

**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.52/15

Date to Members: 23/12/15

Member's Deadline: 05/01/16 (5.00pm)

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 Environment of Community Services know within 5 working days of the date of this Schedule (e.g., if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

Dates and Deadlines for Circulated Schedule
Christmas & New Year Period 2015/16

Schedule Number	Date to Members 9am on	Members Deadline 5pm
51/15	Wednesday 16 December	Tuesday 22 December
52/15	Wednesday 23 December	Tuesday 05 January 2016
01/16 Back to usual days	Friday 08 January 2016	Thursday 14 January 2016

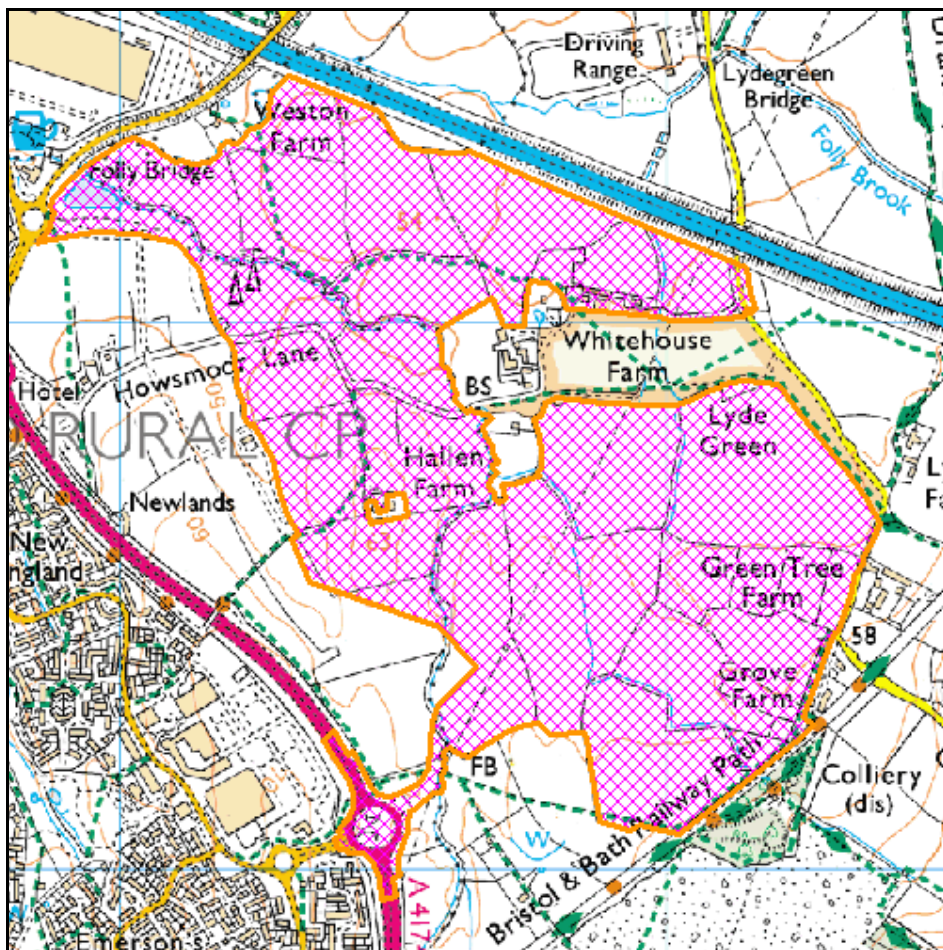
Highlighted above are details of the schedules that will be affected by date changes due to the Bank Holidays at Christmas & New Year 2015/16

CIRCULATED SCHEDULE - 23 DECEMBER 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	MODK15/0011	Approved Subject to	Land At Emersons Green East Land To East Of Avon Ring Road South Of M4 Motorway And North West Of Disused Railway	Emersons	Emersons Green Town Council
2	PK15/3537/F	Approved Subject to S106	Plot B Stanshawes Drive Yate South Gloucestershire BS37 4ET	Yate Central	Yate Town
3	PK15/3836/F	Refusal	20B Cossham Street Mangotsfield South	Rodway	None
4	PK15/4008/F	Approve with Conditions	80A Regent Street Kingswood South Gloucestershire BS15 8HU	Woodstock	None
5	PK15/4429/F	Approve with Conditions	6 Charnhill Vale Mangotsfield South Gloucestershire	Rodway	None
6	PK15/4567/RV	Approve with Conditions	Snax 24 Ltd 114 Bath Road Willsbridge South Gloucestershire BS30 6EF	Bitton	Bitton Parish Council
7	PK15/4758/F	Approve with Conditions	57 Anchor Road Kingswood South Gloucestershire	Rodway	None
8	PK15/5030/CLP	Approve with Conditions	Greenways Siston Lane Siston South Gloucestershire BS30 5LY	Siston	Siston Parish Council
9	PT15/4730/F	Approve with Conditions	73 Watleys End Road Winterbourne South Gloucestershire BS36 1PN	Winterbourne	Winterbourne Parish Council
10	PT15/4753/F	Approve with Conditions	6 Roman Walk Stoke Gifford South Gloucestershire	Stoke Gifford	Stoke Gifford Parish Council
11	PT15/4984/TCA	No Objection	Little Begbrook Begbrook Park Frenchay South Gloucestershire BS16 1NF	Frenchay And Stoke Park	Winterbourne Parish Council
12	PT15/4986/TRE	Approve with Conditions	36 Penn Drive Frenchay South Gloucestershire BS16 1NN	Frenchay And Stoke Park	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 52/15 – 23 DECEMBER 2015

App No.:	MODK15/0011	Applicant:	Taylor Wimpey UK Ltd
Site:	Land At Emersons Green East Land To East Of Avon Ring Road South Of M4 Motorway And North West Of Disused Railway Line.	Date Reg:	18th December 2015
Proposal:	Modification of S 106 Agreement attached to PK04/1965/O (varied by PK14/2705/RVC).	Parish:	Emersons Green Town Council
Map Ref:	367495 177657	Ward:	Emersons Green
Application Category:		Target Date:	12th February 2016



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1. **PROPOSAL**

Permission is sought to vary two identical S.106 schedules relating to various highway improvements at the Rosary Roundabout and the Avon Ring Road. The two schedules are attached to two planning permissions which are very different in scope and scale, but overlap in this area:

- 1) The S.106 attached to the Outline application for an urban extension at Emersons Green East (now known as Lyde Green). Outline consent was originally granted in 2013 under planning application reference PK04/1965/O (and amended under PK14/2705/RVC) for an urban extension on 99 hectares of land comprising of :- Residential development of up to 2550 dwellings; up to 100,000m² of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m² of small scale A1, A2, A3, A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavillion (Class D1) and health centre. Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas.
- 2) The S 106 attached to the full permission for the construction of a Multi Modal Interchange at Emersons Green – PK10/0473/F

As drafted, the S 106 Schedule 1 require the construction of a fourth arm off the Rosary roundabout into the site, and a toucan crossing just within the site, on the 'Green Road'. These works have already been carried out. The schedule also requires the construction of a Toucan crossing on the Ring Road, and at a later stage, a phased signalisation of the Rosary Roundabout.

