raised by local residents that were not addressed above:  
The plans have no dimensions because they are scaled plans. A precedent would not be set as each application must be determined on its individual merits having regard to any cumulative impact.

## 6. CONCLUSION

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

6.2 The recommendation to grant 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 listed on the Decision Notice.

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

Reason

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

3. The hours of working on site during the period of construction shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

4. The development hereby approved, shall be carried out in accordance with the approved SUDS and Drainage details shown on Plan No. 007 Rev A. The approved drainage scheme shall be implemented in full, prior to the first occupation of the dwelling hereby approved .

Reason

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

5. The approved vehicular access and car parking facilities, shown on the Proposed Parking Plan No. 008 Rev A hereby approved, shall be provided and surfaced in a permeable bound material, before the first occupation of the dwelling so approved, and thereafter maintained as such and used only in conjunction with the occupation of the buildings' purpose.

Reason

To ensure the satisfactory provision of access and parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and The South Gloucestershire Council Residential Parking Standards SPD (Adopted).

6. No windows, other those shown on the plans hereby approved, shall be inserted at any time in the east side elevation of the dwelling house hereby approved.

Reason

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

7. Prior to the commencement of the development hereby approved, 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 protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

8. Prior to the first occupation of the development hereby approved the refuse storage facilities and cycle storage facilities shall be implemented in accordance with the details shown on Proposed Bin and Bike Storage Details Plan No. 009 Rev A and shall be retained as such thereafter.

Reason

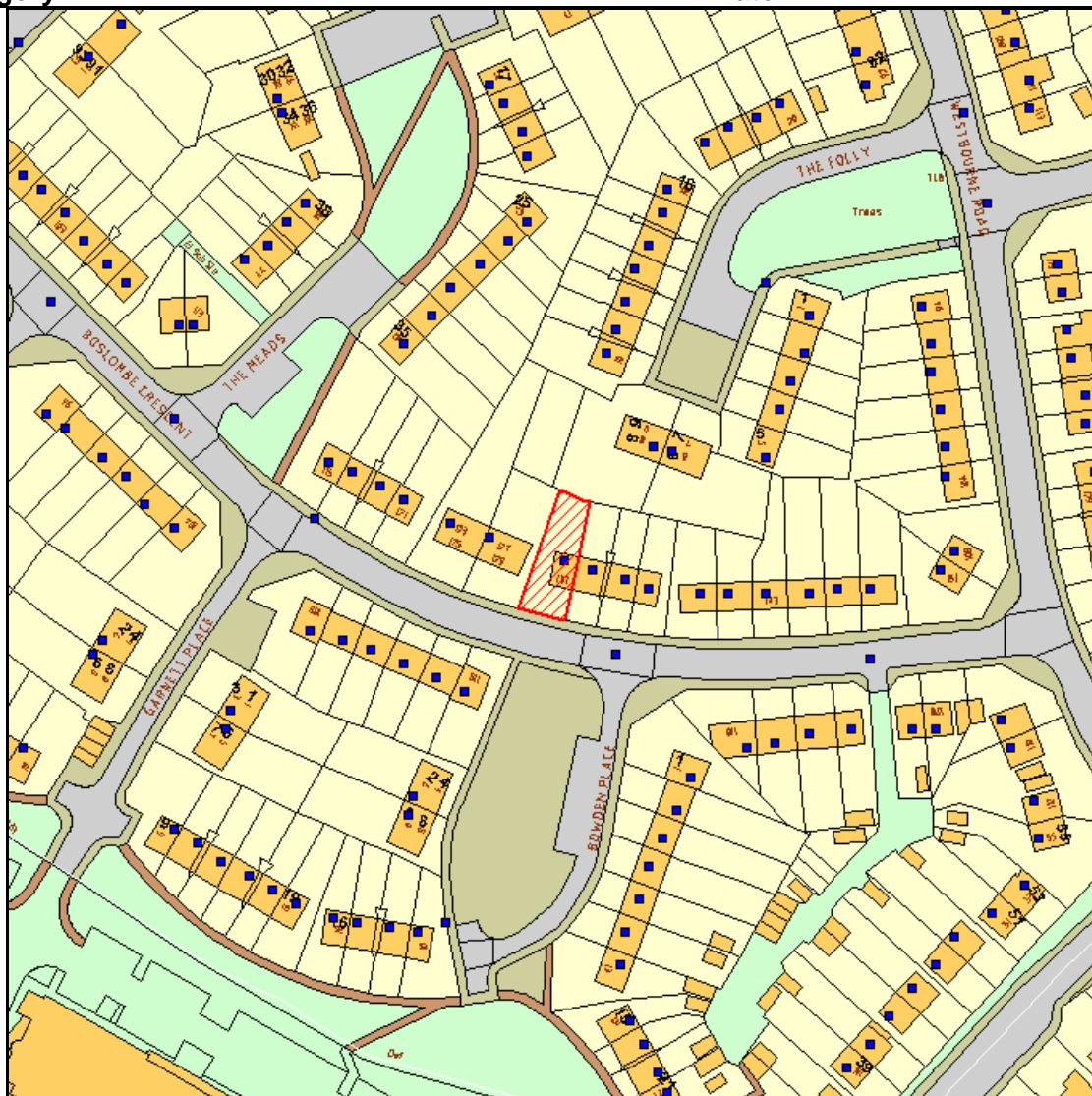
In the interests of the amenity of the locality and to accord with Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 respectively.



# ITEM 3

## CIRCULATED SCHEDULE NO. 09/14 – 28 FEBRUARY 2014

<b>App No.:</b> PK13/4568/F	<b>Applicant:</b> Mr S Woodman
<b>Site:</b> 131 Boscombe Crescent Downend South Gloucestershire BS16 6QZ	<b>Date Reg:</b> 27th January 2014
<b>Proposal:</b> Erection of two storey side extension with front and rear single storey extensions and associated works to create a new separate 1 bed dwelling. Erection of single storey front and rear extension to form additional living accommodation to existing dwelling.	<b>Parish:</b> Mangotsfield Rural Parish Council
<b>Map Ref:</b> 365903 177349	<b>Ward:</b> Emersons Green
<b>Application Category:</b> Minor	<b>Target Date:</b> 19th March 2014



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

This application appears on the Circulated Schedule because an objection has been received from Mangotsfield Rural Parish Council contrary to the Officers recommendation.

### **1. THE PROPOSAL**

1.1 This application seeks planning permission for the erection of a two-storey side extension with front and rear single storey extensions and associated works to create a separate 1no. bedroom dwelling. Permission is also sought for the erection of a single storey front and rear extension to form additional living accommodation for the existing dwelling.

1.2 The application site comprises a two-storey end of terrace property located on the northern side of Boscombe Crescent within the established residential area of Downend, which is on the east fringe of the Bristol urban area.

### **2. POLICY CONTEXT**

2.1 National Guidance  
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006  
H4 Residential Development within Existing Residential Curtilages  
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy (adopted) December 2013  
CS1 High Quality Design  
CS5 Location of Development  
CS9 Managing the Environment and Heritage  
CS16 Housing Density  
CS17 Housing Diversity  
CS29 Communities of the East Fringe of Bristol Urban Area

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

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

3.1 No relevant planning history.

### **4. CONSULTATION RESPONSES**

4.1 Downend and Bromley Heath Parish Council  
The property is not in our parish; we will not be commenting

- 4.2 Mangotsfield Rural Parish Council  
Objection. The Committee believe that this is over development of the site, the proposal is overbearing and not in keeping with the layout of the development in the locality. There are concerns regarding the possible inadequate car parking space and private amenity space for the proposed new dwelling.
- 4.3 Drainage Officer  
No comment
- 4.4 Transportation DC Officer  
A plan demonstrating appropriate parking provision is required

### **Other Representations**

- 4.5 Local Residents  
One letter of support has been received from a neighbouring occupier. The occupier states that as a family they have no objections to the plans.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Planning policy CS5 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 states that most new development will take place in the communities in the north and east fringes of the Bristol urban area. The main purpose for this strategy is to reduce the need to travel and commute.
- 5.2 Policy CS16 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 states that housing development is required to make efficient use of land and to maximise the amount of housing in sustainable locations.
- 5.3 Policy CS17 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 states that the sub-division of existing dwellings to form flats and the building on gardens will be allowed where this would not adversely affect the character of an area, and where , cumulatively, it would not lead to unacceptable localised traffic congestion and pressure on parking. Such development will be allowed where each home has adequate private/semi-private and/or communal outdoor space and where occupiers have access to adequate open and play space within the immediate vicinity.
- 5.4 The site is located in a sustainable development in the east fringe of Bristol urban area where there are good transport links and existing services and facilities near by. Accordingly, the principle of the development is acceptable subject to considerations regarding its appearance/form and effect on the character of the area; and the residential amenity impacts; the transportation impacts in terms of congestion and parking and highway safety.

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

- The proposed dwelling is located in an area of the garden to the side of the dwelling. The flank boundary is at an oblique angle to the side of the existing dwelling, and this results in the dwelling having a footprint that tapers to the rear. The proposal extends the full width of curtilage onto the flank boundary. The proposal extends beyond the existing rear elevation of the dwelling by approximately 3 metres to form a lean-to extension, approximately 6.5 metres in width to serve the existing and proposed dwellings. The proposal extends forward of the existing front building line by approximately 1.3 metres to form lean-to entrance porches for the existing and proposed dwellings, which extend the full width of the proposed and existing dwellings.
- 5.6 The proposal is stepped behind the front elevation of the existing dwelling at first floor level and the ridge height is also stepped down to give the dwelling a subservient extension style appearance. The applicant was requested to amend the design so that the existing eaves and ridge heights continue straight across the build, as this is considered to be more sympathetic to the horizontal proportions of the terrace. The applicant has acceded to this request.
- 5.7 Amendments were also requested to the fenestration to improve the alignment with ground floor windows. The applicant was also requested to move the pedestrian doors to the opposite side of the front elevation to improve its appearance. The applicant has improved the alignment of first floor windows, but has not moved the front entrance doors further apart. Notwithstanding this, on balance, the proposal achieves an acceptable standard of appearance.
- 5.8 The applicant has specified the materials red brick for the walls; interlocking concrete roof tiles to match the existing dwelling. A condition on this basis is not therefore, required if permission is granted. The proposed windows are white uPVC and the style is considered acceptably in-keeping with surrounding properties. The proposed front porch does not extend significantly forward of the building line, and on balance, it is considered that the proposal is acceptably in-keeping with the siting of the surrounding built form. Although the tapered form of the proposal appears somewhat contrived, it is not considered that this part of the scheme will be adversely prominent from views from the street.
- 5.9 Accordingly, on balance, the proposal is acceptably in-keeping with the character of the host dwelling and surrounding properties in terms of scale, form, siting and appearance.
- 5.10 The proposal extends tight to the flank boundary such that there will be a loss of spacing which helps to separate the host and neighbouring property. On balance, it is not however, considered that the loss of spacing will have a significant adverse effect on the character of the area.
- 5.11 Residential Amenity  
The extensions proposed to the front and rear of the existing dwelling are such that it is not considered that the proposal will have a significant adverse effect

on the residential amenity of adjoining occupiers through loss of natural light or privacy.

- 5.12 The proposal extends to within close proximity to the neighbouring property to the west; therefore, careful consideration is required with regards to the effect on the occupiers. The only window in the neighbouring property is an obscure glazed window at first floor level, which serves a bathroom. On balance, it is not considered that the proposed rear extension will adversely affect the residential amenity of neighbouring occupiers through loss of natural light or outlook. Weight is given to the relatively small scale of the extension and the location of the application site to the east of the neighbouring property. Although the proposal will enclose the entrance area to the side of the neighbouring property it is not considered that the living conditions of occupiers will be materially affected by the proposal.
- 5.13 No windows are proposed in the western side elevation, which directly faces towards the neighbouring property. As such, it is not considered that the privacy of neighbouring occupiers will be materially affected by the proposal.
- 5.14 It is considered that there is adequate provision of private amenity space to serve the existing and proposed dwellings.
- 5.15 Transportation  
No details of available vehicular parking were originally provided. The Council's Residential Parking Standards SPD (adopted) state that a minimum of one space is required for a one-bedroom dwelling and two spaces for a three-bedroom dwelling. A revised parking plan was therefore, requested to demonstrate a level of parking provision in accordance with the adopted minimum standards. The applicant has submitted a revised plan, which shows an acceptable level of off street parking. If permission is granted a condition is recommended to ensure that the parking is provided prior to the first occupation of the dwelling.
- 5.16 Environmental  
It is not considered that the proposal will bring about any significant adverse issues in terms of trees or ecology.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

7.1 Planning permission is GRANTED subject to the following conditions.

**Contact Officer: Jonathan Ryan**  
**Tel. No. 01454 863538**

### **CONDITIONS**

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

Reason

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

2. The off-street parking provision on the plans submitted shall be provided prior to the first occupation of the dwelling hereby approved and retained thereafter.

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; and the South Gloucestershire Residential Parking Standards SPD (adopted).

3. Prior to the commencement of development 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 character and amenities of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

4. No windows shall at any time be inserted into the western side elevation of the dwelling hereby approved.

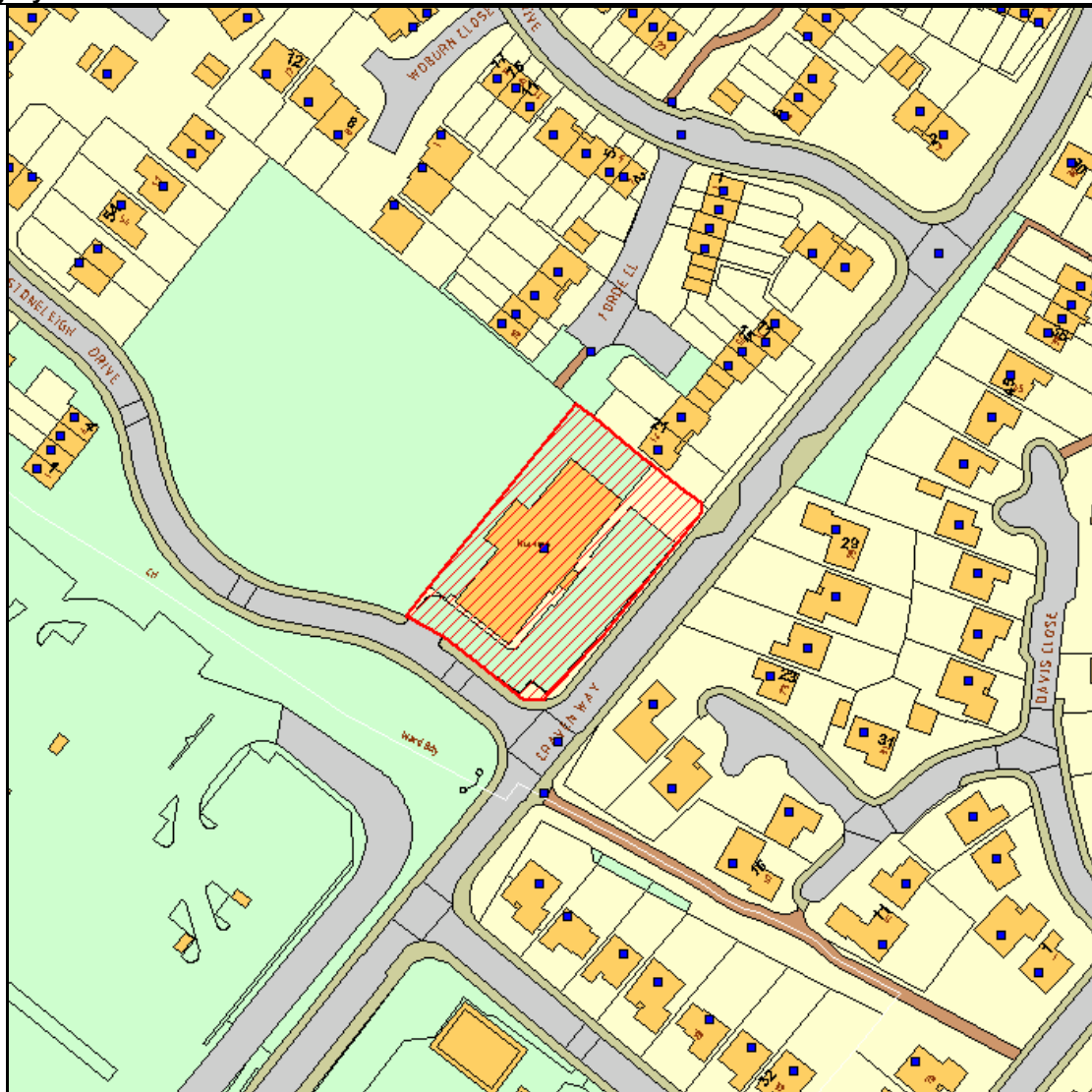
Reason

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 4

## CIRCULATED SCHEDULE NO. 09/14 – 28 FEBRUARY 2014

<b>App No.:</b>	PK14/0074/ADV	<b>Applicant:</b>	Busy Bees Group Ltd
<b>Site:</b>	Just Learning Nursery Stoneleigh Drive Barrs Court Bristol South Gloucestershire BS30 7EJ	<b>Date Reg:</b>	17th January 2014
<b>Proposal:</b>	Display of 1no. non-illuminated fascia sign, 1no. non-illuminated wall sign, 1no. externally illuminated sign panel, 1no. non-illuminated freestanding post mounted sign and various door/window non-illuminated vinyls.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	365779 172280	<b>Ward:</b>	Parkwall
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th March 2014



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

This application appears on the Circulated Schedule because an objection has been received from a neighbouring occupier contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks consent for the display of 1no. non-illuminated fascia sign, 1no. non-illuminated wall sign, 1no. externally illuminated sign panel, 1no. non-illuminated freestanding post mounted sign and various door/window non-illuminated vinyls.
- 1.2 The application site comprises a nursery located on the northwestern side of Craven Way. Access is off Stoneleigh Drive, which extends to the southwestern side of the building. The site is located in the east fringe of the Bristol urban area.
- 1.3 Sign 1 is a shallow folded and painted aluminium sign with digitally printed graphics to the face. It measures approximately 1.1 metres in height, 4.3 metres in width and 0.1 metres in depth. It is located above the main entrance on the principal elevation of the building approximately 2.4 metres from the ground and is shaped to fit the gabled shape of the existing porch. The sign comprises a red, black, white and yellow colour scheme with the text "BUSY BEES DAY NURSERY". This sign is non-illuminated.
- 1.4 Sign 2 is a digitally printed vinyl graphics sign applied internally directly to the upper glass pane in the main entrance door. The sign comprises the text "WELCOME TO BUSY BEES DAY NURSERY PLEASE RING THE BELL & WAIT FOR ATTENTION". The sign measures approximately 0.5 metres in width, 0.5 metres in height and is non-illuminated.
- 1.5 Sign 3 and 5 comprises digitally printed vinyl graphics signs applied internally directly to various doors and windows on the building. The main purpose of these signs is to create a frosting effect to the glazing, to aid the function of the building as a nursery. These signs are non-illuminated.
- 1.6 Sign 4 is a shallow folded and painted aluminium sign panel with digitally printed graphics to the face. It measures approximately 0.7 metres in height, 2 metres in width and 0.03 metres in depth. This sign replaces an existing smaller sign on the front elevation of the building at a height of approximately 1.5 metres from the ground. The sign comprises a red, black, white and yellow colour scheme and contains the text "BUSY BEES DAY NURSERY 0117 967 7840". The sign is non-illuminated.
- 1.7 Sign 6 is a shallow folded and painted aluminium sign panel with printed graphics to the face and illuminated by an overhead LED trough light. The sign replaces an existing externally illuminated sign located within a brick frame at the front (south) corner of the site. The sign measures approximately 0.8 metres in height, 1.3 metres in width and 0.03 metres in depth and comprises a red, black, white and yellow colour scheme with the text "BUSY BEES DAY NURSERY 0117 967 7840".