Although the Ring Road Toucan crossing was required to be constructed at an early stage in the development, the pre- construction safety audit resulted in an objection from the police, on the grounds that a green light at the Toucan could mislead drivers into thinking that they had priority at the nearby Rosary Roundabout.

It is proposed to vary the S.106 schedule to remove the requirement for a Toucan crossing on the Ring Road, but instead to accelerate the requirement for the full signalisation of the Rosary Roundabout, which will include a pedestrian phase of the lights to enable safe crossing of the Ring Road by pedestrians.

2. **ANALYSIS OF PROPOSED VARIATION**

It was considered that although the safety concerns regarding the Ring Road Toucan crossing could be overcome by relocating it further away from the Rosary Roundabout (to the north west), it would be unlikely to be well used in this location as pedestrians crossing between the new development and the District centre would be required to walk too far out of their way. This then could lead to its own safety issue of people not bothering to use the crossing as it would be in an inconvenient location.

The proposed earlier timetabling of the full signalisation of the Rosary Roundabout is therefore considered the best way of dealing with this, as it enables the safe crossing of the Ring Road at the earliest possible time. If this Deed of Variation is approved, the Council is in a position to commence works straight away. For members' information, this crossing point will be in addition to the proposed new pedestrian bridge over the Ring Road, which will be the subject of a planning application in the New Year.

Transport Development Control officers have worked with the developers to secure agreement to the Deed of Variation and the total sum of £1,246,059 payable by the developers to the Council in lieu of obligations in Schedule 1 to enable the Council to carry out the works at the earliest opportunity. Officers are therefore satisfied that the proposed Deed of Variation is a good pragmatic solution to the issue of safe pedestrian crossing of the Ring Road.

3. RECOMMENDATION

That authority be delegated to the Director of Environment and Community

Services to instruct Legal Services to agree a Deed of Variation under section 106 of the Town and Country Planning Act 1990 (as amended) to the S 106 agreements attached to 1) PK04/1965/O (varied by PK14/2705/RVC) and 2) PK10/0473/F to secure the following:

- The variation of Schedule 1 – Highway Improvements – to delete the requirement for a Toucan Crossing on the Ring Road and the phased signalisation of the Rosary Roundabout, and the replacement of this by an obligation on behalf of the developer to pay for the Council to carry out the signalisation of the Rosary roundabout.
- The payment, by the developer, of a total of £1,246,059* (ex VAT).

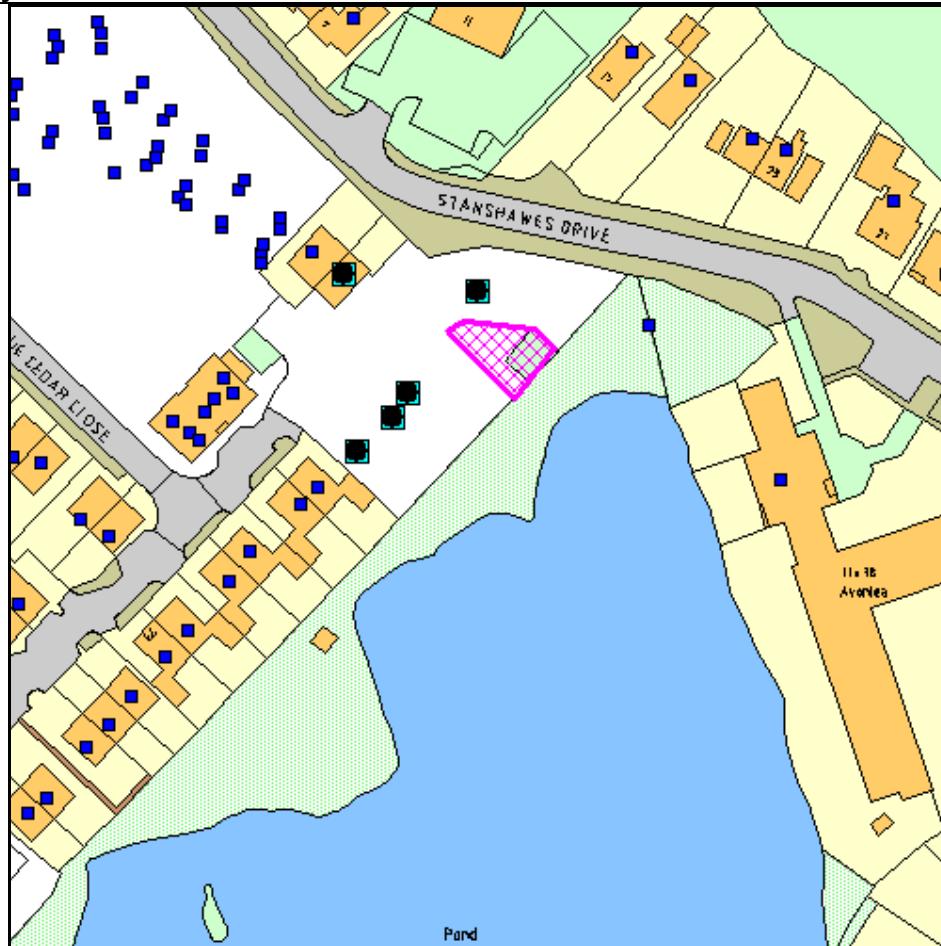
* Contribution to be broken down as follows;

- Design Costs (£57,300) due on signing of Deed
- £1,130,365 at date of 1st valuation under SGC's contract for the Works
- £58,394 upon occupation of the 1000th dwelling unit

Contact Officer: Helen Ainsley
Tel. No. 01454 863788

CIRCULATED SCHEDULE NO. 52/15 – 23 DECEMBER 2015

App No.:	PK15/3537/F	Applicant:	Oakwoods Developments Ltd
Site:	Plot B Stanshaws Drive Yate Bristol South Gloucestershire BS37 4ET	Date Reg:	26th August 2015
Proposal:	Erection of 1no. detached dwelling with access and associated works	Parish:	Yate Town Council
Map Ref:	370950 181974	Ward:	Yate Central
Application Category:	Minor	Target Date:	20th October 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been submitted to the Council's circulated schedule procedure as comments received have been contrary to the Officer's recommendation. As well as this, the application is submitted to the Council's circulated schedule as any consent would be subject to a legal agreement.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of 1no. detached dwelling with access and associated works. The proposed dwelling would be accessed through the adjacent 'Former Coopers Works Site' (Ref. PK12/2924/F) – a residential housing estate now known as Blue Cedar Close.
- 1.2 The application site consists of a section of the far eastern corner of the Former Coopers Works Site, which has permission for 48no. dwellings, 44no. elderly persons residential flats, and 1no. office building (PK12/2924/F). The application site is cleared and closed off from public access through timber fencing with the adjacent neighbours and harris fencing at the front. Planning ref. PK12/2924/F has now been implemented and 'built-out', for clarity Blue Cedar Close forms part of the 'Former Coopers Work Site', as with planning ref. PK14/1648/F, plot B will be accessed through Blue Cedar Close.
- 1.3 Planning ref. PK14/1648/F was approved at appeal and granted permission to replace the approved office building with 2no. dwellings (known hereafter as plot A and plot B) (appeal ref. APP/P0119/W/14/3000831). Plot A and plot B have now both been sold meaning they are under different ownership. This planning application effectively seeks planning permission to just erect plot B to avoid a number of planning conditions which the applicant suggests to just apply to plot A, but which have been applied to both plots by the Inspector under planning ref. APP/P0119/W/14/3000831.
- 1.4 As stated the erection of two dwellings, one at plot A and one at plot B, has been established, accordingly, all that is to be assessed under this planning application is the separation of plot B from planning ref. APP/P0119/W/14/3000831 and any subsequent changes made to plot B under this planning application.
- 1.5 The proposed dwelling within this application differs from the approved plot B under planning ref. APP/P0119/W/14/3000831 in the following ways:
 - Increase in the scale of the proposed dwelling – the pitch of the roof has been increased meaning the dwelling has a greater depth;
 - The rear protruding gable end has been removed, as well as the single storey lean-to section; this has been replaced through the proposed dwelling having a larger pitch and depth;
 - A first floor rear balcony now extends across the entire width of the rear elevation whereas originally, it only extended across the protruding gable end.

- 1.6 To mitigate the proposal's impact on existing open spaces; monetary contributions are required. Such contributions would be ensured through a section 106 legal agreement.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS2 Green Infrastructure
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS6 Infrastructure and Developer Contributions
CS8 Improving Accessibility
CS9 Managing Environment and Heritage
CS12 Safeguarded Areas for Economic Development
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS23 Community Infrastructure and Cultural Activity
CS24 Open Space Standards
CS30 Yate and Chipping Sodbury

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

L1 Landscape Protection and Enhancement
L9 Protected Species
EP2 Flood Risk and Development
T12 Transportation Development Control Policy

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Affordable Housing and Extra Care Housing SPD (Adopted) May 2014

2.4 Concept Statement

Coopers Works, Westerleigh Road, Yate Concept Statement (July 2011) endorsed in principle subject to the points contained within the proposed decision by Executive Councillors (September 2011).

3. RELEVANT PLANNING HISTORY

- 3.1 APP/P0119/W/14/3000831 Appeal Allowed 19/05/2015
Appeal against the Council's refusal of planning ref. PK14/1648/F.

- 3.2 PK14/1648/F Refusal 01/10/2014
Erection of 2no. detached dwellings and detached double garage with access and associated works. (Resubmission of PK13/4461/F).
- 3.3 PK13/4461/F - Erection of 3 no. dwellings with access and associated works. Withdrawn 31st January 2014
- 3.4 PK13/2756/NMA - Non-material amendment to PK12/2924/F to provide 2no. additional car parking spaces to elderly person flats, increase width of path to sub-station to 3m, replace 2no. screen windows with 4no. small windows on NW elevation and move stair door by 300mm on SW elevation. No Objection 24th December 2013
- 3.5 PK12/4186/ADV - Display of 1no.externally illuminated V Board sign with associated flags. Approved 26th February 2013
- 3.6 PK12/2924/F - Erection of 48 no dwellings, 44 no. elderly persons residential flats with ancillary accommodation and 1 no office building (Class B1) with access, landscaping and associated works (Resubmission of PK12/0837/F). Approved 24th January 2013
- 3.7 PK12/0837/F - Erection of 49no. dwellings, 44no. Elderly Person residential flats with ancillary accommodation and 1no. Office building (Class B1) with access, landscaping and associated works. Refused 8th August 2012
- The proposed development by virtue of the height and scale of the proposed retirement living accommodation would have an overbearing impact upon the occupants of residential properties on Stanshawes Drive to the detriment of residential amenity. The proposed development is therefore contrary to Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - The proposed office development would result in additional vehicular movements that would conflict with existing users of Stanshawes Drive and its use as a Safe Route to School; to the detriment of highway safety. The proposed development is therefore contrary to policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - In the absence of a section 106 legal agreement to secure on site affordable housing and a financial contribution towards off site affordable housing provision the proposed development is therefore contrary to Policy H6 of the South Gloucestershire Local Plan (Adopted) January 2006
 - In the absence of a section 106 legal agreement to secure a financial contribution towards the cost of providing off site provision of Category One, Category Two, Category Three and Informal public open space in the vicinity of the application site the proposed development is contrary to Policy LC8 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - In the absence of a section 106 legal agreement to secure a financial contribution towards library services the proposed development is contrary to policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006.

- In the absence of a section 106 legal agreement to secure a financial contribution towards the cost of mitigation of the traffic impact in the vicinity of the site and public transport the proposed development is contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3.8 PK11/1746/PND - Prior notification of the intention to demolish Coopers Works Westerleigh Road. No Objection 23rd June 2011

4. CONSULTATION RESPONSES

4.1 Yate Town Council

Objection on highway safety grounds: parking and traffic generation.

4.2 Transportation

Following the recent planning appeal decision on this site (i.e. planning Inspector's decision) which approved consent for the development on site then, there is no highway objection to this application but the following conditions are recommended,

1. Prior to occupation of the new dwelling provide off street parking in accordance with the submitted plans and subsequently maintain these satisfactory thereafter.
Reason: to ensure parking is provided.
2. Any boundary wall, fence between the drives for the new house and the existing dwelling (i.e. 33 Blue Cedar Close) must kept back by a minimum of 2m from the edge of the road.
Reason: to provide access

4.3 Tree Officer

No objections.