- 1.8 Sign 7 is a fabricated freestanding sign with digitally printed graphics to the face. The sign is to be concreted into a grass area behind the existing front boundary fence. The sign measures approximately 2.4 metres in height, 1.1 metres in width and 0.1 metres in depth and is non-illuminated. It comprises a red, black, white and yellow colour scheme and the text “BUSY BEES [www.busybees.com](http://www.busybees.com) Tel: 0117 967 7840”.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework March 2012

The Town and Country Planning (Control of Advertisement) Regulations 2007

The Town and Country Planning Act 1990 Section 220

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PK02/1314/F, erection of children’s day nursery with associated parking and works, approval, 29/07/02.
- 3.2 PK02/3393/ADV, erection of free standing brick plinth to display illuminated signage for nursery, approval, 30/12/02.

## **4. CONSULTATION RESPONSES**

### **4.1 Oldland Parish Council**

No objection

### **4.2 Transportation DC Officer**

No objection

### **Other Representations**

### **4.3 Local Residents**

One letter of objection has been received from a neighbouring occupier. The following is a summary of the reasons given for objecting:

- Out of keeping with other surrounding houses/properties/buildings;
- Signs look cheap and tacky and will stand out as an eyesore;
- May be affected by the proposed illumination.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The Town and Country Planning (Control of Advertisement) Regulations 2007 and Section 220 of the Town and Country Planning Act relevant to the proposal indicate that the main issue for Local Planning Authorities to consider is the impact of signs on the amenity and public safety and taking into account the cumulative impacts. Advice contained in the National Planning Policy Framework relating to advertisements is also a material consideration when considering the proposal.

## 5.2 Amenity

Concerns have been raised from neighbouring occupiers regarding the impact on their amenity from the illumination proposed. The only sign that is to be illuminated is located in the southern corner of the site and is to replace an existing sign, which is already externally illuminated by a trough light. Accordingly, given that street lighting already illuminates Craven Road, it is not considered that there will be a materially greater effect on the amenities of the area than the existing situation.

The freestanding sign is likely to be most prominent due to its height and location adjacent to the front boundary of the site. Whilst it will be situated within close proximity to a neighbouring dwelling it will be primarily read along with the nursery and will not appear adversely out of keeping in terms of scale, siting and appearance. It will also be set back behind an existing boundary fence and vegetation, which will ensure that it will not appear adversely prominent from views from the surrounding area.

The scale, siting and appearance of other signs proposed are such that they will not adversely affect the character of the building or surrounding area. It is considered that the application site and building are large enough to accommodate the proposed signs without there being a resulting adverse cumulative impact.

Although residential properties are located close to the site, the signs will be viewed in the context of the nursery, which is characterised by its scale and form, a large front car parking forecourt, and existing signage on the building. A large supermarket is also located to the northwest of Craven Way. It is not considered that the proposed signage will appear adversely out of keeping in this context. The signs appear well made and are not adversely unattractive in terms of appearance.

## 5.3 Public Safety

The signs are located where they will not obstruct vehicular or pedestrian movements on the public highway. The scale of the signs, and the amount of information displayed is such that they will not be adversely distracting to motorists or pedestrians to the detriment of highway safety.

## 6. RECOMMENDATION

6.1 Advertisement Consent is GRANTED.

**Contact Officer: Jonathan Ryan**  
**Tel. No. 01454 863538**

# ITEM 6

## CIRCULATED SCHEDULE NO. 09/14 – 28 FEBRUARY 2014

**App No.:** PK14/0132/CLP  
**Site:** 6 Oakdale Close Downend South  
Gloucestershire BS16 6ED

**Applicant:** Mrs D Flower  
**Date Reg:** 20th January 2014

**Proposal:** Certificate of lawfulness for the proposed alteration to roof to facilitate installation of dormer window

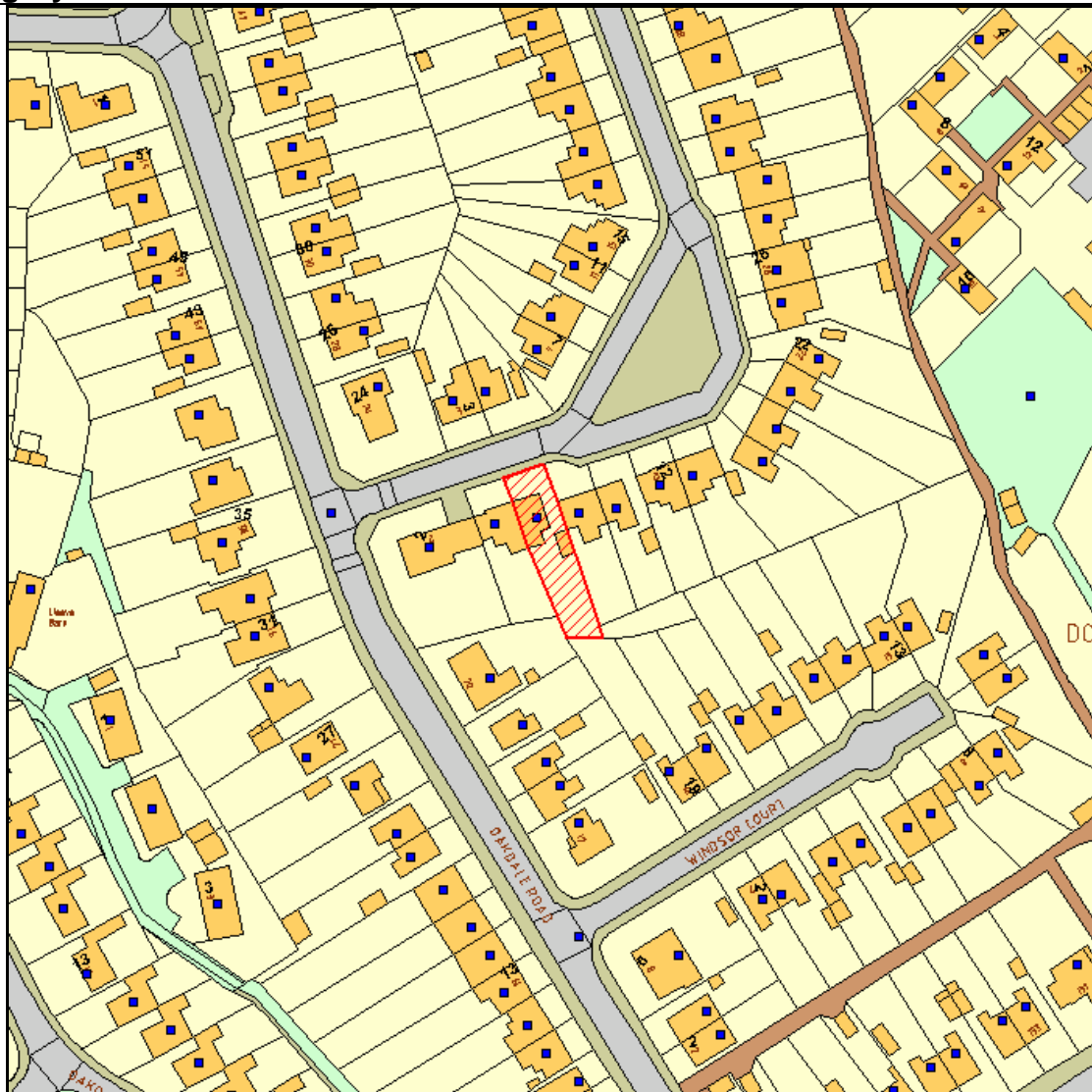
**Parish:** Downend And Bromley Heath Parish Council

**Map Ref:** 365146 177456

**Ward:** Downend  
**Target Date:** 12th March 2014

**Application Category:** Minor

**Date:**



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100023410, 2008.

**N.T.S.**

**PK14/0132/CLP**

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

This application has been referred to the Circulated Schedule in accordance with the standard procedure for the determination of Certificate of Lawfulness applications.

### **1. THE PROPOSAL**

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to alterations of the roof to facilitate the installation of side and rear dormers at 6 Oakdale Close, Downend. The property is a two storey semi detached dwelling and is located within the residential area of Downend
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

### **2. POLICY CONTEXT**

- 2.1 Schedule 2, Part 1, Class B and Class G of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008
- 2.2 Statutory Instrument 2013 No.1101 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Health Parish Council  
No objections

#### **Other Representations**

- 4.2 Local Residents  
One consultation reply was received from a neighbouring resident stating that there were no objections to the proposal.

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

- 5.1 Principle of Development  
The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Core Strategy Adopted December 2013 do not apply in this instance.

It stands to be ascertained whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

5.2 The proposed development consists of front roof lights and side and rear dormers to facilitate a loft conversion. This development would fall under the criteria of Schedule 2, Part 1, Class B and Class C, of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 1995 (The enlargement of a dwellinghouse consisting of the addition or alteration to its roof) and (Any other alteration to the roof of a dwellinghouse). Developments which fail any of the following criteria would not be permitted:

**B.1** Development is not permitted by Class B if-

**(a) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The dormers would not exceed the ridge height of the existing roof.

**(b) Any part of the dwellinghouse would as a result of the works, extend beyond the plane of any roof slope which forms the principal elevation of the dwellinghouse and fronts a highway**

The dormers would be located on the side and rear elevations of the dwelling, these are not the principle elevation nor do they front a highway.

**(c) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-**

**(i) 40 Cubic metres in the case of a terrace house, or**

**(ii) 50 Cubic metres in any other case:**

The property is a semi detached dwelling and the combined volumes of the proposed dormers would have a cubic content that would be significantly less than 50 cubic metres. The proposal therefore meets this criterion.

**(d) It would consist of or include-**

**(i) The construction or provision of a veranda, balcony or raised platform, or**

**(ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

The proposal does not include any of the above..

**(e) The dwellinghouse is on article 1(5) land.**

The dwelling is not located on article 1(5) land.

### **Conditions**

**B.2** Development is permitted by Class B2 subject to the following conditions

**(a) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

The proposed dormer would have tiles to match the main roof and would have a rendered finish to match the main dwelling. These details have been confirmed on the submitted proposed plans. As such it is considered that the

exterior of the proposed dormer would be similar in appearance to the main dwelling house.

- (b) **Other than in the case of a hip-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and**

The proposed dormer would be located over 20cm from the eaves of the original roof, therefore this condition is met.

- (c) **Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be-**

(i) **obscure-glazed, and**

(ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

Two side elevation windows are proposed, both of which would be obscurely glazed and non opening. As such this condition is met.

**C.1** Development is not permitted by Class C if-

- (a) **The alteration would protrude more than 150mm beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof:**

Three rooflights are proposed which fall under this Class. The rooflights would not protrude more than 150mm as such this criterion is met.

- (b) **It would result in the highest part of the alteration being higher than the highest part of the original roof:**

The rooflights would be inserted within the roof slope lower than the ridge height.

### **5.3 Conclusion**

It is therefore considered that the proposal does fall within the categories of development which are permitted development, and therefore planning permission is not required.

## **6. RECOMMENDATION**

- 6.1 That a Certificate of Lawfulness for Proposed Development is granted for the following reason;

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

**Contact Officer: Kirstie Henshaw**

**Tel. No. 01454 865428**

# ITEM 6

## CIRCULATED SCHEDULE NO. 09/14 – 28 FEBRUARY 2014

<b>App No.:</b>	PK14/0244/F	<b>Applicant:</b>	Mr And Mrs Phillips
<b>Site:</b>	31 Champion Road Kingswood South Gloucestershire BS15 4SU	<b>Date Reg:</b>	24th January 2014
<b>Proposal:</b>	Two storey side and single storey front extensions to provide additional living accommodation	<b>Parish:</b>	None
<b>Map Ref:</b>	366055 174610	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Householder	<b>Target Date:</b>	18th March 2014



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100023410, 2008. **N.T.S.** **PK14/0244/F**

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

This report appears on the Circulated Schedule following a comment from a local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a two storey side and a single storey front extension to provide additional living accommodation. The application site relates to a two-storey end of terrace dwellinghouse situated in Kingswood.
- 1.2 During the course of the application concerns were expressed regarding the original design and revised plans were submitted showing a reduction to the depth of the proposed front extension. In addition, these revised plans showed a slight increase in the length of the extension to the south to off-set the reduction to the north.

### **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 None relevant

### **4. CONSULTATION RESPONSES**

#### 4.1 Parish/Town Council

The area is un-parished

#### 4.2 Other Consultees

Highway Drainage



No comment

## **Other Representations**

### 4.3 Local Residents

One letter of objection has been received from a local resident. The comments are summarised as:

- Applicant is not the freeholder of the land
- Scale of plans at 1:1250 do not clearly denote actual extent of ownership
- Do not object to the intention of the application but require an amendment to the dimensions on the plans that truly reflects ownership lines

## **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 application is considered to accord with the principle of development.

### 5.2 Design and Visual Amenity

The proposed two storey side extension and single storey front extension would result in a modest addition to the property. Given the position of the dwelling, the extensions would taper from the north to the southeast varying in width from approximately 2.5 metres to 1.2 metres. It would extend to the south by approximately 6.5 metres. The two storey element would facilitate a dressing room on the first floor and a utility room on the ground floor. In addition a small WC and shower room would be accommodated within the ground floor element and extend out into the proposed single storey structure. The main part of the extension would be lower than the main roof line and have a hipped roof to match that of the host property while the single storey structure would have a lean-to roof. Good quality materials to match those of the existing dwellinghouse would be used in its construction.

It is considered that the proposal is acceptable in terms of its design, scale, massing and materials and is therefore appropriate to the existing dwelling and the character of the area in general.

### 5.3 Residential Amenity

The proposal would be positioned to the west elevation of the dwellinghouse. The house is positioned on a hill in Kingswood with its neighbour to the west at No. 33 Champion Road being set at a higher level. This neighbouring property is at an angle from the application site and as such its rear elevation is the closest elevation to the side of No. 31. The two dwellings are, however, separated by the single storey garage of No.33 which is adjacent to the boundary with No. 31.

Neighbours have claimed a breach of the Town and Country Planning Act (Development Management Procedure) (England) Order 2010 Certificate under Article 12 stating the applicant has made an incorrect declaration as they do not have a freehold interest in or the freeholders permission for the development. Additional details obtained from the applicant have confirmed that they are in fact the freeholders of the site and as such the determination of the application can proceed. In addition Officers are satisfied that the proposal is within the red edge of the site and that the submitted plans can be used to assess the application. Furthermore, informatives attached to the decision notice state that the prior written consent of the owner and occupier of any land upon which it is necessary for the applicant to enter in order to carry out any works in connection with this development must be obtained. Details are found in the Access of Neighbouring Land Act 1992 and Party Wall Act 1996.

### 5.4 Sustainable Transport

The property benefits from off-street parking to the front and a single garage to the rear. The proposal would not increase the number of bedrooms serving the property and there are no objections in highway 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 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 Monday to Friday 7:30-18:00 and Saturday 8:00-13:00; nor at any time on Sunday or Bank Holidays.

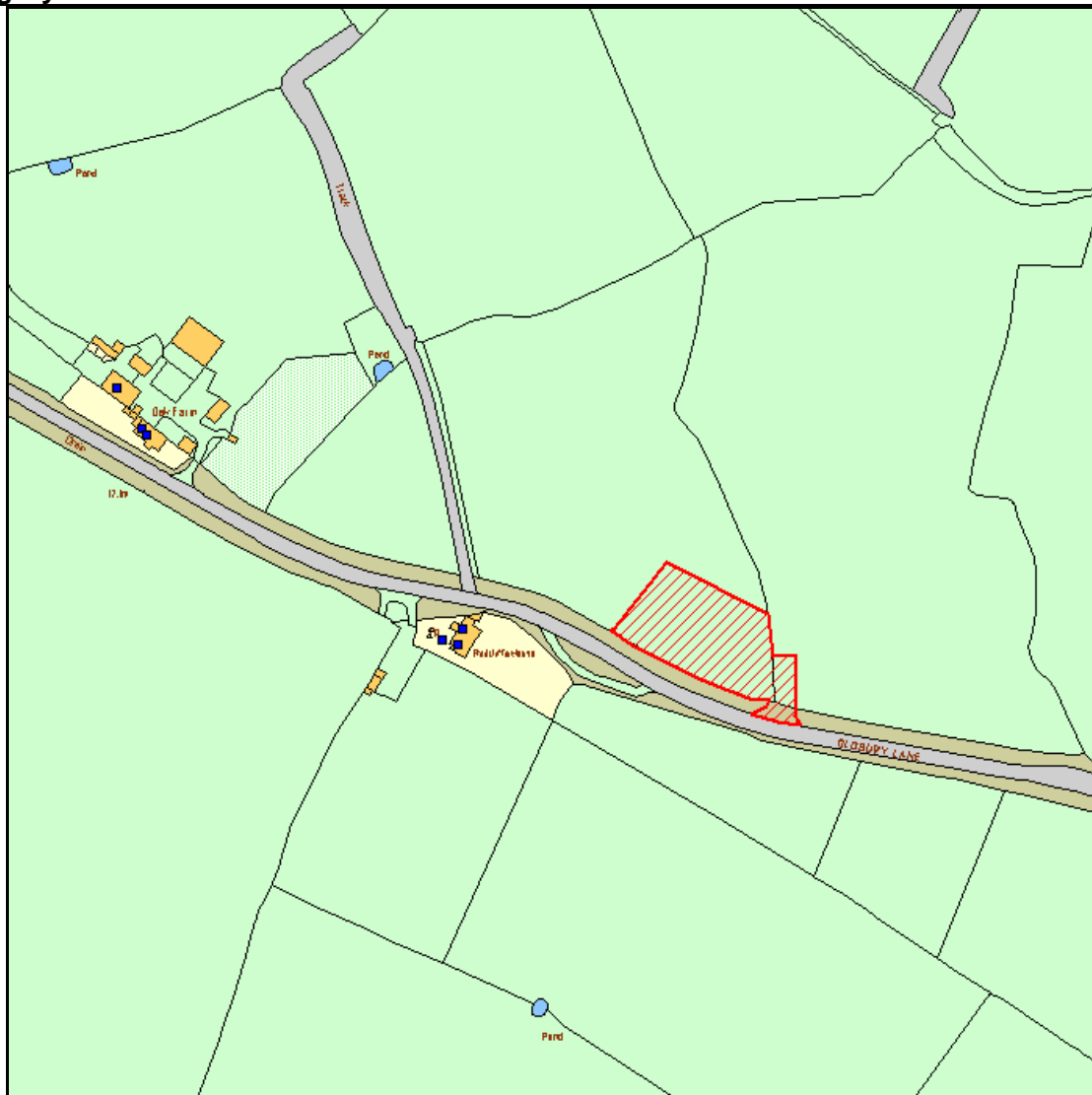
Reason

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 7

## CIRCULATED SCHEDULE NO. 09/14 – 28 FEBRUARY 2014

<b>App No.:</b>	PT13/3361/F	<b>Applicant:</b>	Mr T Butler
<b>Site:</b>	Land At Oldbury Lane Thornbury South Gloucestershire BS35 1RD	<b>Date Reg:</b>	27th September 2013
<b>Proposal:</b>	Change of use from agricultural land to land for the siting of 1no. caravan pitch for a Romany Gypsy family with associated works including hardstanding and landscaping. Erection of 1no. dayroom.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	363342 191991	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th November 2013



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

This application appears on the Circulated Schedule following objections from local residents and the Local Parish Councils of Thornbury and Oldbury.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for a change of use from agricultural land to land for the siting of 1no. caravan pitch for a Romany Gypsy family with associated works including hard standing and landscaping. It also includes the erection of 1no. dayroom.
- 1.2 The application site relates to land situated outside the settlement boundary at Oldbury Lane in Thornbury, in open countryside but outside the Green Belt. The area of land is approximately 0.6ha. Entrance into the proposed site would be a shared access with the adjacent site which is currently subject of an application PK13/3101/F for Change of use from paddocks and agricultural to the siting of 12 no. caravan pitches for showmen's permanent quarters with associated works and the creation of new vehicular access from Oldbury Lane.

### **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
CS9	Environmental Resources and Built Heritage
CS21	Gypsy and Traveller Accommodation
CS24	Open Space Standards
CS34	Rural Areas

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

T12	Transportation Development Control
E9	Agricultural Development
L1	Landscape Protection and Enhancement
L9	Species Protection
L11	Archaeology
L16	Protecting the Best Agricultural Land
EP2	Flood Risk and Development

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

Planning Policy for Traveller Sites document (March 2012)

### 3. RELEVANT PLANNING HISTORY

- 3.1 PK13/3101/F Change of use from paddocks and agricultural to the siting of 12 no. caravan pitches for showmen's permanent quarters with associated works. Creation of new vehicular access from Oldbury Lane
- Pending

### 4. CONSULTATION RESPONSES

#### 4.1 Thornbury Town Council

The development is outside the town development boundary.

The area is very close to the exit road of an application recently submitted for a development at Pound Mill Business Centre. Both the exits would be on a dangerous bend where a fatal accident and several serious ones have occurred in recent years.

Consideration should be given to the recent granting of planning permission for a gypsy and travellers site at Tytherington Nursery in Thornbury Parish and whether there is a need for more such provision within the town.

Should South Gloucestershire Council choose to ignore the Town Council's objection, then conditions should be imposed that the rural nature of the land is not changed.

#### Oldbury Parish Council

The site whilst not being in the Parish of Oldbury on Severn is situated adjacent to Oldbury Lane the main route for the community of Oldbury to travel out of the Parish. The population of the Parish is circa 780 living in 310 households.

Oldbury Lane is used also by the workers/visitors at the Magnox Power Station, the Business Parks further down the lane ,Agricultural vehicles and heavy transport visiting the Sewage Works ,it is a busy road particularly at certain times of the day and night. The access to the application site is at a location where the road has significant bends and the line of sight is poor made worse by recent consented development at Redcliffe House which is virtually opposite.

In the last 4 years there has been one fatal accident at this location and more recently two serious road traffic incidents one of which involved a car snapping off a telegraph pole and the other a car crossing the ditch finishing up in a Farmers field.

We believe the access required to enable vehicular movement in and out of the application site will be prejudicial to road traffic safety as it significantly increases the risk of collision with vehicles travelling at legal speeds in both directions but particularly on the carriageway leading to Thornbury.

Notwithstanding this the site is outside the Thornbury Development Boundary.

## 4.2 Other Consultees

### Highway Drainage

No objection subject to conditions

### Sustainable Transport

No objection subject to conditions

### Environmental Protection

No objection subject to conditions and informatives

### Officer for Nuclear Regulation

No objection

### Strategic Planning Policy & Specialist Advice Team

No objection

### Ecology

No objection subject to informatives

## **Other Representations**

### 4.3 Local Residents

Twelve letters of objection have been received from local residents. The points raised include:

- proposal would spoil green fields
- are processes with regard to National Building Guidelines applied in a consistent manner?
- The site is only just beyond that area of the floodplain and has been subject to flooding in recent years
- Is a septic tank appropriate in an area susceptible to flooding during the winter
- If it is decided to approve then conditions must be imposed so the rural nature of the land/landscape is not changed
- Poor access to this land off a very fast and busy road with poor visibility. There have been several accidents and one fatality
- Touring caravans and mobile home is not in-keeping and inappropriate with regard to the materials
- Touring caravans, mobile home and day room not in-keeping with rural and agricultural nature of the land at present
- Inadequate number of proposed parking space for the site given the number of units
- Dangerous stretch of highway with 60mph as speed limit
- Would add to traffic given the proposed development at Park Farm and Morton Way
- The proposal will be detrimental to enjoyment of those already using it: walkers, joggers, cyclist and horse riders
- Does the access to the highway meet the required visibility splays
- Does the double entrance benefit from planning permission?
- Conifers not a native species

- Both Redcliffe House and Severndale overlook the proposed development
- Proposal if granted would set a precedent and raises concerns about future expansion
- Development plan policy states sites should be within a reasonable distance of local services, the site is within a mile but there is no footpath so dangerous to pedestrians
- Has an ecological assessment been carried out ?
- A travellers site in the middle of agricultural land does not protect the environment
- The nearest settled community are the widely spaced properties along Oldland Lane, Lower Morton and Duckhole. The proposed dwellings will outnumber the number of properties in these small groupings
- Provision has been made for travellers camp at Tytherington Lane less than two miles away
- Site would dominate the area and place undue pressure on local infrastructure
- Conflicts with NPPF
- No mention of effluent management and how the sewage water overflow is going to be addressed – real possibility of effluent draining directly into the water course
- Site is outside the Thornbury Development Boundary
- The day room could provide additional residential accommodation for an extra 2 persons
- Concern the site could be used as a base for trade such as construction or metal processing – these need large vehicles and associated machinery and the noise and visual impact will further affect neighbours
- Affect the value of my land
- Site is in the Green Belt amongst agricultural land
- Sited in the midst of a very small community and could become an eyesore
- Concerns once established it could expand
- What are provisions for collecting waste and recycling?
- The site is currently partially enclosed by leylandi conifers
- Does the permanent brick building and use of mobile home constitute residential use?
- Does the proposal gain use of non-residential floor space with the inclusion of touring caravans?
- What is correct area of site – discrepancy of figures?
- On certificate B where is the street named as Pond Mill Farm? Who is the owner who resides there?
- Outline of proposed site appears to encroach on neighbouring farmer's land
- Use of supporting documents re other sites should not be considered as pertinent to this case as it is very probable the type of area regarding location is completely different from those stated in the documents
- Local area is rural with strong agricultural workings and this type of development is completely out of character for the surrounding area



## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The Council adopted the Core Strategy on 11 December 2013. In accordance with S38(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 as adopted.

5.2 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.

5.3 Progress with the South Gloucestershire Gypsy and Traveller Development Plan Document (DPD) has been stopped and will no longer be taken forward. The draft DPD is therefore of limited weight.

5.4 The evidence base used to support the Gypsy & Traveller DPD has been used to prepare Policy CS21 of the Core Strategy (adopted) 2013. 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.

5.5 The application site is not currently identified as an existing, authorised Gypsy/Traveller site to be safeguarded under Policy CS21 of the Core Strategy. This is a new site. Notwithstanding this, Policy CS21 acknowledges that individual applications for Gypsy/Traveller windfall sites will continue to meet a proportion of the new pitches/sites to be provided. This is considered necessary having regard to current demonstrable need for Gypsy/Traveller pitches and in accordance with government guidance while ensuring certain criteria are met. Some weight should be attached to this

### 5.6 Need for Gypsy & Traveller Sites

On 29th January 2014, the 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 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.

The GTAA recommends that the following are required to be delivered in South Gloucestershire up to 2028:

- 46 additional Gypsy/Traveller residential pitches; and
  - 10 pitch transit site to meet transient needs of the Gypsy/Traveller community;
- 5.7 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 (2012) and PPTS (2012).
- 5.8 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.
- 5.9 As a result of the PT&SE Committee decision above, the South Glos & Bristol GTAA 2013 now holds considerable weight and is a significant material consideration in the determination of any planning application for Gypsy/Travellers and Travelling Showpeople accommodation (residential and transit).
- 5.10 The proposed development would result in a new, residential, Gypsy/Traveller family site (1 pitch) contributing to the existing shortfall of Gypsy and Traveller sites in the district.
- 5.11 Policy CS21 - Gypsy and Traveller accommodation, states Provision will be made for Gypsy and/Traveller accommodation through the Policies, Sites and Places DPD or a replacement local plan (whichever is the sooner) following a review of the need for further pitches up to 2027. Additional provision will be addressed through the intensification of existing sites in the first instance while not excluding sites in the new neighbourhoods.

Applications for Gypsy and Traveller windfall sites will be considered having regard to the outstanding level of need and in accordance with the most recent government guidance.

- 5.12 Sites for Gypsies and Travellers will be considered appropriate where they meet the following criteria:-
1. The development would not have unacceptable environmental effects; and
  2. The land is not the subject of unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
  3. The proposal would not unacceptably prejudice the amenities of existing and new neighbouring residential occupiers; and
  4. Adequate provision is made for vehicular access, parking and manoeuvring.

Preferably sites should be within a reasonable distance of local services and facilities, though more remote sites may be acceptable.

5.13 This site did not form part of an existing authorised Gypsy and Traveller site safeguarded under policy H12 thus is not to be safeguarded under policy CS21. However, policy CS21 advises that applications for Gypsy and Traveller windfall sites will be considered having regard to the outstanding level of need and in accordance with Government guidance. It is acknowledged that individual applications for Gypsy/ Traveller windfall sites will continue to meet a proportion of the new pitches/ sites to be provided and this is considered necessary given the demonstrable need for Gypsy/ Traveller pitches and to accord with Government guidance.

5.14 The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

National planning law (Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Act 1990) declare all applications, including for planning permission for traveller sites must be determined in accordance with the development plan unless material considerations indicate otherwise. Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and policy H of Planning Policy for Traveller Sites (2012).

5.15 Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- the existing level of local provision and need for sites
- the availability (or lack) of alternative accommodation for the applicants
- other personal circumstances of the applicant
- that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- that they should determine applications for sites from any travellers and not just those with local connections

5.16 In addition Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

Weight should therefore be attached to the following matters:

- Effective use of previously developed (brownfield), untidy or derelict land
- Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness

- Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- Not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

5.17 Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:

- limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise
- specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events)
- limiting the maximum number of days for which caravans might be permitted to stay on a transit site.

5.18 In planning policy terms, considerable weight can be applied to Policy CS21, which in combination with the demonstrable need for Gypsy/Traveller sites in South Gloucestershire, providing there are no significant highway impacts or unacceptable environmental effects, it is considered that there are policy grounds to support this application.

5.19 The Proposal

The application is for the change of use from agricultural land to land for the siting of 1no. caravan pitch for a Romany Gypsy family with associated works including hardstanding, landscaping and the erection of a day room. It has been stated that the proposal is for the personal use of the applicant to enable the family to be within access to health services and mains electricity and '*no business use is proposed*'.

5.20 Site Location

The existing site is enclosed by both natural hedgerows and a more recently planted hedge of conifers. The site is currently an empty field and can be seen from the highway. Entry into it would be via a gateway, currently set back from the highway, which would also provide access for the next door site presently being assessed under planning application PK13/3101/F for the Change of use from paddocks and agricultural to the siting of 12 no. caravan pitches for showmen's permanent quarters with associated works plus the creation of new vehicular access from Oldbury Lane.

5.21 The site is located outside the settlement boundary of Thornbury within the open countryside. Policy CS21 of the adopted Core Strategy (2013) does not require sites to be located within a settlement boundary or a built up area. It is noted that this differs from proposals for non-gypsy development. As the site is not within an Area of Outstanding Natural Beauty, nor within the Green Belt, there can be no objections purely to its location within the countryside.

- 5.22 The site is approximately 1.9 miles away from the town centre of Thornbury and as such could be argued that given this, journeys could be made without the use of vehicles making it a sustainable location. Policy requirements in CS21 states sites should preferably be within a reasonable distance of local services and facilities, though more remote sites may be acceptable. In addition Government guidance Planning Policy for Traveller Sites (2012) advises that *'Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies: ... access to appropriate health services/ ensure that children can attend school on a regular basis/ provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment...'*

The proposal therefore cannot be objected to solely on its location.

5.23 Site Scale

The area is characterised by low density of residential development with the closest properties being Redcliffe House and Severndale to the east, on the opposite side of the road and Oak Farm and Oak Leaf Nurseries even further to the east on the same side of the road as the application site.

- 5.24 Advice on this issue is contained within the 'Planning policy for traveller sites document' (2012) policy C (Sites in rural areas and the countryside) which details that *'When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community'*.

The application site and the proposal there-on is comparatively small. For these reasons, on balance there is no objection to the application on this basis.

- 5.25 Concern has been expressed regarding a precedent being set if this application were to gain planning permission and provision for travellers at Tytherington Lane. It must be noted that every application is considered on its own basis and assessed on its individual merits.

5.26 Design and Visual Amenity

Concern has been expressed regarding the introduction of caravans into this rural area which would, it is purported, spoil the environment. Given that the principle of development is acceptable by virtue of planning policy CS21, there can be no reasonable objection to the proposal on design/ visual amenity grounds. However, conditions would be attached to the decision notice in respect of retained/proposed landscape/boundary treatments and the future maintenance of this landscaping to ensure it does not adversely impact on the visual amenity of the area.

5.27 Residential Amenity

The proposed layout shows that the proposed 1no. mobile home and the proposed 1no. day room would be positioned to the north east of the site with the proposed 2no. touring caravans and the parking area being to the south, adjacent to the main road, but screened by planting. A play area is proposed to the north of these touring caravans.

5.28 The nearest residential properties are Redcliffe House and Severbdale located on the opposite side of the road approximately 30 metres away to the east. Oak Farm and Oak Leaf Nurseries are on the same side of the road as the application site at approximately 100 metres distant. On this basis, given the level of separation that would be retained, propose and existing planting and with the development only single-storey, there is no objection to the proposal and its proposed relationship with these neighbouring dwellings. Landscaping and landscape maintenance planning conditions would be attached to the decision notice to retain and create future screening.

5.29 Highway Matters

The site is located on Oldbury Lane, a classified highway where in the vicinity of the proposed development, the National Speed limit applies. Although on the approach to the site from the Thornbury direction there are a number of bends that slow vehicles down, this site is far enough away from them for vehicles to back up to speed. As such the Highway Engineer expressed initial concerns regarding the location of the site access and requested a visibility splay.