4.4 Ecology Officer

This application relates to a plot of land (Plot B) which is part of a larger area of land subject to an appeal permission under APP/P0119/W/14/3000831, which applied certain conditions relating to ecology i.e. C7 (Ecological and Landscape Management Plan), C8 (bird nesting boxes) and C9 (bat boxes). These conditions would be satisfied by following the advice given in the Ecological Survey (Michael Woods Associates, dated April 2011) accompanying an earlier application (PK12/2924/F), which was for the larger site of the form Coopers Works, and included this plot. However, after reviewing the situation following confirmation that there is little scope on Plot B to carry out works in accordance with the conditions, it is accepted that the conditions can no longer apply to this Plot. Therefore there are no objections on ecology grounds to this application.

4.5 Landscape Architect

No objection.

4.6 New Communities Team

Contributions towards public open space required.

- 4.7 Archaeology Officer
No objection subject to a condition requiring an archaeological programme of works being submitted prior to development.
- 4.8 Environmental Protection
No objection subject to standard informative comments regarding construction site operations.
- 4.9 Lead Local Flood Authority
No objection.
- 4.10 Highway Structures
No comment.

Other Representations

- 4.11 Local Residents
Two comments have been received from members of the public with regard to this planning application, these are summarised below:

Owner of Plot A

- The application states that the scheme is identical to the original application but this is incorrect. The house has been increased in size and the first floor extended and a full width balcony provided;
- Our main concern relates to the balcony which is a mere 2 metres from the rear boundary. This will allow views over our garden along with potential noise and disturbance. Any privacy already provided from the deciduous trees will obviously not be available for a significant portion of the year;
- A similar application for a balcony to the adjacent dwelling has already been withdrawn following concerns expressed by the planning officer (PK15/3354/F);
- No projecting balconies exist around the lake and approval of this application would set an undesirable precedent having an adverse visual impact and potential disturbance to both residents and wildlife.

Occupier of no. 33 Blue Cedar Close

- Should have been notified automatically;
- Submits an objection.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The proposal is acceptable in principle, this was established under planning ref. APP/P0119/W/14/3000831, which remains an extant planning permission.

Since this application was determined at appeal, the Council has been found that they could not demonstrate a five year housing land supply, meaning paragraph 49 of the NPPF is engaged. Paragraph 49 of the NPPF states that

housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph goes on to suggest that if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date.

Regardless of this, the starting point for any decision-taker is the adopted development plan, but the decision-taker is now also required to consider the guidance set out within paragraph 14 of the NPPF. Paragraph 14 states a presumption in favour of sustainable development, and states that proposals that accord with the development plan should be approved without delay, and where 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 the NPPF.

Additionally, the policies found to be out-of-date (saved policy H3 and policies CS5 and CS34), are all concerned with the retention of settlement boundaries, and generally not supporting residential development outside of settlement boundaries or urban areas. The Local Planning Authority accept, in principle, residential development in this location, as policy CS5 and saved policy H3 direct development toward locations such as the host site, as it is located within a designated settlement boundary.

Notwithstanding these out-of-date policies, the proposal should be assessed in terms of adopted up-to-date development plan policies and paragraph 14 of the NPPF. In keeping with the decision-taking approach set out within paragraph 14 of the NPPF, this proposal will be assessed in terms of whether the proposal's benefits would be outweighed by any adverse impacts that would result from the development, such adverse impacts would have to be significant and demonstrable.

Accordingly, the assessment of this planning application will just assess the differences this proposal makes when compared to the previously approved dwelling (plot B). These changes will be assessed with regard to whether any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the proposal.

5.2 Benefits of the Proposal

The proposal would have one clear and tangible benefit; this would be the contribution of one new dwelling to the Council's five year housing land supply.

5.3 Transport

The Council have an adopted minimum residential car parking standard that sets levels of off-street car parking spaces based on the number of the bedrooms within the dwelling. The proposed dwelling has four bedrooms meaning plot B requires two off-street car parking spaces within the curtilage of the proposed dwelling. Two off-street car parking spaces are provided to the front of the garage in a tandem arrangement, such a number of car parking spaces is acceptable and accords with the Council's minimum residential car parking standard. Accordingly, should planning permission be granted it is

recommended that at minimum of two off-street car parking spaces are retained within the curtilage of the site.

The access at the site has been questioned, although it is clear that the principle of the access was accepted at appeal by the previous Inspector. From a site visit and the submitted site layout plan it is clear that there is a 1.8 metres close board fence that runs along the boundary with both adjacent dwellings. In terms of accessing the site this is likely to be problematic and not conducive to an appropriate level of highway safety. Accordingly, if planning permission is granted it is recommended that a condition is imposed that restricts the development of fencing and walls (means of enclosure) for a minimum of 2 metres from the highway, this is to reduce the likelihood of conflict from vehicles accessing and egressing both the host site and no. 33 Blue Cedar Close. Accordingly, a condition is also recommended that ensures a section of the fence is removed to accord with the aforementioned requirement. Officers understand the fence to be within the ownership of applicant, this should therefore not be a problem.

The town council has objected on the ground of traffic generation. The proposal will not generate any more traffic than the previously approved planning application, which was approved by an Inspector. Accordingly, officers have no objection with regards to traffic generation and highway safety.

5.4 Trees/ Landscaping

Within the previous application both landscaping and arboricultural issues were very contentious, mainly in connection with plot A which is orientated toward the lake. To facilitate this dwelling, a number of trees would have to be cut down. However, as observed from a site visit the application site for plot B is devoid of any vegetation or trees apart from a hedge at the rear of the site. Accordingly, there are no arboriculture constraints for this proposal further than the hedge at the rear of the site that is likely to be unaffected by the proposal. Although it is unlikely that the proposal would harm the hedge at the rear of the site, it is suggested that a condition be imposed that ensures the proposal is carried out in the approved Arboricultural Survey, Impact Assessment, Tree Protection Plan and Method Statement dated 10th July 2014 (Pegasus Group).

With regard to landscaping, the application site is seen within the setting of Blue Cedar Close, a suburban residential development that has little landscaping further from grassed lawns. In this way officers do not find it reasonable to require the development to include a landscaping scheme. Notwithstanding this, officers do find it pertinent to ensure that any hardstanding at the site is finished in a similar style and brick to the surrounding site, specifically no. 33 Blue Cedar Close as the proposed dwelling will be finished in a similar style to this dwelling. Accordingly, should planning permission be granted it is considered appropriate to condition that any hardstanding used within the proposed driveway is finished in a similar style to no. 33 Blue Cedar Close.