5.30 The details were received and the Highway Engineer considers these indicate that the visibility at the entrance and the forward visibility of site access is acceptable in terms of highway safety.

However, in the event that planning permission is granted, a condition should be attached to secure these appropriate visibility splays (2.4m x 215m) with these retained for the duration of the development.

5.31 Concerning the site location, whilst the distance to facilities in Thornbury is greater than would normally be considered having regard to the planning policy context of this application, there is no objection having regard to the site location on sustainability grounds.

5.32 Drainage

The site has been identified as lying within Flood Zone 1. This is categorised as '*comprising land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%)*'. The National Planning Policy Framework Technical Guidance identifies caravans, mobile homes and park homes intended for permanent residential use as a 'highly vulnerable' form of development and advises that the Sequential and Exception Tests should be applied. This issue is also reflected by the Planning for Traveller Sites document that advises 'do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans'.

5.33 Paragraphs 100-103 of the NPPF (2012) outline the process for assessing floor risk by using the sequential and exception tests.

*Sequential Test*

The proposed development would be located within Flood Zone 1 and is therefore only being tested due to it being for caravans. The *Exception Test* is therefore not required.

- 5.34 The site, however, is not currently connected to the main drainage. Concerns were initially expressed by the Drainage Officer and through negotiations between the Council and the applicant a satisfactory outcome has been reached in that the proposal would be connected to the mains water. This has been agreed in principle with Wessex Water.

As such the proposal is considered acceptable in principle subject to conditions attached to the decision notice.

5.35 Ecology

The application site consists of an agricultural field near Oak Farm and on the northern side of Oldbury Lane between Thornbury and Oldbury Power Station. The application site itself is not covered by any statutory or non-statutory nature conservation designations. However, it lies within the floodplain of the Severn Estuary which is notified as a Site of Special Scientific Interest (SSSI) and protected under the Wildlife & Countryside Act 1981 (as amended) and designated as a Special Protection Area (SPA) under EC Directive 79/409 on the Conservation of Wild Birds ('the Birds Directive') and Ramsar site under the Ramsar Convention on the Conservation of Wetlands of Importance. The Estuary is also a Special Area of Conservation (SAC) under European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('the Habitats Directive 1992'), implemented in Britain by the Conservation (Natural Habitats & c) Regulations 2010 ('the Habitat Regulations'), otherwise known as European or Natura 2000 (N2K) Sites.

- 5.36 The site consists of an intensively improved agricultural field of only low nature conservation interest. It is located some 4km from the shoreline of the Severn Estuary European Site and, as such, it is considered that development is unlikely to have any impact on habitat of potential use to wildfowl or waders associated with the Severn Estuary SPA/Ramsar or affect the conservation objectives of the European (N2K) Site.

- 5.37 Notwithstanding the above, the proposed site layout plan indicates rows of conifers planted against a 1.1m post and rail fence along the eastern and roadside site boundaries. Whilst the plan also depicts a swathe of broadleaved shrub planting between the road boundary and buildings, the conifers are a non-native species and at odds with the species composition of farmland hedges surrounding the application site. Any landscape planting – including boundary hedges – should utilise native shrub species and the site layout plan should be amended accordingly.

- 5.38 The layout plan also indicates an area of rough grassland adjacent to a roadside ditch at the site entrance being replaced by macadam. Rough grassland and hedges provide suitable habitat for a variety of herpetofauna including grass snake, slowworm and great crested newt.

- 5.39 Great crested newts are protected under the Wildlife & Countryside Act 1981 (as amended), the CROW Act 2000 and the Habitats Regulations 2010, which implements European Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('The Habitats Directive 1992'). As a

European Protected Species (EPS), a licence under Regulations 53/56 of the 2010 Habitat Regulations is required for development to be lawful. Judicial review in 2009 (Woolley v East Cheshire BC) directed that, to fully engage with the Habitat Regulations, local authorities should subject planning applications to the same 'tests' under Regulations 53/56 as European Protected Species licences. Satisfying these 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application.

- 5.40 Slowworm and grass snake are protected under the Wildlife & Countryside Act 1981 (as amended) and CROW Act 2000. Slowworm is also listed on the South Gloucestershire Biodiversity Action Plan as a species for which the Council will require specific measures to conserve and enhance populations. Given this, the application needs to include an assessment of the likely presence of the amphibians/reptiles; and a mitigation strategy to avoid offences in law if either was to be present.

### Conclusions

As the hedgerow is already present it is considered unreasonable to request its removal and replacement with native shrub species. On balance given the above assessment the proposal is considered acceptable on the basis appropriate conditions and informatives regarding birds and reptiles would be attached to the decision notice.

### 5.41 Other Matters

Value of land: The issue of any development having an effect on the value of land or property is not a matter that can be taken into consideration under the remit of a planning application therefore cannot be discussed within this report.

Discrepancy of boundary: A standard informative would be attached to the decision notice stating that permission must be obtained to carry out works on, or over, land not within the ownership, or control, of the applicant and the prior written consent of the owner and occupier of any land upon which it is necessary for you to enter may also be required.

Compliance with building regulations: As a planning application, it is the principle of the development that is being considered and compliance with building regulations does not form part of the assessment. These would be covered under a different legislation.

### 5.42 Overall conclusions

1. The site lies within open countryside site lies within open countryside outside of the Bristol and Bath Green Belt and AONB and does not appear to be subject to any other environmental constraints. It would therefore appear compliant with criteria A (development would not have unacceptable environmental effects).
2. The proposed development would result in a new, residential, Gypsy/Traveller family site (1 pitch) contributing to the existing shortfall of Gypsy and Traveller sites in the district.
3. In combination with the demonstrable need for Gypsy/Traveller sites in South Gloucestershire, providing there are no significant highway



impacts or unacceptable environmental effects, it is considered that there are policy grounds to support this application

4. Furthermore, provided that there are no significant planning constraints that would outweigh the benefits in accordance with paragraph 14 of the NPPF, the application would appear consistent with the Core Strategy and with the aims and objectives of the PPTS and NPPF with regard to considering development in accordance with the principle of sustainable 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 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 more than one mobile home and two touring caravans shall be stationed on the site at any one time.

Reason

To control the impact of the development upon the character and appearance of the area and to accord with saved Planning Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS21 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013.

3. There shall be no commercial activity on or originating from this site at any time.

Reason

To control the impact of the development upon the character and appearance of the area and to accord with saved Planning Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS21 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013.

4. There shall be no outside storage on the site.

Reason

In the interest visual amenity and to accord with saved Planning Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS21 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013.

5. If the land ceases to be occupied as a gypsy/ traveller site, all caravans, structures, materials and equipment brought on to the land in connection with the use including the amenity blocks hereby approved, shall be removed. Within 6 months of that time the land shall be restored to its condition before the use commenced.

Reason

In the interests of visual amenity and to accord with saved Planning Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and and Policies CS1 and CS21 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013.

6. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the site and details of proposed planting (and times of planting) along the boundaries shall be submitted to the Local Planning authority for approval. These details shall also provide specific details in respect of the proposed boundary treatments along the north and east site boundaries. Specific details must also be provided (size, type, number) of all new planting and boundary treatments along the west and south site boundaries. Development shall be carried out in accordance with these agreed details.

Reason

To protect the character and appearance of the area and to accord with saved Planning Policy L1 of the South Gloucestershire Local Plan (Adopted January 2006) and Policies CS1 and CS21 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013.

7. Prior to the commencement of development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To protect the character and appearance of the area and to accord with saved Planning Policy L1 of the South Gloucestershire Local Plan (Adopted January 2006) and Policies CS1 and CS21 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013.

8. Prior to the commencement of development details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details with no further lighting thereafter erected without the written permission of the Local Planning Authority

Reason

To protect the character and appearance of the area and to accord with saved Planning Policy L1 of the South Gloucestershire Local Plan (Adopted January 2006) and Policies CS1 and CS21 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013.

9. Prior to the commencement of development, samples of the roofing and external facing materials proposed to be used for the amenity building 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 good standard of design and in the interests of visual amenity, all to accord with saved Planning Policies L1 and E9 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 and CS21 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

10. The mobile home hereby approved shall be positioned as shown on drawing no. 1380/02 and thereafter the approved development shall be retained as such.

Reason

To protect the character and appearance of the area and in the interests of residential amenity, all to accord with saved Planning Policy L1 of the South Gloucestershire Local Plan (Adopted January 2006) and Policies CS1 and CS21 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013.

11. Prior to the commencement of development, full details of the proposed mobile homes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall accord with these approved details.

Reason

To ensure a good standard of design and to accord with saved Planning Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS21 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013

12. This permission gives planning permission for 1 permanent gypsy and traveller pitch to include 1 mobile home, 1 day room and 2 touring caravan (to only be occupied in association with the mobile home) the sizes of which shall not exceed those details shown by drawings 1380/02 and 1380/03 received on 6.9.13. No further development in respect of the proposed gypsy/ traveller site use is approved.

Reason

In the interests of visual amenity and to accord with Planning Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

13. Prior to the commencement of development, full details of refuse collection and storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall accord with these approved details.

Reason:

In the interest of visual amenity and highway safety, and to accord with saved Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS21 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013.

14. Prior to the commencement of development, visibility splays of 2.4m x 215m shall be provided and thereafter subsequently retained.

Reason

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

15. Prior to commencement of development details of a bound surface to the access gate is required to be submitted and approved in writing by the Local Planning Authority.

Reason

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

16. Prior to the commencement of development, a site management plan shall be submitted to and approved in writing by the Local Planning Authority. This site management plan shall address issues inclusive of rubbish collection and storage, maintenance of physical structures and boundary treatments and the upkeep of areas of hard surfacing and the maintenance and upkeep of all drainage systems. Development shall strictly accord with these approved details.

Reason

In the interests of visual amenity and to accord with saved Planning Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS21 of the South Gloucestershire Local Plan: Core Strategy (adopted) 2013..

17. No development shall commence until details of the foul drainage system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the first occupation of the development.

Reason:

To improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

18. 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 Monday to Friday 7:30-18:00 and Saturday 8.00-13:00 nor at any time on Sunday or Bank Holidays.

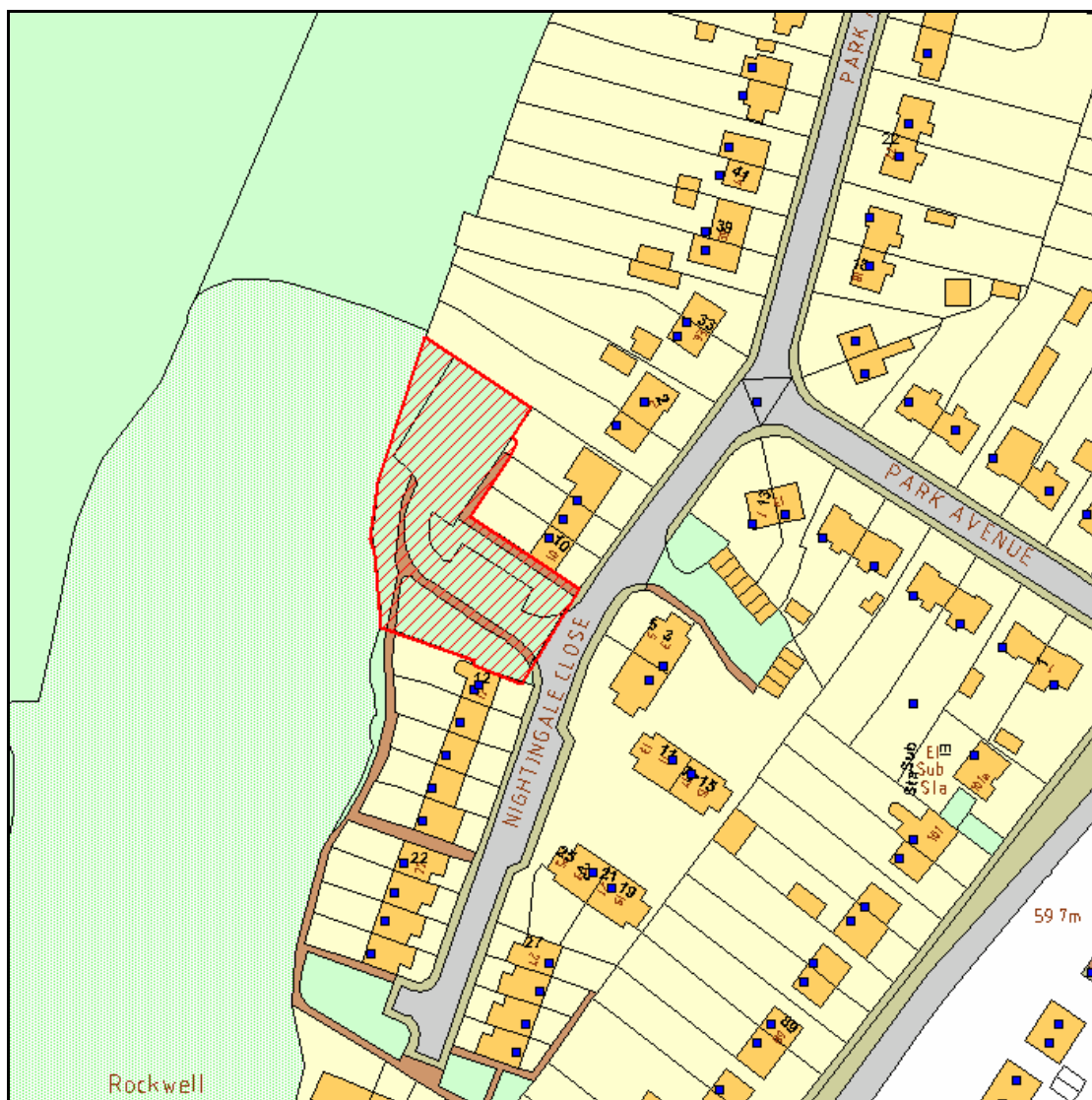
Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS21 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013.

# ITEM 8

## CIRCULATED SCHEDULE NO. 09/14 – 28 FEBRUARY 2014

<b>App No.:</b>	PT13/4601/F	<b>Applicant:</b>	Knightstone Housing Association Ltd
<b>Site:</b>	Land Between 10 And 12 Nightingale Close Frampton Cotterell Bristol South Gloucestershire BS36 2HB	<b>Date Reg:</b>	18th December 2013
<b>Proposal:</b>	Erection of 6no dwellings with associated works.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366466 180933	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th February 2014



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100023410, 2008. **N.T.S.** **PT13/4601/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.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of 6no. dwellings and associated works.
- 1.2 The application site comprises approximately 0.18 hectares of land on the western side of Nightingale Close. The site is located within the established residential area of Frampton Cotterell.
- 1.3 The site is currently used as parking for the neighbouring residential dwellings. The application site abuts residential properties to the north and south. Open fields are located directly to the west and the boundary forms the limit of the settlement boundary and the start of the Green Belt. A metal swing gate in the western boundary provides access to fields to the rear.
- 1.4 The proposal comprises 6no. two-storey properties consisting of a terrace of three, a semi detached pair and single detached property. The six units consist of three 2 bed 4 person homes and three 3 bed 5 person homes.
- 1.5 The applicant has provided a statement detailing the steps that have been taken to consult members of the public, as well as Parish and Ward Councillors. Letters were initially sent to residents in the vicinity of the scheme offering them the opportunity for SGC Housing Enabling Officers and Knightstone Housing Association to visit and discuss the proposal. Two residents accepted and the feedback received was largely around the requirement for access to rear gardens and the need to have a pedestrian access so that refuse bins can be taken out from rear gardens.
- 1.6 A second letter was then sent advertising a consultation event, which was attended by 11 residents and 2 Parish Councillors.

### **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

L5 Open Areas within the Existing Urban Areas

T12 Transportation Development Control Policy for New Development

L9 Species Protection

South Gloucestershire Local Plan Core Strategy (adopted) December 2013

CS1 High Quality Design

CS5 Location of Development  
CS6 Infrastructure and Developer Contributions  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS16 Housing Density  
C17 Housing Diversity  
CS18 Affordable Housing  
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 PT07/0438/F conversion of existing dwelling to provide 2no. self contained flats with associated works, approval, 15/03/07. This application relates to no.12 Nightingale Close.

3.2 PT00/2464/F, erection of rear conservatory, approval, 18/10/00. This application relates to no.12 Nightingale Close.

**4. CONSULTATION RESPONSES**

4.1 Frampton Cotterell Parish Council

No objection

4.2 Environmental Protection Officer

No objections

4.3 Trading Standards and Licensing Officer

The proposed development is located within an existing 7.5 tonnes heavy commercial environmental vehicle weight restriction. It is also in close proximity to a 13 tonnes structural weight restriction on Church Bridge, Frampton Cotterell.

4.4 Landscape Officer

The area around the hammer head needs to be redesigned in accordance with the principles of a Home Zone. A landscape condition should be attached demonstrating trees to be retained and removed, the location of protective fencing during construction and details of tree and shrub species to be planted. This should include a five year maintenance plan for existing planting on the western boundary.

4.5 Transportation DC Officer

Further details are required to demonstrate that the loss of the parking would not adversely affect highway safety in the local area.

4.6 Ecology Officer

No objection subject to condition.



4.7 Affordable Housing Officer

As the scheme exceeds the rural threshold as set down under Policy CS18 of the Core Strategy, i.e. 5 units or 0.2 hectares, the Council will secure 35% (2 affordable homes) as part of a Section 106 agreement.

4.8 Drainage Officer

No objection subject to condition.

4.9 Tree Officer

Satisfied that the retained trees are afforded adequate protection under the scheme. Conditions are required to ensure that all works in proximity to trees be in accordance with the submitted Tree Arboricultural Method Statement; a detailed Arboricultural Method Statement be submitted with regards to the installation of service runs in proximity to retained trees as stated in the submitted Arboricultural Assessment section 4.4.2.