5.5 Ecology

The original application for the two dwellings was granted subject to a number of conditions, a number of which related to ecological considerations. As stated within the trees/landscaping section the plot A would result in the removal of a large amount of vegetation, trees and a hedgerow; the removal of such features could possibly result in a harmful impacts on biodiversity. Accordingly, the original permission has a number of conditions relating to the protection of ecological features in accordance with a submitted ecological survey. As such conditions relate largely to plot A rather than plot B; officers do not find it appropriate to impose any conditions requiring the proposed development to be carried out in accordance with any ecological survey or to submit further ecological information as there are no ecological constraints for plot B.

5.6 Design

The front of the proposed dwelling will be largely unchanged from what was approved at appeal although the rear elevation will largely be different to the extant permission, and the depth of the dwelling will also be increased in size. This increase in scale is acceptable and so is the revised rear elevation. The proposed materials are all very similar to those used in no. 33 Blue Cedar Close, this is advisable as it allows the proposed dwelling to affirm within the existing street scene and wider estate. Accordingly, should planning permission be granted officer recommend that the materials to be utilised within the external elevations of the dwelling all match those used in the adjacent property no. 33 Blue Cedar Close.

5.7 Residential Amenity

In terms of residential amenity, the impact of plot B, the proposed dwelling, is largely not materially different from the previously approved development. As with the previously approved scheme, side elevation windows are proposed and these should be assessed as to whether they will detrimentally impact on the occupiers enjoyment of the nearby dwellings. The ground floor windows on the northern (side) elevation facing no. 33 Blue Cedar Close will not materially harm the privacy of the occupiers of no. 33 due these windows being at ground floor and the fact that these windows are likely to just look at a fence. The windows proposed on the southern elevation will be a bathroom and garage window, to ensure the privacy of the occupiers to the south is retained appropriately, it is suggested that the first floor windows are conditioned so they are obscure glazed and non-opening 1.7 metres above floor level within the room it is positioned.

As there are dwellings either side of the proposed property it is also recommended that no windows other than those shown on the plans are inserted at any time within the side elevations of the dwelling. Should planning permission be granted it is suggested that this is conditioned.

This planning application proposes a large first floor balcony to the rear of the dwelling. Comments have been received suggesting the balcony will materially harm the residential amenity of plot A (yet to be implemented/built out). Officers do not share this opinion, the balcony is at the rear of the proposed dwelling, and the distance between the balcony and plot B is approximately 20 metres (at the closest point). As well as this, 1.8 metres opaque screens will be

conditioned at the side elevations of the balcony in order to protect the residential amenity of the adjacent occupiers, accordingly, these screens will direct views to the rear away from any nearby dwellings (including plot A). Subject to this condition, the balcony is not considered to result in a material loss of privacy to any nearby occupier.

The dwelling has a slightly increased size which means there is less private amenity space within the curtilage of the dwelling, officers have measured the available private amenity space at the dwelling and found it to be approximately 65m² to 70m². Such a level of private amenity space is acceptable, however, if planning permission was granted and the applicant was minded to extend the dwelling in the future the levels of private amenity space would be diminished, officers therefore find it pertinent to condition that the relevant householder permitted development rights pursuant to extending dwellings and erecting outbuildings are removed/restricted.

The site is surrounded by a residential estate, to avoid the occupiers of this estate being unreasonably disturbed officers suggest that should planning permission be granted a working hours condition be applied.

5.8 Public Open Space

As identified within the previously approved application, it is the opinion of the Council that this application, as with the previous application (PK14/1648/F), represents the artificial subdivision of previously approved larger planning application, application ref. PK12/2924/F. Therefore, in assessing requirements for infrastructure and developer contributions the Council have calculated contributions based on the policy and figures used at the time of application ref. PK12/2924/F (although taking Community Infrastructure into account which was not adopted when the previous appeal decision was decided). Planning ref. PK14/1648/F therefore requested the following contributions toward public open space:

£6,223.71 towards provision of offsite enhancements

£4,310.01 towards future maintenance

These contributions were secured through a Section 106 Unilateral Undertaking, and as such have now been paid. This development however is still accountable with regard to its impact on public open space, this is discussed below.

Open space necessary to make the development acceptable in planning terms: Local Plan Policy LC8 – Open Space and Children’s Play in Conjunction with New Residential Developments sought to secure the provision and or enhancement of open spaces to meet the needs of future occupiers where there is evidence of a local shortfall, (this policy is no longer current but was used at the time of the original application). South Gloucestershire Local Plan: Core Strategy (adopted December 2013) Policies CS2 – Green Infrastructure and CS24 –Green Infrastructure, Sport and Recreation Standards; aim to secure the provision and/or enhancement of open spaces to meet the needs of future occupiers where there is evidence of a local shortfall. South Gloucestershire Local Plan: Core Strategy (adopted December 2013) policy

CS1 – High Quality Design promotes shared accessible public realm and play opportunities; improving accessibility, particularly for walking and cycling and opportunities for play across the public realm. The NPPF requires access to high quality open spaces and opportunities for sport and recreation which can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs of open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open spaces, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine the level of open space, sports and recreation provision and/or enhancement required. Plans should also conserve and enhance the natural and historic environment.

The level of requirement sought is informed by Appendix 6 of the Core Strategy and national guidance provided by Fields in Trusts (FIT) and Sport England, and is supported by an assessment of local provision carried out in 2010. The Community Infrastructure Levy encourages charges based on simple formulae which relate the size of the charge to the size and character of the development. Where provision in line with minimum policy standards is not provided on site, the amounts requested towards the provision and/or enhancement of off-site open space and future maintenance are directly in scale with the quantum of open space required to offset the effect of the proposed development on existing provision; this is demonstrated in our calculations. All calculations are based on the expected future population of the proposed development calculated using Census 2011 data on household size and the net gain and mix of dwellings proposed. The calculator used to give costs for provision/enhancement and maintenance is regularly updated and reflects the type of spaces and facilities that the Council would expect to see delivered based on examples that have been adopted from other new developments, which have taken place within South Gloucestershire. The capital contributions are based on a range of industry costs for the provision of open space facilities, and the maintenance costs are routinely tested through APSE (Association of Public Sector Excellence). They are therefore considered reasonable and fully justified in order to ensure standards of open space meet standards of appropriate national bodies e.g. Sport England, Fields in Trust and material relating to the Green Flag quality award scheme.

Based on the policy and figures used at the time from the development of one additional dwelling the Council would expect the following contributions towards the enhancement of existing open spaces to mitigate for the impact of the development:

Public open space

£3,327.41 towards provision of offsite enhancements

£2,421.71 towards future maintenance

As stated, the previous planning application that approved plots A and B secured a similar level of public open space contributions commensurate for two dwellings, as well as libraries contributions. As Community Infrastructure Levy has been adopted by the Council since plots A and B were approved, the

Council can no longer request libraries contributions, rather such contributions are considered under Community Infrastructure Levy requirements as libraries are seen as infrastructure.