**Other Representations**

4.10 Local Residents

Three letters of objection have been received from neighbouring occupiers. The following is a summary of the reasons given for objecting:

- Loss of privacy;
- Potential increase in on-street parking;
- Concerns over the type of occupants the housing will attract;
- Will devalue of neighbouring properties;
- Concerns that the proposal will cause difficulties regarding access to rear gardens;
- Loss of view of the countryside;
- Insufficient level of parking;
- Insufficient consultation.

David James and Partners

A response has been received from David James and Partners on behalf of the owners of land to the north of the site. The response states that the owners bought their land 30 years ago and through the intervening period they have taken access over the land that is now subject of this planning application. The letter states that all forms of agricultural vehicles gained access from Nightingale Close to the land and at no time has the owner been challenged regarding this access. The proposed scheme does not appear to provide for future access to Mr Lowe's Land; therefore, I presume that the scheme will be revised accordingly.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Planning policy CS5 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 specifies that outside the Green Belt small scale development may be permitted within the settlement boundaries of villages

defined on the proposals map. The proposal for six dwelling is considered to be small scale and the principle of the development is acceptable.

5.2 The main issues to consider are the design of the proposal and the effect on the character of the surrounding area and landscape; the environmental effects; the transportation effects; and the effect on the residential amenity of neighbouring occupiers.

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

The proposal comprises a terrace of three properties, a semi-detached pair and single detached dwelling. The semi-detached pair of dwellings align with the established building line of terrace properties fronting Nightingale Close and will face onto the street. The terrace properties and single dwelling are located to the west of the site and are orientated to face into the site around a turning head.

5.4 The properties comprise regular long narrow rectangular footprints and pitched roofs. The single dwelling and semi-detached pair have gable ended roofs, whilst the terrace has a hipped style roof. The scale and form of the proposed dwellings are considered to be sufficiently in-keeping with the character of the surrounding built form and will sit comfortably in the streetscene.

5.5 The applicant has specified grey concrete interlocking roof tiles; grey uPVC windows; buff bricks at ground floor level with an off-white render above and light grey projecting render window surrounds; light grey rainwater goods; and a grey GRP canopy. The surrounding properties are primarily brick and render with concrete roofs and horizontally proportioned uPVC windows. The materials proposed are considered to be compatible with the character of the area. The proposed window surrounds at first floor level will provide an element of depth and interest at first floor, and reflect the proportions of fenestration of neighbouring properties.

5.6 Tarmac paving is proposed for the access road and turning head. The access road is relatively wide and a narrower road would give a more rural feel; the applicant has not acceded to this request. Block paving is proposed for the parking areas, whilst concrete paving is proposed around the dwellinghouses. It is preferable if the layout were designed in line with the principles of a Home Zone with no strong division into strictly pedestrian and traffic areas. Notwithstanding this, on balance, the layout is considered acceptable. The density of the development is compatible with the character and amenity the area and makes efficient use of land.

5.7 Landscaping

There is a small area of planting between the semi-detached pair of properties and a small tree located in a grass area to the north of Plot 2. This planting will help to soften the impact of the development and add interest to the street scene. There is also a small area of planting, a couple of trees and an area of grass along the access road around Plot 3.

- 5.8 It is proposed to retain most of the existing planting on the western boundary. This planting is essentially an overgrown hedge and a five year maintenance plan for its enhancement and maintenance needs to be submitted and approved.
- 5.9 The existing planting in the field to the west of the site will help to screen and soften the visual impact of the development. The proposed boundary treatment on the western boundary is primarily 1.2 metre high timber post and rail fencing; however, 1.5 metre high close boarded fencing with 0.3 metre high trellising over is proposed for plot 6. The close boarded fence and trellis is not in keeping with the rural character of the area to the west; however it will not be highly visible in the wider landscape and on balance is therefore acceptable.
- 5.10 Small trees, preferably fruit trees, should be located within the back gardens. This will add interest and help to integrate the dwellings within the surrounding development. A landscape plan is recommended if permission is granted for details of trees to be retained and removed; the location of protective fencing throughout the development; and shrub and species to be planted, and a five year maintenance plan to be agreed with the Council.
- 5.11 Environmental  
Tree Impacts  
There is a wooded area to the west of the site and a retained Oak tree on the site plan. There is also a woodland directly to the southwest of the site which is afforded protection via a Tree Preservation Order (TPO). A tree survey to BS5837:2012 to include a tree protection plan and arboricultural method statement is required to allow the Local Planning Authority to assess how the proposed development will impact on the trees. An arboricultural impact assessment consisting of a tree protection plan and method statement has been submitted and the Council's Tree Officer is satisfied that the trees would be afforded adequate protection. If permission is granted a condition is recommended in respect of the tree protection plan and the submission of a detailed Arboricultural Method Statement with regards to the installation of service runs in proximity to retained trees as stated in the submitted Arboricultural Impact Assessment section 4.4.2.
- 5.12 Ecology  
The application includes a Phase 1 Habitat Survey by Ecosulis dated November 2013.
- 5.13 In terms of semi-natural habitat the land consists mainly of hardstanding, but also includes hedgerows (conifers), a small strip of semi-natural broadleaved woodland, and dense scrub. In terms of fauna the report has accessed NBN for species data but not the local Records Centre.  
With regards to bats there is potential for bats to be roosting in the houses immediately to the north and south of the site. In addition there may be bat roosting opportunities in trees within the SNCI. Foraging opportunities are likely to be provided by the woodland. With regards to reptiles two potential hibernaculae, and the adjacent habitats including gardens, provide potential for reptiles to occur on the site. In terms of nest birds the woodland, scrub and conifer hedgerow are likely to provide nesting opportunities for birds.

- 5.14 The most important ecological receptor at this site is the immediately adjacent SNCI woodland, which should be protected. It is also important to take into account the potential bat use of the adjacent houses, and other species groups. If permission is granted a condition is recommended for the development to be subject to an approved ecology and landscape plan in the interests of the protection of the SNCI and include details of a lighting scheme to protect potential bats roosts in adjacent housing.
- 5.15 Transportation  
At the pre-application stage the Local Planning Authority raised concerns regarding the potential impact on residential parking which could lead to problematic on-street parking, which could compromise highway safety. The Local Planning Authority therefore, requested that a parking survey be carried out over the course of the week (daytime and evenings) to allow the Local Planning Authority to consider how well the parking court is used and the effect of its loss on local highway conditions.
- 5.16 The landowners carried out a parking survey between 7<sup>th</sup> October 2009 and 23<sup>rd</sup> October 2009 at various peak time periods. On each occasion there were between five and six cars parked at the parking court with very little vehicular movements recorded. An additional parking survey was carried out by TPA and Kendall King Scott Architects on behalf of Knightstone housing between 19:30 and 19:45 on 23<sup>rd</sup> January 2014 where six cars were observed in the parking court.
- 5.17 The results of the parking surveys indicate that the use of the parking court has not been intensive and has not varied considerably over the last couple of years. In addition, in the latest survey it was observed that there were approximately seven spaces available within 50 metres of the site, a further five spaces available within 100 metres of the site, and additional spaces available 200 metres from the site. Accordingly, it is not considered that the loss of the parking court will have a significant adverse effect on local parking conditions to the detriment of highway safety or the amenities of the area.
- 5.18 The South Gloucestershire Residential Parking Standards SPD (adopted) specifies that there is a requirement to provide 12no. parking spaces to serve the development, (1 visitor space, 5 spaces for the 2 bed units and 6 spaces for the 3 bed units. The plans demonstrate provision for 12no. parking spaces, which accords with the requirements of the minimum standards SPD. 2no. cycle parking spaces are proposed for each residential unit via a 2.4 by 1.8 metre shed in the rear garden. Accordingly, there are no transportation objections. If permission is granted a condition is recommended for the cycle parking and vehicular parking to be provided prior to the first occupation of the dwellings. The layout plan demonstrates that strips of land will be set aside to ensure that there is adequate access for neighbouring properties to access their rear gardens.

## 5.19 Residential Amenity

### Impact on no.12

The semi-detached pair of dwellings (plots 1 and 2) align approximately with the front elevation of no.12, although the rear elevation of the proposed dwellings extends beyond the existing rear elevation of the neighbouring dwelling by approximately 2 metres. The detached dwelling is located approximately 15 metres from no.12 and approximately 8 metres from the flank boundary of no.12. Given the level of separation and the location of the neighbouring property south of the proposed dwellings, it is not considered that neighbouring occupiers will be significantly adversely affected through loss of outlook or natural light.

5.20 No first floor windows are proposed in the southern (side) elevation of the dwelling; the windows in the rear elevation of the semi-detached pair of dwellings will allow for oblique views into the garden of neighbouring garden of no.12, this is considered to be a typical relationship between neighbouring dwellings and will not adversely effect the privacy of neighbouring occupiers.

5.21 The rear of the detached dwelling (plot 3) faces towards the garden of the neighbouring property. However, the proposed dwelling is orientated such that any views will be towards the western end and less intimate area of the garden. There is also a distance of 8 metres between the rear elevation of the proposed dwelling and the garden of the neighbouring property, which will help lessen the degree of any overlooking. In addition, a single opening is proposed at first floor level in the rear elevation for the detached dwelling, which will help to minimise any overlooking. Accordingly, on balance, it is considered that neighbouring occupiers will not be significantly adversely affected through loss of privacy.

### 5.22 Impact on nos.10, 8 and 6

The terrace of three properties (plots 4, 5, and 6) are located northwest of the neighbouring properties 10, 8 and 6 at a distance of approximately 20 metres. The neighbouring property no.8 will directly face the southeastern side elevation of the neighbouring property and therefore, will be most affected. Notwithstanding this, given that the roof of the terrace is hipped, and the separation distance of approximately 20 metres, on balance, it is considered that any loss of outlook will not unreasonably harm the residential amenity of neighbouring occupiers. In addition, the neighbouring properties are located southeast of the proposed dwellings; therefore, it is not considered that neighbouring occupiers will be significantly adversely affected through loss of natural light.

5.23 No first floor windows are proposed in the southeastern side elevation of the proposed terrace, which directly faces the boundaries of nos.10, 8 and 6. The windows in the principal front and rear elevation of the terrace will not directly face towards the neighbouring properties.

5.24 The detached dwelling proposed is approximately 17 metres from no.10 and approximately 11 metres from the garden of no.10. The orientation of the proposed dwelling is such that first floor windows will face away from the rear of the neighbouring properties and any views into the rear gardens of neighbouring properties will be at an oblique angle.

- It is not considered that the neighbouring occupiers will be significantly adversely affected through loss of natural light or privacy.
- 5.25 **Impact on no.4**  
The proposed terrace is approximately 24 metres from the property at the closest point. The proposal will only be visible from the windows in the rear elevation of the neighbouring property at an oblique angle. Although there is likely to be some loss of light given the location of the neighbouring property east of the proposed terrace, it is not considered that occupiers will be significantly adversely affected through outlook or natural light given the level of separation and the fact that the proposal is stepped away from the neighbouring flank boundary.
- 5.26 The rear windows at first floor level in the terrace will not directly face the rear windows in the neighbouring property; therefore, it is not considered that there will be any significant adverse inter-visibility issues. Whilst there is likely to be some overlooking from rear windows at first floor level into the neighbouring garden, the separation distance to the boundary of approximately 9 metres will lessen the degree of any overlooking. In addition any overlooking will not be into amenity areas that are more intimately associated with the main dwelling. Accordingly, on balance, it is not considered that neighbouring occupiers will be significantly adversely affected through loss of privacy.
- 5.27 **Private Amenity Space/Living Standards**  
Each dwelling will benefit from a garden area, which will be sufficiently private and large to provide a good standard of enjoyment for future occupiers. The dwellings will provide a good standard of amenity for future occupiers in terms of privacy, outlook and natural light. Although the rear elevation of plot no.2 directly faces the side gable of plot no.3 it is considered that the separation distance of 10 metres is adequate to ensure that no significant adverse amenity issues will be created.
- 5.28 Drainage  
The Council's Drainage Officer has raised no objections to the proposal subject to a suitably worded condition if permission is granted to ensure that further drainage details are provided. The Council's Drainage Officer requested that a mining report be submitted as the site is within the former Bristol coalfields. The applicant has provided a Coal Mining Report, which sets out that the site is not within the zone of underground or opencast workings. There are no known coal mine entries within, or within 20 metres of the, boundaries of the site. There are no records of subsidence or mine gas emissions recorded for the site.
- 5.29 Education Requirements  
There is a projected surplus capacity at both primary and secondary schools within the area of the proposed development. As such, there is currently no requirement for an education contribution.
- 5.30 Affordable Housing  
The application seeks full planning permission for a residential scheme for 6 dwellings with associated works. The scheme is for 100% affordable housing.

The supporting text relating to Policy CS18 of the Core Strategy states the following:

*On sites allocated solely for affordable housing, or where only affordable is proposed, there will be no requirement to deliver a percentage without public subsidy where the threshold is exceeded, as set out in this policy, providing that the proposed affordable housing meets identified need and complies with the requirements of the affordable Housing Supplementary Planning Document.*

As the scheme exceeds the rural threshold as set down under Policy CS18 of the Core Strategy, i.e. 5 units or 0.2 hectares, the Council will secure 35% (2 affordable homes) as part of a Section 106 agreement in accordance with the requirements set out below.

#### Background

The scheme will deliver much needed rural affordable housing which is a high priority for the Council. The scheme will provide a range of 2 & 3 bedroom houses which will meet those identified needs as set out in the Strategic Housing Market 2009. All units will meet the development standards set out in the Affordable Housing Supplementary Planning Document i.e. will be built to Level 3 of the Code for Sustainable Homes, Lifetime Homes standard and Secured by Design.

#### Summary of Requirements

In accordance with policy CS18 and guidance in the affordable housing SPD, the following requirements are sought:

- 35% of dwellings (2 homes) to be delivered as affordable housing, as defined by the NPPF.
- Plots 1 & 2 which relate to 2 x 2 bedroom homes will be secured as part of the Section 106 agreement.
- The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.
- Design and specification criteria: All units to be built in line with the same standards as the market units (if higher) and to fully comply with the latest Homes and Communities Agency (HCA) standards applicable at the time the S.106 will be signed, to include at least Level 3 of the Code for Sustainable Homes, Lifetime Homes standard, Secured by Design, and compliance of RP design brief.
- Delivery is preferred through a Housing Delivery Panel (HDP) RP. The HDP is set up to deliver affordable housing across the West of England to local development and management standards. The Council encourages the developer to work with a member of the HDP, and in the event of the developer choosing an Affordable Housing Provider from

outside this panel then the same WoE standards will need to be adhered to.

- Phasing: Affordable housing to be built at the same time as the rest of the housing on site in line with agreed triggers as per S.106 agreement, with a detailed assessment on a site by site basis. Where the development will proceed over more than one phase, the location, amount, type and tenure of the affordable housing in each phase will need to be set out in an Affordable Housing Masterplan and Schedule. This is to be submitted for approval by the Council before determination of the first residential Reserved Matters application.
- The Council will define affordability outputs in the S.106 agreement, without any further information regarding sales values the affordability standards are as follows:
  - social rents to be set at target rents
  - affordable rents to include service charges in line with NPPF definition and set at up to 80% local median market rents; in addition the applicant should demonstrate they have taken local affordability and deliverability into account including the consideration of welfare reform changes and local market information
  - service charges will be capped at an appropriate level to ensure that the affordable housing is affordable
- Social rented and affordable rented accommodation to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided.
- Any capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.

#### Community Services Provision

There is no requirement for any community services provision.

#### Further Matters

Concerns raised relating to the effect on property prices and the type of occupiers the affordable housing will attract are not material planning issues that can be given significant weight in this instance. The concerns raised regarding lack of consultation are noted; however, the consultation process was carried out in accordance with the Council's Statement of Community Involvement SPD (adopted).

The objection received in respect of land ownership and rights of access is a separate legal matter that is outside the scope of this planning 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 set out above, and to all the relevant material considerations set out in the report.

## 7. **RECOMMENDATION**

- 7.1 That authority be delegated to the Director of Planning, Transportation and the Strategic Environment to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

### Affordable Housing

- 35% of dwellings (2 homes) to be delivered as affordable housing, as defined by the NPPF.
  - Plots 1 & 2 which relate to 2 x 2 bedroom homes will be secured as part of the Section 106 agreement.
  - The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.
  - Design and specification criteria: All units to be built in line with the same standards as the market units (if higher) and to fully comply with the latest Homes and Communities Agency (HCA) standards applicable at the time the S.106 will be signed, to include at least Level 3 of the Code for Sustainable Homes, Lifetime Homes standard, Secured by Design, and compliance of RP design brief.
  - Phasing: Affordable housing to be built at the same time as the rest of the housing on site in line with agreed triggers as per S.106 agreement, with a detailed assessment on a site by site basis. Where the development will proceed over more than one phase, the location, amount, type and tenure of the affordable housing in each phase will need to be set out in an Affordable Housing Masterplan and Schedule. This is to be submitted for approval by the Council before determination of the first residential Reserved Matters application.
- 7.2 That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.

- 7.3 If the Legal Agreement is not signed within 6 months of the resolution then the application will be refused under delegated officer powers.

**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 commencement of development 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 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 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; and a schedule of maintenance for a minimum period of 5 years, for the vegetation on the western boundary, including details of the arrangements for its implementation, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason

To protect the wildlife and the ecological interests of the site and the character and visual amenity of the area and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and saved policies L1 and L9 of the South Gloucestershire Local Plan (adopted) January 2006.

4. Prior to the commencement of the development a detailed arboricultural method statement regarding the installation of service runs in proximity to retained trees shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason

To preserve the health and amenity of trees in the interests of the character and visual amenity of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and saved policy L1 of the South Gloucestershire Local Plan (adopted) January 2006.

5. The development shall be carried out in accordance with the tree protection plan no. 140121-NCL-TPP-NC-1.1 received by the Council on 28th January 2014.

Reason

To preserve the health and amenity of trees in the interests of the character and visual amenity of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and saved policy L1 of the South Gloucestershire Local Plan (adopted) January 2006.

6. Prior to the first occupation of the dwellings hereby approved a Scheme of Lighting shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason

To protect potential bat roosts in adjacent neighbouring properties in the interests of ecology and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and saved policy L9 of the South Gloucestershire Local Plan (adopted) January 2006.

7. The off-street parking facilities (for all vehicles, including bicycles) shown on the plans hereby approved shall be provided before the dwellings are first occupied, and thereafter retained for that purpose.

Reason

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

8. The residential units hereby approved shall not be occupied until the refuse bins and boxes storage areas have been provided in accordance with the approved plans.

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.

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

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

# ITEM 9

## CIRCULATED SCHEDULE NO. 09/14 – 28 FEBRUARY 2014

<b>App No.:</b> PT13/4665/F	<b>Applicant:</b> Mr Needs
<b>Site:</b> Lanes Dairy Rectory Lane Filton South Gloucestershire BS34 7BF	<b>Date Reg:</b> 21st January 2014
<b>Proposal:</b> Change of use of ground floor from sui generis to Class B2 (as defined in the Town and Country Planning (Use Classes) Order 1985 (as amended))	<b>Parish:</b> Filton Town Council
<b>Map Ref:</b> 360366 179287	<b>Ward:</b> Filton
<b>Application Category:</b> Minor	<b>Target Date:</b> 13th March 2014



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100023410, 2008.

N.T.S.

PT13/4665/F

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

This application has been referred to the Circulated Schedule due to the receipt of two letters of objection from local residents.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the change of use of the ground floor of the former Lanes Dairy from the authorised use as a parcel, sorting and dispatch depot (sui generis) to use Class B2. The site is currently being used for timber framing.
- 1.2 The application relates to a two and three storey detached building on the east side of Rectory Lane, Filton. The upper floors provide for seven bed-sits; these would remain with the application relating to the ground floor of the building only.

### **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  
E3 Criteria for Assessing Proposals for Employment Development  
T8 Parking Standards  
T12 Transportation Development Control Policy for New Development  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS9 Managing the Environment and Heritage  
CS13 Non-Safeguarded Economic Development Sites
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

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

- 3.1 P85/2784                      Erection of extension to existing garage to house milk vans.  
Approved 5 February 1986
- 3.2 P86/1546                      Erection of extension to existing garage to house milk vans.  
Approved 4 June 1986
- 3.3 P87/1079                      Erection of extension to existing garage to house milk floats.  
Approved March 1987
- 3.4 PT07/2260/F                  Change of use from dairy to garage for car sales (sui

generis).  
Approved September 2007

- 3.5 PT08/0083/F Change of use from dairy to residential; erection of three-storey front and side extension to facilitate conversion of existing building to provide 19 flats. Withdrawn March 2008
- 3.6 PT08/2328/F Change of use from dairy to residential; erection of two-storey front and side extension to facilitate conversion of existing building to 12 flats; construction of new vehicular access with associated works. Refused September 2008
- 3.7 PT10/1065/F Change of use from diary (sui generis) to parcel delivery, sorting and despatch depot (sui generis) Approved July 2010

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

- 4.1 Filton Town Council  
No response received
- 4.2 Enforcement  
No comments
- 4.3 Environmental Protection  
No objections subject to the attachment of conditions restricting the hours of operation and ensuring that the noise from the site is limited.
- 4.4 Sustainable Transport  
No objections

#### **Other Representations**

- 4.5 Local Residents  
Two letters from neighbouring residents have been received raising the following concerns:
- Unacceptable to have a building used for general industrial work in a residential area where many young children live and adjacent to a retirement home
  - Impact of noise and other disturbances is inappropriate
  - Rectory lane is a small dead end lane that needs to be kept clear of obstructions (delivery vehicles) to allow emergency vehicle access.
  - The footpath needs to be kept clear of obstructions to allow pedestrian and disabled access to the nearby shops
  - Increased noise and litter
  - Parking issues at weekends, bank holidays and during business hours
  - Building not designed to be used as a workshop

- Question the extraction units and whether there are the correct safe systems at works and risk assessments in place.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The National Planning Policy Framework carries a general presumption in favour of sustainable economic development.

Policy CS1 of the Core Strategy seeks to ensure that proposals are of a high standard in design and Policy CS9 outlines that development will be expected to protect land, air, buildings and people from pollution.

The site is not located within a defined safeguarded area for economic development. Policy CS13 of the Core Strategy seeks to protect non-safeguarded employment sites from changes of use. In this instance, the current proposal would maintain an economic use at this site.

Policy E3 of the local plan is a saved policy which advises that proposals for employment development within the urban areas and defined settlement boundaries will be permitted provided that the following criteria are met:

### 5.2 **Development would not have an unacceptable environmental effect; and**

The Councils environmental protection officer has assessed the proposal and it is not considered that the change of use would result in any unacceptable environmental impacts. It is considered necessary to attach conditions that would restrict the hours of operation and ensure that all work that would result the use of noisy machinery is carried out within the premises with the front entrance doors closed, this would ensure that the noise from the site would be limited

### 5.3 **Adequate provision is made for servicing and delivery requirements and development would not give rise to unacceptable levels of traffic, especially heavy goods vehicles, or on street parking to the detriment of the amenities of the surrounding area of highway safety; and**

The applicant has stated that no customers would be visiting the site and that deliveries to and from the site would be infrequent. For example since November only two deliveries have taken place. As such the proposed change of use is unlikely to result in any increase in traffic movements over and above the existing authorised use as a sorting and despatch depot. Furthermore the existing hardstanding and access would remain unchanged.

The Councils Highways officer has assessed the proposal and there is no transportation objection as it is considered that the proposal is relatively small scale and as such is unlikely to generate significant vehicle movements that would create a highway safety hazard.

With regards to the additional concerns that have been raised regarding parking and obstructions on Rectory Lane. it is should be noted that the authorised use as a sorting and despatch depot with the seven bed sits above



is considered to be comparable in highway terms to the proposed change of use.

Finally, with regards to further parking along Rectory Lane, in planning terms it is not possible to control vehicle parking on a public highway or at locations beyond the application site. However, in view of the extant use and planning history, it is not considered that this application could be reasonably refused on lack of parking or highway safety grounds.

#### **5.4 Development would not prejudice existing residential amenity; and**

There are a number of residential dwellings within close proximity of the application site with these including the bedsit accommodation above, the two-storey flatted accommodation further along Rectory Lane and those dwellings fronting Station Road to the south; there are also further dwellings within Mayville Avenue behind although these are less likely to be impacted by the proposal.

In response, given that there are no external alterations to the building, it is not considered that any significant adverse impact on residential amenity would be caused in terms of overlooking, loss of privacy or overbearing. Nonetheless, it is noted that concerns have been expressed having regard to the potential noise disturbance.

A condition would be attached to any permission ensuring that the use of any machinery must take place within the premises and that the front doors must remain closed when work with noisy machinery is taking place. Furthermore, engineering work and deliveries will be restricted to between 07.30 and 18.00 Monday to Friday and between 08.00 and 13.00 on Saturdays. In addition, it is considered that the size of the building also limits the scale of operations that can take place there. For these reasons, and subject to an appropriately worded condition in respect of operating hours, it is not considered that any significant adverse impact in residential amenity would be caused.

#### **5.5 The character of the area would not be adversely affected.**

No alterations to the exterior of the building are proposed and the premises are already authorised for an employment use. As such it is not considered that the proposed change of use would result in any detrimental impact on the character of the area.

#### **5.6 Design/ Visual Amenity**

The application relates to the ground floor of a two and three-storey building that is currently authorised for use as a parcel delivery, sorting and dispatch depot. The application is retrospective as the site is currently being used for the construction of timber framing.

The application would not involve any external changes to the building and thus for this reason, there is no objection to this current proposal on design/ visual amenity grounds.

## 5.7 Other Issues

Concerns have been raised with regard to the suitability of the use of the premises as a workshop and regarding the working conditions. These issues would be considered under separate legislation such as building regulations. However it should be noted that the proposal has been assessed by the Councils environmental protection officer and no concerns were raised.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That the application be approved subject to the conditions outlined below.

**Contact Officer: Kirstie Henshaw**  
**Tel. No. 01454 865428**

## CONDITIONS

1. No engineering works or deliveries should take place outside of the following hours; Monday - Friday 7.30 -18.00 Saturday 8.00 - 13.00 and no activities on Sundays or Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013

2. Due to noise from equipment used on site the front doors must be kept closed when mechanical saws, routers, sanders, planes and drills etc are being used.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013

3. No engineering activities likely to give rise to noise complaints from the occupiers of neighbouring properties should be undertaken outside of the workshops in the yard area (e.g. hammering, grinding, drilling, cutting, metal fabrication etc)

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013

4. 1. Any existing buildings on site should be assessed for asbestos materials prior to demolition. Any asbestos must be removed in full consultation with the Health & Safety Executive.
2. Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;  
Monday - Friday.....7.30 - 18.00  
Saturday.....8.00 - 13.00.  
No noisy activities on Sundays or Bank Holidays.
3. All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.
4. Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.
5. In periods of dry weather, dust control measures should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.
6. Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (eg. Plastics, rubber, treated wood, bitumen etc)
7. Radio noise should not be audible at the boundary of the nearest neighbouring property.
8. Any temporary oil storage tanks should be safely and securely sited so as to prevent pollution in the events of spills or leakage. It is also strongly recommended that any oil storage tank should be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank.
9. Neighbouring residential premises should be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works should be notified to the Environmental Services Department on (01454) 868001 prior to commencement.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013

# ITEM 10

## CIRCULATED SCHEDULE NO. 09/14 – 28 FEBRUARY 2014

**App No.:** PT14/0076/F  
**Site:** 1 Kipling Road Filton South  
Gloucestershire BS7 0QP

**Applicant:** Mr K Ayton  
**Date Reg:** 23rd January 2014

**Proposal:** Alterations to roofline (retrospective)  
and installation of rear dormer window

**Parish:** Filton Town  
Council

**Map Ref:** 360720 178210

**Ward:**

**Application Category:** Householder

**Target Date:**

12th March 2014



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**N.T.S.**

**PT14/0076/F**

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

This application appears on the Circulated Schedule because an objection has been received contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the alterations of the roofline to facilitate the installation of a rear dormer window.
- 1.2 The application site comprises a two-storey end of terrace property situated on the northwestern side of Kipling Road within the established residential area of Filton.
- 1.3 The rear dormer window proposed would normally be 'permitted development' by virtue of Part 2, Class B of the General Permitted Development Order. However, planning permission is required in this instance as permitted development rights were removed in the original consent for the dwelling (PT09/5380/F).
- 1.4 The development has already started therefore; the application will be assessed retrospectively.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
H4 Residential Development within Existing Residential Curtilages  
T12 Transportation Development Control Policy for New Development  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS5 Location of Development
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)

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

- 3.1 PT13/3829/F - Alteration to roofline.(Retrospective). Withdrawn 11/12/13.
- 3.2 PT08/1073/F - Erection of two storey side extension to form 2 no. self contained flats with associated works. Refused 23 July 2008.
- 3.3 PT08/3075/F - Erection of two storey side extension to form 1 no. self contained flat with associated works (Resubmission of PT08/1073/F). Refused 28 August 2009.

- 3.4 PT09/5380/F - Erection of two storey side extension to form 1 dwelling with associated works (Resubmission of PT08/3075/F). Approved 27 November 2009.
- 3.5 PT10/2499/F, Erection of single storey rear extension to facilitate conversion of existing dwelling to form 2no. self contained flats with associated works, approval, 26/11/10.

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

- 4.1 Filton Town Council  
No objection
- 4.2 Drainage Officer  
No comment
- 4.3 Transportation DC Officer  
No transportation comments

#### **Other Representations**

- 4.4 Local Residents  
One letter of objection has been received from a neighbouring occupier. The following is a summary of the reasons given for objecting:

The applicant has already doubled the size of the house and will have enough tenants without going into the roof; applicant has built very close to the rear of our house; we would like a wall built or fenced off between the two plots; concerns regarding parking.

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

- 5.1 Principle of Development  
The saved policy H4 of the South Gloucestershire Local Plan (adopted January 2006) allows for the principle of the development. The main issues to consider are the appearance/form of the proposal; the impact on the residential amenity of neighbouring occupiers; and transportation effects.
- 5.2 Appearance/Form  
The proposal relates to an approved two-storey side extension to an existing property to form a separate residential unit, which is currently under construction. The proposal amends the roof form of the extension slightly. The hipped roof form of the extension is the same as that approved under application PT09/5380/F; however, the hipped roof of the existing property has been changed to a gable. It is considered that this part of the scheme is not adversely out of keeping with the character of surrounding properties.
- 5.3 The proposed dormer window is considered to be acceptably in-keeping with the character of the host dwelling and surrounding properties. Weight is given to the fact that it will not be adversely prominent from views from the surrounding area. The applicant has specified that the materials used will

match the appearance of the existing dwelling. A condition is not therefore, required if permission is granted.

5.4 Residential Amenity

Permitted development rights were removed in the interests of residential amenity; therefore, careful consideration is required regarding the effect on neighbouring occupiers. The alterations to the roof form proposed are contained within the existing footprint of the dwelling; therefore, it is not considered that it will have a materially greater effect on the amenity of neighbouring occupiers than the previously approved scheme.

5.5 Whilst it is noted that the proposed dormer window would allow for views into the rear gardens of properties fronting Ninth Avenue, any overlooking will be at an oblique angle, which would lessen the impact on the amenity of occupiers. Moreover, the existing first floor windows in the property already face towards the gardens of neighbouring properties; therefore, it is not considered that the proposal would introduce any new significant adverse privacy issues. Given the location of the proposed dormer window in the roof slope of the existing dwelling it is not considered that it will have a significant adverse effect on the amenity of neighbouring occupiers through loss of natural light or outlook.

5.6 All other neighbouring properties are located at a sufficient distance to ensure that the residential amenity of occupiers will not be significantly adversely affected. The request from a neighbouring occupier for a fence or wall to be erected on the boundary is not directly relevant to the development proposed. Accordingly, a condition on this basis will not pass the tests for applying conditions contained in Circular 11/95.

5.7 Transportation

The proposal provides another bedroom within the roof of the property to increase the number of bedrooms to 3. The South Gloucestershire Residential Parking SPD (adopted) specifies that 2no. parking spaces are required to be provided within the site. Notwithstanding this, the creation of the additional room in the roof of the property could be undertaken without planning permission. Permission is only required for the proposed dormer window. The Council's Transportation Officer has not raised any objections; therefore, it is considered that the proposal will not bring about any significant adverse transportation issues.

**6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 Planning permission is GRANTED subject to the following condition.

**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).



## CIRCULATED SCHEDULE NO. 09/14 – 28<sup>th</sup> FEBRUARY 2014

<b>App No.:</b>	PT14/0077/CLP	<b>Applicant:</b>	Mr R Goddard
<b>Site:</b>	Greenacres Perrinpit Road Frampton Cotterell South Gloucestershire BS36 2AR	<b>Date Reg:</b>	14th January 2014
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed conversion of existing detached garage to an ancillary residential annexe for occupation by a dependant relative.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	365816 182372	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	10th March 2014



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

This application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed alterations and conversion of the existing detached outbuilding to form a residential annexe would be lawful.
- 1.2 The application relates to a detached bungalow situated on a large plot situated within the Bath/ Bristol green belt. The building to be converted is an existing double garage/ workshop situated to the side of the bungalow.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

Town and Country Planning (General Procedures) Order 1995

Town and Country Planning (General Permitted Development) Order 1995 (As Amended), Schedule 2, Part 1, Class E.

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

- 3.1 PT12/3369/F - Demolition of existing outbuildings. Erection of single storey extension to form annexe ancillary to main dwelling. Withdrawn 21<sup>st</sup> November 2012
- 3.2 PT07/2296/F - Erection of conservatory. Approved 28<sup>th</sup> September 2007
- 3.3 PT06/0482/F - Erection of single storey rear extension to provide additional living accommodation. Alterations to existing roofline to facilitate loft conversion. Formation of vehicular access (Resubmission of PT05/3631/F). Approved 27<sup>th</sup> March 2006
- 3.4 PT05/3631/F - Erection of single storey side and rear extension to provide garage and additional living accommodation. Alteration to existing roofline to accommodate loft conversion. Formation of new vehicular access. Withdrawn 19<sup>th</sup> January 2006

### **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
No objection

#### **Other Representations**

- 4.2 Local Residents

No comments received

## **5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

- 5.1 Location Plan (1476-000); Existing Plans and Elevations of Detached Garage (1476-001); Proposed Plans and Elevations of Converted Garage (146-002 A); Supporting Statement from Curtis Cryer: Architects; Building Completion Certificate dated 2<sup>nd</sup> October 2007; Report – 4/00507/10/FHA.

## **6. EVALUATION**

- 6.1 The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit: the decision is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application. If the evidence submitted demonstrates that the proposed development is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming this.
- 6.2 The outbuilding subject to this application is as existing and evidence in the form of building completion certificate suggests that it has been in place since October 2007. The building meets the criteria outlined within Part 1, Class E of the GPDO (As Amended) 1995 and as such Officers consider the building as existing to be 'permitted development' in any case. The current use of the building is shown as a garage and workshop/hobby room. Although the permitted development technical guidance makes it clear that an 'annexe' is not an incidental use case law in the area is well established and very clear that the distinction between primary and incidental purposes relates only to the justification for providing the building in the first place and does not govern subsequent residential changes in use.
- 6.3 This application seeks confirmation that the alterations and subsequent use of the existing building as an annexe would be lawful. The key issues to resolve within this proposal is to establish whether the use of the building as a residential annexe would require planning permission, and whether the alterations proposed amount to a material change in the external appearance of that building.
- 6.4 Change of Use  
In terms of determining whether the proposal represents a material change of use, which constitutes development, Circular 03/2005 sets out that the judgement is a matter of fact and degree to be determined in each case. The guidance contained within Circular 03/2005 states that a premises can be considered as being a single and separate dwellinghouse when it meets the following criteria: it is regarded as a separate planning unit; it contains normal facilities for cooking, eating and sleeping associated with a dwelling; and is occupied as a single household.