It has been confirmed that the contributions required for open space under PK14/1648/F secured through a Section 106 Unilateral Undertaking have now been paid, and it would therefore be unreasonable for the Local Planning Authority to request these contributions to be paid again, as effectively, the required contributions to mitigate plot B's impact have been paid for. However, as this proposal effectively subdivides an existing planning permission for the erection of two dwellings which was subject to a legal agreement, this development must still be accountable for the amount of contributions requested. To achieve this a Deed of Variation (DoV) is required to effectively link this planning application with the previous Section 106 Unilateral Undertaking. If this DoV is not undertaken then technically the applicant for the previous planning application, who paid the originally requested contributions under the previous Section 106 Unilateral Undertaking, could request that this sum of money is paid back.

5.9 Archaeology

The development lies on the site of a former prisoner of war camp and a clay pit associated with the Hollybrook brick works. Previous archaeological investigations have revealed the remains of structures associated with these uses and it is likely that remains may extend into the area of this development. It is suggested that appropriate archaeological mitigation would be the undertaking of an archaeological watching brief during ground disturbance associated with the development in order to record any archaeological remains that are revealed during the works. Should planning permission be granted it is recommended that such archaeological mitigation is ensured through a condition that requires an archaeological watching brief to be in place.

5.10 Contamination

The historic use of the site as filled ground/ brickworks / military camp may have caused contamination which could give rise to unacceptable risks to the proposed development. Accordingly, the extant planning permission conditioned that contamination studies are undertaken prior to development commencing. Such ground investigations have been undertaken as part of planning ref. PK14/1648/F, these investigations found that the application site did not require any remediation, therefore officers do not consider it appropriate to condition contamination studies are undertaken with regard to this proposal.

5.11 Drainage

Condition 10 of the extant planning permission requires that a surface water drainage scheme and hydrological assessments are undertaken prior to development commencing. This is not considered to be necessary or relevant to the development due to the scale of the development only being one dwelling. This is a view supported by the Lead Local Flood Authority who neither objected or suggested such a condition.

5.12 Other Matters

The occupier of no. 33 Blue Cedar Close submitted comments neither objecting or supporting the application, but stated that they were not consulted originally. Officers have reviewed the consultation records for this application, and as far as the Council are aware the occupier of no. 33 Cedar Close was consulted.

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 authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to vary the existing Section 106 Unilateral Undertaking pursuant to planning ref. PK14/1648/F to secure the financial contributions for provision of offsite enhancements and future maintenance of public open space.

7.2 In this instance as the money has effectively been paid, the appropriate legal agreement would be in the form of a Deed of Variation in order to ensure that the correct proportion of the sum already held by South Gloucestershire Council (the payment of £3,327.14 towards provision of offsite enhancements and the payment of £2,421.7 towards future maintenance of public open space) is accounted for against the dwelling subject of this planning application (PK15/3537/F). This would be in order to accord with policies CS2 and CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

7.3 That the Head of Legal and Democratic Services be authorised to prepare and seal the Agreement (Deed of Variation).

7.4 If the Section 106 agreement is not signed and sealed within 6 months of this determination then, in view of the length of time, the application should either:

- i. be returned to the Circulated Schedule for reconsideration; or,
- ii. Delegated authority be given to the Director of Planning, Transport and Strategic Environment to refuse the application.

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

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 first occupation of the hereby permitted dwelling, and at all times thereafter, at least two off-street car parking spaces shall be provided within the residential curtilage of the permitted dwelling. Each car parking space must measure at least 2.4 metres by 4.8 metres.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

3. Any boundary wall or fence between the drives for the hereby permitted dwelling and the adjacent dwelling (no. 33 Blue Cedar Close) must be kept back by a minimum of 2m from the edge of the road.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

4. The existing fence between the drives for the hereby permitted dwelling and the adjacent dwelling (no. 33 Blue Cedar Close), shall be in accordance with the measures instructed within condition 3 prior to the use of the access.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

5. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006; and Policy CS9 of the South Gloucestershire Local Plan Core strategy (Adopted) December 2013. It is necessary for this condition to be a prior to commencement condition in order to prevent the disturbance of any archaeological features which development could harm.

6. The development hereby approved shall be undertaken in strict accordance with the Arboricultural Survey, Impact Assessment, Tree Protection Plan and Method Statement dated 10th July 2014 (Pegasus Group) approved under planning ref. PK14/1648/F.

Reason

In the interests of the health and amenity of the trees, to protect the character and appearance of the area, and 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) December 2013.

7. The hereby permitted hardstanding used within the driveway of the property will be finished in a matching brick and layout style with that used in the adjacent dwelling no. 33 Blue Cedar Close. Such hardstanding should be completed prior to the occupation of the dwelling.

Reason

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

8. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used in the existing adjacent building, no. 33 Blue Cedar Close.

Reason

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

9. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the southern elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the provisions of the National Planning Policy Framework.

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

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the provisions of the National Planning Policy Framework.

11. Two 1.8 metre high obscure screens will be erected for the entire depth of the side elevations of the hereby permitted rear balcony. These screens shall be erected prior to the occupation of the hereby permitted dwelling, and shall be retained as such thereafter.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the provisions of the National Planning Policy Framework.

12. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A and E) other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

In the interests of the residential amenity of the future occupiers of the hereby approved dwelling, and to accord with the provisions of the National Planning Policy Framework; and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