- 6.5 In this application the plans demonstrate a self-contained 'annexe' which would be capable of functioning as a separate planning unit. However, weight is also given to existing case law. It is noted that in the case of *Uttlesford District Council v Secretary of State for the Environment* and another the judgement was that a building that was separate from the main dwelling and contained facilities to allow self-contained living did not decisively indicate that the accommodation was a separate planning unit. In this instance the judge gave significant weight to the fact that the accommodation was to be occupied by a family member and was aptly described as a "granny annexe", which indicated that there would be no severance of the planning unit.
- 6.6 The building subject to this application is a large detached garage. It was built in 2007 and is considered to meet the criteria contained within Part 1, Class E of the GDPO. The building is located to the side of the bungalow at a distance of 5.7 metres. Whilst the proposed accommodation is of a scale that would permit self-contained living separate from the main dwelling, the information submitted indicates that the annexe will be used for accommodation for the applicant's elderly parents and the description of development has been amended to clearly indicate this. In this instance, as already identified by case law, Officers give significant weight to the fact that the accommodation is to be occupied by a dependent relative.
- 6.7 Weight is also given to the circumstances at the site. Firstly, the building is not significantly separate from the main dwelling and the information submitted does not indicate that there will be any separating boundaries between the application building and the main dwelling. The building and main dwelling would continue to share the same access and amenity space, which will ensure that a close relationship between the application building and main dwelling will remain.
- 6.8 Accordingly, on the balance of probability, taking account of the site, the proposal and the case law, it is considered that the proposed occupation of the building by a relative does not represent a material change of use of the building to a separate dwellinghouse.
- 6.9 Material Change in Building  
When considering the proposal a key issue is to consider whether it constitutes "development". The Town and Country Planning Act 1990 provides a definition of the meaning of development, which is....*the making of any material change in the use of any buildings or other land...and the...alteration of any building of works which...materially affect the external appearance of the building.* The proposal includes alterations to the building to facilitate the use of it as an annexe including glazing to the rear elevation, the installation of 2no. windows to the side elevation, and the replacement of the garage doors with fixed door infills.
- 6.10 In terms of whether the alterations to the appearance of the building represent development, consideration is required as to whether they would materially affect the external appearance of the building however there is no statutory definition of "material effect". In this respect consideration has been given to the case of *Burroughs Day v Bristol City Council* [1996]. In this case the court held

that changes in external appearance had to be judged in relation to the building as a whole in order to determine the materiality of their effect. Here it was also held that any change to external appearance must be visible from a number of normal vantage points and that visibility from the air or a single building would not be suffice. Thus part of the test for “material effect” must depend on the degree of visibility.

- 6.11 In this instance the proposal is to alter the rear elevation of the building to glazing/ French doors, the installation of 2no. windows to northwest elevation, and replacement of the garage doors with fixed doors. There would be no change to the scale or footprint of the building and the scale front openings would remain in tact. Although the site is located in a rural area, the application building is clearly modern and domestic in character. The alterations proposed would not be adversely out of keeping with the character of the building such that they would materially affect or harm its appearance. It is also considered that the alterations would not be significantly prominent when viewed from the public realm. The application building is single storey in scale and the main alterations are confined to the rear (southwest) elevation and side (northwest) elevation. The front (northeast) elevation is the elevation visible from the public realm (highway) and would continue to appear as an ancillary garage with fixed doors infilling the area which currently houses the garage doors.
- 6.12 Given the above, whilst it is noted that the appearance of the exterior of the building will be affected, given the lack of visibility of the alterations, the fact that only a small part of the building will be affected and the overall scale, bulk and form of the building will not change, it is considered that the external appearance of the building will not be materially affected. As such, on the balance of probability it is not considered that the alterations proposed will not materially affect the external appearance of the building and would not constitute ‘development’. Weight is also given to the fact that the building in its current state functions as ‘incidental to the enjoyment of the main dwelling’. Accordingly the alterations proposed to the exterior of the building, in isolation, could be undertaken lawfully under Part E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). As such, even if the proposed changes were considered ‘material’, provided that the alterations to the exterior of the building were carried out before the building was occupied as an annexe, they would be considered permitted development in any case.
- 6.13 Conclusion  
Officers consider that the proposed alterations to the building will not materially affect its external appearance, and the alterations to the external appearance of the building, when considered in isolation, could lawfully be undertaken under Part E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The description clearly defines the occupation of the building is as ancillary accommodation for a dependent relative and as such would not be a material change of use of the building and does not constitute "development" as specified in the Town and Country Planning Act 1990. In consideration of the above, on the balance of probability, Officers consider the proposal to be lawful.

7. **RECOMMENDATION**

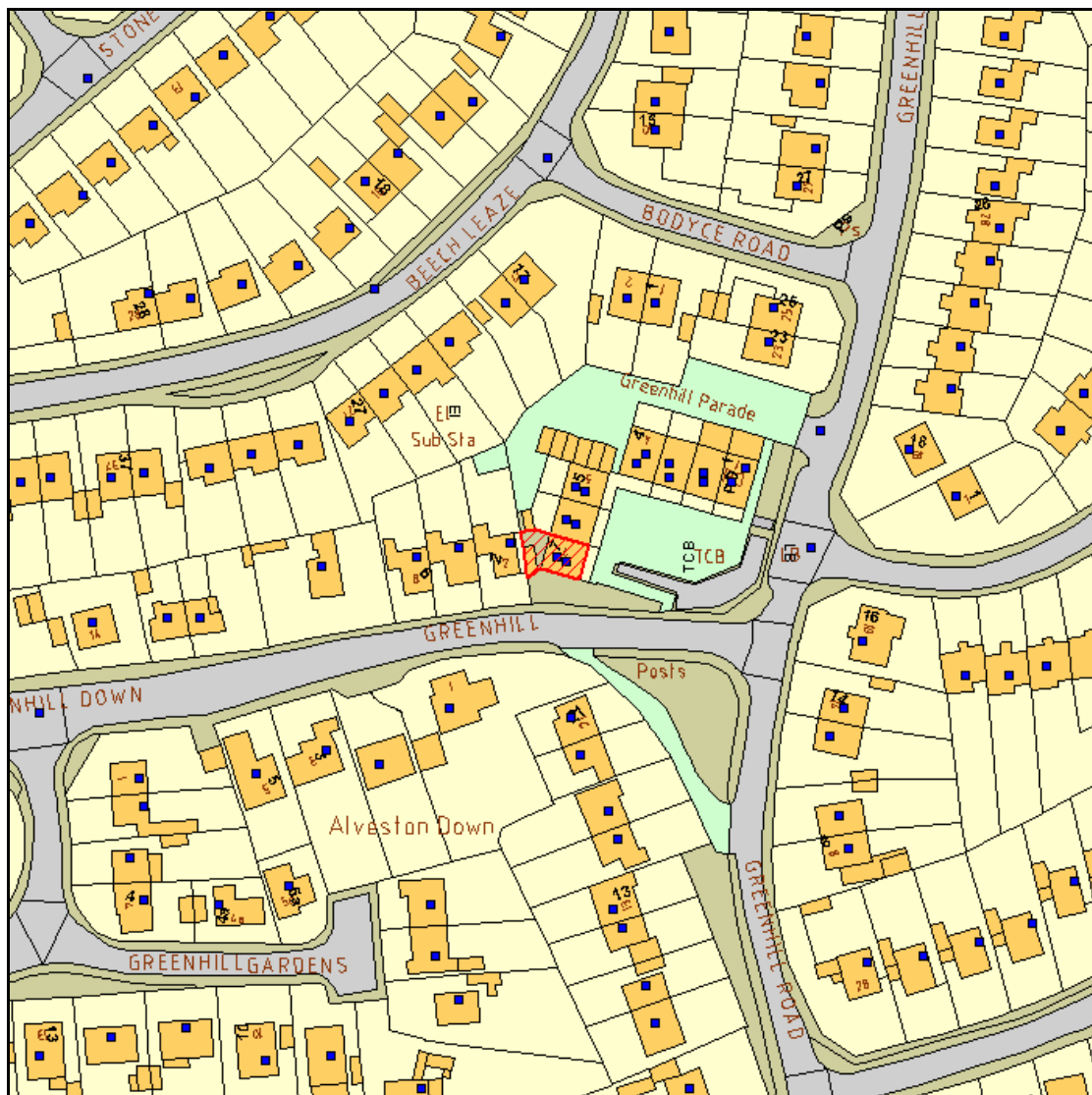
7.2 That a Certificate of Lawful Development is **GRANTED**.

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

# ITEM 12

## CIRCULATED SCHEDULE NO. 09/14 – 28 FEBRUARY 2014

<b>App No.:</b>	PT14/0112/F	<b>Applicant:</b>	Mrs O Wong
<b>Site:</b>	7 Greenhill Parade Alveston South Gloucestershire BS35 3LU	<b>Date Reg:</b>	20th January 2014
<b>Proposal:</b>	Change of use of ground floor from Cafe (Class A3) to a mixed use Hot Food Takeaway (Class A5) and Cafe (Class A3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (Retrospective).	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	363206 188017	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th March 2014



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

This application is referred to the Circulated Schedule to take into account the comments of objection received from local residents. These comments are contrary to the Officer recommendation for approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for a change of use of a unit in Greenhill Parade shopping precinct in Alveston. The site has an authorised A3 restaurant/café use, however it is trading as a composite A5 (hot food takeaway) and A3 (restaurant). Whilst a limited level of takeaway trade may be permissible under an A3 use, the extent of the takeaway business is considered to form part of the primary use of the unit and therefore a change of use is required.
- 1.2 This application is retrospective as the use of unit as a takeaway has already commenced.
- 1.3 Located on Greenhill Parade in Alveston, the unit is located within a defined settlement. The shopping precinct is not covered by any particular retail designation nor is it defined as a local centre or parade for the purpose of retail policy.

### **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  
CS14 Town Centres and Retail

South Gloucestershire Local Plan Adopted January 2006 Saved Policies  
T12 Transportation  
RT8 Small Scale Retail Uses

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

- 3.1 PT13/1004/F Approve with Conditions 07/05/2013  
Change of use of ground floor from shop (Class A1) to coffee shop/restaurant (Class A3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)
- 3.2 N8605 Approve with Conditions 05/05/1983  
Erection of roof over yard to form storage area



- 3.3 *No.5 Greenhill Parade*  
P92/2479 Dismissed at Appeal 28/06/1993  
Change of use of ground floor premises from retail shop to hot food takeaway (from class A1 to A3 as defined by the town and country planning (use classes) order 1987)
- 3.4 *No.3 Greenhill Parade*  
P91/1246 Refused 11/04/1991  
Change of use of ground floor of premises from retail shop to hot food takeaway (from class A1 to class A3 as defined by the town and country planning (use classes) order 1987)

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

- 4.1 Alveston Parish Council  
No objection, subject to the environmental recommendations being adhered to
- 4.2 Drainage  
No comment
- 4.3 Environmental Protection  
Full details are required of the extraction and odour abatement systems need to be submitted
- 4.4 Transport  
No objection

#### **Other Representations**

- 4.5 Local Residents  
Four comments of objection have been received from local residents. These comments can be summarised as follows:
- Ambiguity about the closing date for public comments
  - Area used heavily during school run and Saturday mornings
  - Concern over arrangements for the disposal of waste
  - Concern that the shopping parade will become a meeting place for young people causing a disturbance to the residents
  - Discarded food would encourage pests and animals
  - Discussions have been ongoing regarding the type of license the property needs
  - Double yellow lines should be extended
  - Increase in noise
  - Increase in traffic
  - Lead to congestion
  - Limited parking available
  - Local Planning Authorities have a duty to promote healthy communities and social and cultural wellbeing
  - Odour will intensity in warmer weather
  - Odours affect the amenity of residents
  - On-street parking reduces pedestrian safety and visibility
  - Original change of use was for a café/restaurant – should the application have come in initially as a takeaway there would have been more complaints

- Parking obstructs buses
- Petition of support is not signed by local residents
- Query over whether the application is valid
- School promotes healthy eating – the takeaway would contradict this policy
- Takeaway is being used by school children from the nearby Marlwood School – advice from the Academy of Medical Royal Collages and Public Health England suggest that Local Authorities should act to reduce the number of and proximity of takeaways to places where children gather; other Local Authorities have planning guidance which sets distances from schools from where such facilities can operate
- Takeaways reduce visual amenity
- There are other take-away facilities nearby (mobile takeaway in the Cross Hands)
- There has been no site meeting for residents to express their views
- Unit has operated as a takeaway since the day it opened in disregard to the initial application
- Use as a takeaway would adversely affect the amenities of residents in the area
- Will result in litter

## 5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for a change of use to a mixed use A3/A5 as defined in the Use Classes Order.

### 5.2 Principle of Development

Whilst establishing the principle of development it should be noted that this application is for a change of use from Class A3 to Class A5/A3. As such, the principle of a non-Class A1 use is not under consideration.

5.3 Policy RT8 and CS14 are the relevant policies for establishing the principle of development. Policy RT8 permits the change of use to Class A5 within defined settlements and policy CS14 states that shopping precincts should provide local level services. Greenhill Parade is not listed as one of the local centres/parades under policy CS14; however, it is clear that the function and purpose of Greenhill Parade is to provide local level services and therefore policy CS14 is considered to be relevant to the determination of this application.

5.4 Both policies, in principle, support the change of use provided the development meets certain criteria. Therefore, the proposal is acceptable in principle but will be determined against the analysis set out below.

### 5.5 Retail Services and Provision

To promote sustainable communities, services and facilities should be within easy distance of and accessible to communities. Shopping precincts such as Greenhill Parade provide convenience shops, services and facilities to local residents. Currently, within the parade there are a post office/newsagents, a chemist, a green grocer, butcher, hairdresser as well as non-retail A2/B1 uses. The range of shops within the parade make it a vibrant shopping destination, but, this is only in the day with few of the shops being open in the evening. The permitted A3 use would create activity in the precinct during the evening which was seen to increase the vitality of the parade.

- 5.6 Restaurant facilities would still be available at the unit and during the day the existing restaurant/takeaway functions as a coffee shop further enhancing the range of services provided to the community.  
The location within Alveston means that the development will have very little impact on the viability and vitality of other takeaway services nearby or nearby Local Centres.
- 5.7 Overall, the proportion of units that remain in an A1 use with the Parade is high. The facilities offered by the proposed use are considered to compliment the existing provision. It is not considered that the use of this unit in a mixed use A5/A3 fashion will adversely affect the rank of shops or its function as a service provider to the local community.
- 5.8 Highway and Traffic  
With regard to the impacts of the proposed use, these should be considered against the permitted use of the unit as an A3 restaurant/café and not against the use of the unit as A1 (this use has ceased).
- 5.9 The use of the site for an A5 Class would be expected to create additional traffic over and above that of the permitted A3 use. However, this increase is marginal. Furthermore, the peak of the A5 use would be in the evenings when other uses in the precinct are either closed or the uses of these are limited.
- 5.10 There is a layby and car park available for users of the parade which provides parking for the patrons of the shops in the precinct. Whilst the A1 units may create demand for parking spaces, this would tend to be during the day. Once the demand for parking associated the A1 units has dipped, as the shops close in the evenings, spaces are freed up locally for use as the demand for parking associated with the A5/A3 use.
- 5.11 On this basis, there is no transportation objection to the development. The use of the unit for an A5/A3 use would lead to an increase in parking at certain times of day. It is considered that this demand would be staggered and that adequate facilities would be available for the customers of the A5/A3 use. The development will not therefore lead to a decrease in the highway safety or additional on-street parking.
- 5.12 Residential Amenity  
The test in assessing the impact on residential amenity is whether it would be 'prejudicial' or not. For it to be prejudicial, the development would have to cause clear and demonstrable harm over and above the existing levels of amenity enjoyed by residents.
- 5.13 When planning permission was granted for the change of use to a restaurant/café, an opening hours restriction was imposed to protect residential amenity in the late evening. This conditions is still considered to be necessary and reasonable and will therefore be applied any consent granted.
- 5.14 It has been stated that the use of the unit in an A3/A5 use would result in additional noise, smell and disturbance. The above opening hours condition would control the levels of noise and disturbance and allow a reasonable

- compromise between existing amenity levels and the use of the unit as a takeaway/restaurant, which is considered appropriate for this location.
- 5.15 However, it should be noted that a condition attached to the previous application regarding details of extraction and odour abatement systems has not been discharged and therefore the existing use of the unit is in breach of planning control.
- 5.16 To rectify this, details of all extraction and odour abatement systems will be required to be submitted to the LPA within one month of the date of any permission granted. The ventilation systems would then have to be managed in accordance with the approved details.
- 5.17 This will manage any odours and environmental impacts in the interests of residential amenity.
- 5.18 Concern has been raised that the takeaway would result in the shopping parade becoming a meeting place for young people to congregate. The parade itself faces onto a large open area with good visibility internally, and from the adjacent streets. Residential properties overlook the parade square and houses on the opposite side of the road also have an outlook of the square. In this instance, the physical design of the space is not considered to be intimidating or unsafe. As such, even if young persons were to congregate in this location it should not impede on the use of the parade by other people. Should there be any anti-social behaviour it would be difficult to substantiate that this occurred because of the proximity of the takeaway or as a result of the takeaway. Any such behaviour would be dealt with by the Police (who were consulted as part of this planning application).
- 5.19 Healthy Communities  
Greenhill Parade is close to Marlwood School and comments have been received that the establishment of a takeaway would be detrimental to the health and wellbeing of the children who attend this school.
- 5.20 The NPPF includes, in section 8, policies for promoting healthy communities. This section, whilst generally supporting development that encourages good health and wellbeing, has no specific policies on the location of takeaways in relation to schools.
- 5.21 Other local authorities have been cited as having planning guidance on the distances between schools and takeaway outlets. South Gloucestershire Council does not have adopted planning guidance on the distances of takeaway outlets from schools.
- 5.22 While the NPPF sets as part of the core planning principles a focus on improving health and social and cultural wellbeing, this is a broad aim of the planning system and should be regarded in context. The siting of the takeaway is appropriate within the shopping precinct which encourages the provision of local services to local people and it is not considered that the takeaway would have a negative impact on health levels within the village.