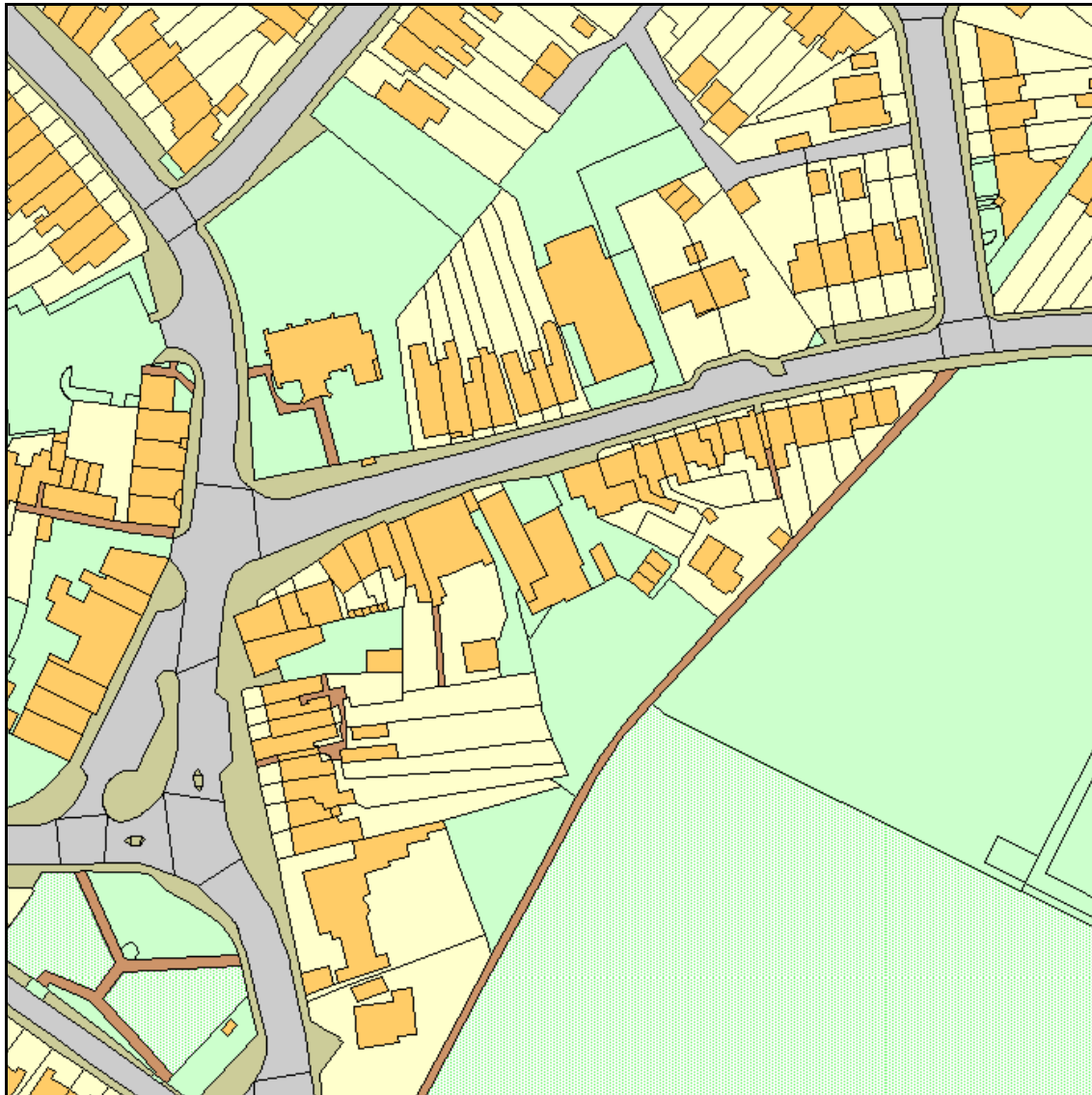
13. The hours of working on site during the period of construction shall be restricted to 0730-1800 Mondays to Fridays; 0730 to 1300 Saturday; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with the National Planning Policy Framework 2012

CIRCULATED SCHEDULE NO. 52/15 – 23 DECEMBER 2015

App No.:	PK15/3836/F	Applicant:	Mr D Shah
Site:	20B Cossham Street Mangotsfield South Gloucestershire BS16 9EN	Date Reg:	27th October 2015
Proposal:	Change of use from Retail (Class A1) to Residential (Class C3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	None
Map Ref:	366499 176130	Ward:	Rodway
Application Category:	Minor	Target Date:	18th December 2015



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100023410, 2008. **N.T.S.** **PK15/3836/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure following letters of support from members of the public which are contrary to the recommendation detailed within this report.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for a change of use from retail (Use Class A1) to residential (Use Class C3) at 20B Cossham Street in Mangotsfield. No external alterations are proposed.
- 1.2 The site did previously gain planning permission in 2010 to be used as a nursery (Use Class D1) which may have been implemented, however it was more recently used as a retail unit for at least three years. The lawfulness of this previous use is not the subject of this application, and the building has been empty for approximately 9 months prior to the application being submitted.
- 1.3 The site is situated within the established urban area of Mangotsfield within the East Bristol Fringe. The site is not a designated retail area.
- 1.4 The application site contains a locally listed building, which is the subject of the change of use.
- 1.5 Amendments were requested by the officer to address residential amenity issues and clarify parking issues and these were received on 8th December 2015. A period of re-consultation was not deemed necessary as they did not represent a material change in the proposal.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
T8 - Parking Standards
T12 - Transportation Development Control Policy for New Development
RT11 - Retention of Local Shops and Parades
L15 – Locally Listed Buildings

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 - High Quality Design
CS4A - Presumption in favour of sustainable development.
CS5 – Location of Development
CS8 - Improving Accessibility
CS9 - Environment and Heritage
CS14 - Town Centres and Retail

CS23 - Community and Cultural Uses
CS29 - East Bristol Urban Fringe

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD
Residential Parking Standard SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/3835/F Pending Consideration
Change of use of part ground floor from Retail (Class A1) to Residential (Class C3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) to create 1no. dwelling.
- 3.2 PK15/1340/PNOR Withdrawn 28/04/2015
Prior notification of a change of use from Offices (Class B1a) to 1 no. dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)
This application was withdrawn as the unit appears to be in retail use and therefore not eligible for this prior approval application.
- 3.3 PK14/1052/RM Approve with conditions 16/07/2014
Demolition of existing sorting office buildings, and erection of 4no dwellings (Approval of Reserved Matters)(To be read in conjunction with Outline planning permission PK13/0756/O)
Relating to 22 Cossham Street
- 3.4 PK13/0756/O Approve with conditions 31/07/2013
Demolition of existing sorting office buildings, and erection of 4no dwellings (outline) with access to be determined. All other matters reserved.
Relating to 22 Cossham Street
- 3.5 PK10/2702/F Approve with conditions 11/01/2011
Change of use from class B1 to class D1 - day nursery as defined in the town and country Planning (Use Classes order) 2005 (as amended) with associated works.

4. CONSULTATION RESPONSES

- 4.1 Emersons Green Town Council
Objection - there is not enough parking shown and the parking is inconsistent with PK15/3835/F which is pending consideration. Concerns about vehicles reversing out onto the highway from proposed parking.
- 4.2 Other Consultees
- Sustainable Transport
Objection – narrows access to development at the rear.
- Listed Building Officer
Amendments requested.

Community Enterprise

No comment received.