5.23 Operational Development

This application is for the change of use only. It does not propose any operational development.

5.24 Other Matters

Some comments have been received that have not been addressed in the above analysis. These will be covered in this section

5.25 This is a retrospective application submitted to regulate the existing use; the existing use is in breach of planning control as it is unauthorised. Although the unit may have been trading as a takeaway since it opened, this application has been submitted to authorise this use. The LPA can only determine the application which it presented to them.

5.26 It has been stated that residents have not been consulted and therefore the application is invalid. For the first application for the restaurant/café, the LPA undertook a greater consultation exercise than that required by the Statement of Community Involvement. For this application, consultation was undertaken in accordance with the Statement of Community Involvement. The LPA has undertaken due consultation in association with this application. A minimum of 21 days consultation is undertaken with a 'closing' date given three-weeks from the date of consultation. This can result in there being a later closing date than stated on some of the initial letters. This is not considered to materially disadvantage anybody from commenting on the application.

5.27 Arrangements for the disposal of waste are up to operator of the site. The LPA can consider the design and siting of any structures required for the storage of waste materials prior to collection, should these structures require planning permission, but the disposal arrangements are beyond the scope of planning control.

5.28 Discussions regarding the type of licence the premises require are outside of the planning system and are not relevant in determining this application.

5.29 A petition has been submitted to support this application. The addresses of the signees is not material as anybody can comment on a planning application, not just those who are local to it.

**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 change of use has been assessed against the policies listed above. This development will improve the range of services in the shopping precinct which will not harm the vitality or viability of the shopping rank or nearby local centres; the development will not have an undue impact on highway safety or on-street parking; the impact on residential amenity will not be prejudicial; and no operational development is proposed.

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

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

1. The use hereby permitted shall not be open to customers outside the following times: 0900 to 2200 Monday to Sunday.

Reason

To protect the amenities of the occupiers of nearby dwellinghouses, and to accord with Policy RT8 of the South Gloucestershire Local Plan Adopted January 2006.

2. Within one month of the date of this permission full details of the extraction and odour abatement system must be submitted to and approved in writing by the Local Planning Authority. The extraction and odour abatement system must be installed or modified to be in strict accordance with the agreed details within three months of the above details being agreed. For the avoidance of doubt, details should include the specification and location of all fans, filters, plant and flues, including a detailed schematic diagram of the ventilation system and its location inside and outside the building. Details should also show scaled plans of where the flue will terminate in relation to adjoining premises (residential and commercial). Details should provide predicted noise levels from the extraction system. The extraction and odour abatement system shall be maintained and cleaned in accordance with the manufacturer's details henceforth.

Reason

To protect residential amenity and to ensure that there are no environmental impacts as a result of the development, and to accord with Policy CS1 of the South Gloucestershire Council Local Plan Core Strategy Adopted December 2013 and Policy RT8 of the South Gloucestershire Local Plan Adopted January 2006.

3. Within one month of the date of this permission details regarding the construction of on-site grease traps to prevent the disposal of fats into the foul drainage system must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out or modified to be in accordance with the approved details within three months of the details being agreed.

Reason

To prevent the disposal of fats into the foul drainage system and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted January 2013.

# ITEM 13

## CIRCULATED SCHEDULE NO. 09/14 – 28 FEBRUARY 2014

<b>App No.:</b> PT14/0129/F	<b>Applicant:</b> Mr P Purslow
<b>Site:</b> Halcyon Cottage Horsford Road Charfield Wotton Under Edge South Gloucestershire GL12 8SU	<b>Date Reg:</b> 17th January 2014
<b>Proposal:</b> Erection of 1No dwelling with access and associated works, resubmission of PT12/0129/F	<b>Parish:</b> Charfield Parish Council
<b>Map Ref:</b> 372585 192165	<b>Ward:</b> Charfield
<b>Application Category:</b> Householder	<b>Target Date:</b> 12th March 2014



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100023410, 2008. **N.T.S.** **PT14/0129/F**



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

This application is referred to the Circulated Schedule because objections have been received from neighbouring occupiers contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of 1no. detached property with access and associated works. The application forms a resubmission of application PT12/4162/F, which was refused for the following reasons:

*The proposed dwelling by reason of its siting, form and appearance is adversely out of keeping with the character of the surrounding built form and would have a detrimental affect on the visual amenity of the area. The proposal does not achieve a high enough standard of design and is contrary to policies D1, H2 and H4 of the South Gloucestershire Local Plan (adopted) January 2006; and the South Gloucestershire Design Checklist SPD (adopted).*

*The proposal results in a 4 metre (approx) high wall being located approximately 5.5 metres from the rear gardens of neighbouring properties to the west. The combined resulting loss of natural light and outlook will have an unreasonable affect on the residential amenity of neighbouring occupiers and is therefore, contrary to policies H2 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.*

*The proximity and siting of the proposed dwelling in relation to the host dwelling Halcyon Cottage is such that a degree of overlooking and inter-visibility would occur such that the proposal will provide an unacceptable standard of living accommodation for occupiers. The proposal is therefore, contrary to policies H2 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.*

- 1.2 The application site comprises approximately 526 square metres of garden land associated with the dwelling Halcyon Cottage. The site is located within the established residential area of Charfield. The site is triangular in shape, and is unusual in terms of layout given that the host dwelling is located close to the rear (southern) boundary with the majority of the private amenity space to the front of the dwelling. The majority of the site is screened from the public realm by tall Leylandii trees growing on the eastern and western boundaries of the site.
- 1.3 The proposed dwelling is located in the southeastern corner of the site and orientated to front onto Horsford Road. It is approximately 1.2 metres from Horseford Road and abuts the proposed boundary with Halcyon Cottage. The dwelling proposed comprises a three bedrooms at first floor level, one with ensuite; and an open plan kitchen/lounge with a utility room and w.c. at ground floor level.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

## 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

H4 Residential Development within Existing Residential Curtilages

T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS16 Housing Density

CS17 Housing Diversity

CS34 Rural Areas

## 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

## 3. RELEVANT PLANNING HISTORY

3.1 PT12/4162/F, erection of 1no. detached dwelling with access and associated works, refusal, 07/02/13.

3.2 P84/1316, erection of double domestic garage, approval, 18/04/84.

## 4. CONSULTATION RESPONSES

### 4.1 Charfield Parish Council

Councillors listed to the views from an objector and the applicant, and reviewed all information on the planning website. After discussing it at some length Councillors were unable to make a decision. Although the amendments have addressed some of the previous issues it has led to a number of objections from local residents. As such I am requesting that this application be decided at Committee.

### 4.2 Environmental Protection

No objection

### 4.3 Drainage Officer

No objection subject to condition

### 4.4 Transportation DC Officer

No objection

## Other Representations

### 4.3 Local Residents

One letter of support has been received from a neighbouring occupier. The following is a summary of the reasons given in support:

- There are two-storey properties in the area;
- The design is acceptable and will add character to the street;

- The scale is acceptable;

Seven letters of objection have been received from neighbouring occupiers. The following is a summary of the reasons given for objecting:

- The proposal is a re-run of the previous application;
- The dwelling is out of character with other properties;
- The proposal will be detrimental to the health of the trees;
- Potential loss of trees;
- Loss of amenity to Halcyon Cottage;
- A single storey property is more appropriate;
- Far greater degree of overlooking into the garden of the proposed dwelling;
- Inadequate amenity space for both;
- The proposed design is unattractive, lacking symmetry and balance;
- Detrimental to the outlook of neighbouring properties;
- Solar panels will result in sun glare reflecting towards neighbours;
- Access/parking issues;
- Tweaks have made no difference, it is impossible to fit in the proposed new build.

Two letters of objection have been received from Ronald Shirley B.Arch (Honours), Dip. Arch (Bristol), RIBA on behalf of nearby residents nos 2 and 3 May Grove. The following is a summary of the reasons given for objecting:

- Out of keeping with the character of surrounding properties;
- Drawings are exactly the same as those previously submitted;
- Out of keeping with the scale of surrounding properties;
- Likely result in the loss of the row of Cypressus trees;
- Lack of turning facilities in the site;

## 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 communities will be empowered to shape the future of their own local area through opportunities presented by neighbourhood planning. The site is outside the defined Green Belt and within the defined Charfield settlement boundary. Therefore, small scale development may be permitted in this location. Policy CS17 of the Core Strategy states that the building on gardens will be allowed where this would not adversely affect the character of an area and where, cumulatively, it would not lead to unacceptable localised traffic congestion and pressure on parking, and where there is adequate private/semi-private outdoor space.

- 5.2 Given that the proposal is for a single dwellinghouse the principle of the development is considered acceptable. The main issues to consider are the appearance/form of the dwelling and the impact on the character of the area; the effect on the residential amenity of neighbouring occupiers; the environmental effects; and the transportation effects.

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

The previous application (PT12/4162/F) was refused for the following reason:

*The proposed dwelling by reason of its siting, form and appearance is adversely out of keeping with the character of the surrounding built form and would have a detrimental affect on the visual amenity of the area. The proposal does not achieve a high enough standard of design and is contrary to policies D1, H2 and H4 of the South Gloucestershire Local Plan (adopted) January 2006; and the South Gloucestershire Design Checklist SPD (adopted).*

- 5.4 In order to determine whether the proposed dwelling is in-keeping with the character of the area it is first necessary to appraise its context. The host dwelling Halcyon Cottage is a traditional render cottage, which has low horizontal proportions; Selbourne is also a traditional two-storey property finished in render with an 'L' shaped footprint. These two properties are set back from, and orientated away from, the street. The properties on the opposite side of the street are modern two-storey properties with relatively wide frontages with a Bradstone style finish for the walls. These properties front onto Horseford Road and are set back approximately 4 – 5 metres behind front gardens. On the western side of the street there is a greater sense of enclosure with high Leylandii trees growing on the boundary of the application site and built form which extends closer to the street. Single storey properties at May Grove are located to the west of the site and a contemporary, mono-pitch style dwelling (The Paddocks) is located to the northeast of the site. Accordingly, it is considered that there is a general mix of dwelling styles in terms of scale, form and siting in the surrounding area.
- 5.5 The proposal comprises a dual pitched gabled roof and horizontal proportions. The eaves and ridge heights have been kept low by locating first floor windows partly within the roof via gabled dormer windows. The main access is located in a side lean-to extension. Triple pane windows and a double pane window in the front elevation serve the main accommodation; a vertically proportioned window in the centre of the dwelling serves a staircase. The applicant has proposed clay pan tiles; a render finish for the walls; and uPVC wood effect doors and windows.
- 5.6 Whilst concerns have been raised by neighbours regarding the appearance of the dwelling proposed, the applicant has made a number of amendments to the previously refused scheme. Brick detailing has been removed from the corners of the property and the tops of the windows, which gives a less fussy appearance and is more in-keeping with the character of neighbouring properties. The design of the proposed dwelling is influenced by Halcyon Cottage, which is considered to be an acceptable approach, given that this property is relatively distinctive. Further amendments have been made to the form of the dwelling to achieve a narrow, steeper gable more in-keeping with the traditional form of Halcyon Cottage, which is an improvement over the previous squat appearance; clay pantiles are proposed for the roof instead of concrete interlocking tiles; the chimney design and siting has been improved; a more balanced front elevation has been achieved by relocating the utility room from the front of the dwelling to the side elevation; and the chunky fascia

- boards have also been removed. Whilst the design of the front elevation contains areas of void between openings, this elevation faces north and will not benefit significantly from solar gain. The rear elevation contains more openings to take advantage of solar gain due to its southwestern perspective. On balance, it is considered that the proposal achieves an acceptable standard of appearance. If permission is granted, a condition is recommended to ensure samples of materials are agreed with the Local Planning Authority.
- 5.7 Concerns have been raised regarding the scale of the dwelling; the proposed dwelling comprises relatively long and narrow proportions and a low eaves and ridge height by building the first floor windows into the roof. This is considered to be a sympathetic approach given the proximity of Halcyon Cottage. Selbourne House is a two storey property and properties on the opposite side of Horsford Road are two storey. Therefore, it is not considered that the proposed dwelling will appear adversely out of keeping with the scale of the surrounding built form.
- 5.8 The siting of the dwelling has been amended to a more logical location adjacent to Horsford Road where it would sit parallel to, and front onto, the street behind Laylandii trees. The trees will not adversely affect light levels to the property due to its orientation and future occupiers will benefit from an acceptable outlook. Concerns have been raised regarding the proximity of the dwelling to the trees on the boundary. The trees themselves are non-native and do not contribute a significant degree of amenity to the area. Therefore, if permission is granted, a landscape condition is recommended for further information to be submitted regarding whether the trees can be adequately protected throughout the development or for suitable replacement planting to be undertaken. Concerns have been raised regarding the siting of the dwelling adjacent to the street. Whilst it is noted that the dwelling will be closer to the street than dwellings opposite, there is no clear defined building line on the southwestern side with some built form extending relatively close to the street. Although it is conceded that the proposal will be prominent due to its size, and the applicant has not acceded to the Officers request to move the dwelling further away from the street, on balance, it is not considered that it would appear significantly adversely out of keeping with the character of the surrounding built form.
- 5.9 Residential Amenity  
In the previously refused scheme (PT13/3162/F) the dwelling was located within close proximity to the western boundary of the site and Officers considered that there would be an unreasonable effect on occupiers of the single storey neighbouring properties. The proposed dwelling is located adjacent to the eastern boundary of the site such that the proposal will be 5.2 metres from the western boundary at the closest point. The dwelling is also located at an oblique angle to the western boundary, which will lessen the impact on neighbouring occupiers beyond. Accordingly, the proposal will not have a significant adverse effect on the residential amenity of occupiers to the west in terms of natural light and outlook. The proposal therefore, overcomes the previous reason for refusal (no.2). Given the level of separation to the western boundary and the fact that any views towards the neighbouring properties to the west will be at an oblique angle, it is not considered that the

- degree of any overlooking would adversely affect the privacy of neighbouring occupiers.
- 5.10 Although the front elevation of the proposed dwelling will directly face the front elevation of neighbouring properties to the east, with a level of separation of approximately 16 metres, it is considered that this can be considered a typical relationship between dwellings in a residential area and will not bring about any significant adverse issues to the residential amenity of neighbouring occupiers through loss of natural light, outlook or privacy.
- 5.11 A boundary is proposed approximately 6 metres from the front elevation of Halcyon Cottage, which is an increase of 1 metre over the previously refused scheme, which will provide more space to the front of Halcyon Cottage. Careful consideration has been given as to whether the proposal overcomes refusal reason no.3, and whilst there will still be a relatively close relationship between the two properties, on balance, the proposal overcomes refusal reason no.3. Weight is given to the fact that the proposed dwelling is orientated at an oblique angle to the side of Halcyon Cottage; there would be an improvement on the outlook and privacy of occupiers of Halcyon Cottage and the proposed dwelling compared to the previously refused scheme; and there is a greater distance from the front of Halcyon Cottage to the boundary. Accordingly, on balance, the occupiers of the proposed dwelling and Halcyon Cottage would enjoy an adequate standard of amenity.
- 5.12 Consideration has been given regarding the effect on the occupiers of Selbourne House. A separation distance of approximately 17 metres will exist between the proposed dwelling and Selbourne House; therefore, given that the proposal will be relatively well screened by Halcyon Cottage, and the location of Selbourne House directly south of the application site, it is not considered that there will be a significantly adversely greater effect in terms of loss of natural light or outlook than the existing situation. It is not considered that the privacy of occupiers of Selbourne House will be significantly adversely affected by the proposal.
- 5.13 The concern raised regarding potential glare from the solar panels proposed is noted. However, the installation of solar panels on the side elevation of properties can be permitted development. In this instance it is not considered that neighbouring occupiers will be adversely affected in terms of glare. An adequate amount of amenity space is allocated to the existing and proposed dwellings.
- 5.14 Impact on Trees  
The plans indicate that the majority of the Leylandii trees growing on the east and west boundaries are to be retained; although a gap will be formed for the access. The trees are non-native species and do not comprise significant visual amenity to warrant a Tree Preservation Order (TPO).
- 5.15 Transportation  
The Council's Transportation Officer has considered the proposed access and parking provision for the proposed and existing dwelling and has raised no objections to the scheme. Accordingly, the proposal is considered acceptable in

terms of transportation. Although a neighbour has raised concerns regarding potential blocking of their shared access Officers are satisfied that the level of parking proposed is adequate.

5.16 Further Matters

The Parish Council have requested that the application be decided at Committee. Only elected members of the Council can refer applications to Committee. Notwithstanding this, as responses have been received in support and objection to the proposal, the application will be circulated to members for a week to allow them to call it to Planning Committee.

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

7.1 Planning permission is GRANTED subject to the following conditions.

**Contact Officer: Jonathan Ryan**  
**Tel. No. 01454 863538**

**CONDITIONS**

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

Reason

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

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

Mondays - Fridays.....7:30am - 6:00pm

Saturdays.....8:00 - 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.

3. Prior to the commencement of development 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 an adequate 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, 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 of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

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

Reason

To ensure an adequate means of drainage is provided and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.