Other Representations

4.3 Local Residents

Two comments supporting the application have been received stating the following:

- Would aid housing shortage
- Ample parking is proposed, especially considering the previous use as a nursery
- Residential use is more in keeping with surroundings

One letter of objection has been received stating the following:

- Concerns regarding lack of parking – only two spaces for a six bed?
- Parking is adjacent to new waiting area for access to the new and existing development to the rear

One general letter has been received stating the following:

- The Council must be satisfied the application would not increase hazards for motorists, cyclists and pedestrians

5. ANALYSIS OF PROPOSAL

5.1 There is some ambiguity as to the current use of the site. The officer dealing with the previously withdrawn prior approval (office to residential) application was advised that the D1 use as a nursery had not been implemented, however in 2012 a retrospective application was received to change from D1 to A1 (retail), although this application was invalid and therefore neither registered fully or determined. This application is not a Certificate of Lawfulness and whilst it is apparent from the officer site visit that the site was last used for retail, and certainly not an office for the purposes of the withdrawn prior approval application, it is unlikely that this retail use was lawful either due to the short amount of time that has passed since. In order to be thorough, policy for changing from both a D1 use and an A1 use to residential will be considered when assessing the suitability of the scheme, as the agent has not provided any evidence to prove the lawfulness of either use.

5.2 Principle of Development

In the instance of changing from a D1 use (nursery) to a residential use, policy CS23 of the Core Strategy is the most relevant. It advises that existing education facilities must be maintained unless

- A. The use has ceased and there is no longer a demand; or**
- B. The facility is no longer fit for purpose; and**
- C. Suitable alternative provision is available within easy walking distance to the required standard.**

If the use as a nursery was implemented following approval in 2010, then it later ceased either in 2012 or prior to 2012, as evidenced by the receipt of the retrospective application to change from a nursery to retail in 2012, which was

invalid. Although information was not provided by the applicant, a search of the area indicates that Mangotsfield pre-school is a 6 minute walk away, and Busy Bees nursery in Emersons Green is a 16 minute walk away. Alternative provision is therefore available, and the conversion of this building is consistent with policy CS23.

- 5.3 In the instance of changing from a retail (a1) use to a residential (c3) use as applied for by the applicant, the proposal falls to be determined under saved policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006. The policy permits the change of use of existing retail premises within local, un-designated shopping parades provided that criteria A, B or C can be met, as well as criteria D being met in all cases.

A. The proposed use would not result in an over concentration of non-shop uses in a local centre or be detrimental to the vitality, viability, retail and social function of that centre; or

There is only one retail unit directly adjacent to the site (with the exception of the post office which is currently pending consideration for further residential development) and Cossham Street is considered to be primarily residential in character. St James Place to the west provides some retail units as well as services and a hot food takeaway which is primarily where the retail and social function in this area is located. The loss of this one retail unit, which has been vacant for over 9 months, is not considered to have an impact on the vitality and viability of the area.

B. There are satisfactory alternative retail facilities available in the locality; or

As previously mentioned, alternative facilities are available on St James Place to the west, and a similar unit is available next door and currently occupied by a musical instrument company.

C. It can be demonstrated that the premises would be incapable of supporting a retail use; and

No evidence has been submitted to demonstrate this, although it is worth noting that the unit has been empty for over 9 months.

D. The proposed use would not result in unacceptable environmental or transportation effects, and would not prejudice residential amenity

The proposal clearly satisfies criteria A and B, which is adequate to meet the first part of policy RT11. Criteria D, which must also be met for the change of use to be acceptable, is considered below.

5.4 *Environmental Impacts*

The development proposes a change of use from a building most recently used as a retail unit, although this may not be lawful. There are no known environmental impacts associated with this use at this location that would prevent its conversion to residential use.

5.5 *Residential amenity*

The application proposes a six-bedroom property, plus a study which could be used as a seventh bedroom, with most of the potential sleeping accommodation being at ground floor level along with the kitchen and family room, with the lounge and study being at first floor level. Bedroom 2 appears to utilise the existing main entrance, which is a solid timber door. The only light reaching bedroom two would be through the fan shaped feature window to the top of the door which is rather small, and the amount of light available within bedroom 2 would be unacceptable and detrimental to the residential amenity of the occupier. Any attempt to turn this timber door into a glazed opening would represent poor design as discussed in the design section below, and therefore amendments of this nature were not sought. Amendments to the floor plan to address this issue were sought and received on 8th December 2015, showing the original entrance retained as a doorway, and with the number of bedrooms reduced to five (six including the study).

5.6 The application is not considered to cause overlooking onto any neighbouring properties, and the development does not propose external alterations and therefore does not overbear. The development is therefore acceptable in terms of residential amenity.

5.7 *Transportation*

The amendments submitted on 8th December 2015 show a third parking space proposed in order to meet the Residential Parking Standards SPD requirements. Unfortunately, the provision of adequate parking encroaches onto the access approved as part of the planning consent for the development under construction to the rear, application reference PK14/1052/RM which is referred to in paragraph 3.3 of this report. This development was approved in 2014 on the basis that the access from Cossham Street was wide enough to allow two way vehicle movement at the site entrance, and this would not longer be the case if this proposal is approved, as the third parking space required for the proposed six bedroom dwelling would be partially blocking the access. As there does not appear to be an alternative location for the parking required for the development, further amendments were not sought from the applicant. The Transport officer objects to the proposal.

5.8 Concerns have been raised regarding vehicles reversing onto the highway from the tandem parking spaces with limited visibility. This situation is existing and the agent was advised to lower the fence between the proposed parking and the access to the development to the rear to improve visibility when manoeuvring out of the parking spaces. These amendments have not been received but could be conditioned in the event the application is approved.

5.9 Objection letters received have raised concerns with regards to discrepancies in the number of parking spaces shown on the proposed block plan for the recently approved development to the rear, the proposed development pending consideration at the adjacent post office (PK15/3835/F), and the development proposed within this application. In the event the application is approved, a condition will advise that notwithstanding the submitted plans, only the parking within the red line is approved and the parking within the blue line is not.

5.10 Overall, the development does not meet the criteria within point D of policy RT11 as it is detrimental to highway safety due to the substandard access to the development under construction to the rear.

5.11 Other Issues

Design and Impact on Locally Listed Building

The Primitive Methodist Chapel which now comprises of 20A and 20B Cossham Street is circa 1870 with an 1885 additions and is built in the Early English Style. By virtue of the contribution the building is considered to make to the character and distinctiveness of the locality the building is locally listed. No external alterations proposed as part of the change of use and so the significance of the building should be preserved. Details of all vents and flues should however should be conditioned in the event the application is approved to ensure the domestication of this building is managed. Therefore, there is no objection to the proposal in terms of policy CS1 and CS9 of the Core Strategy and policy L15 of the Local Plan.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is **REFUSED** due to the reasons on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

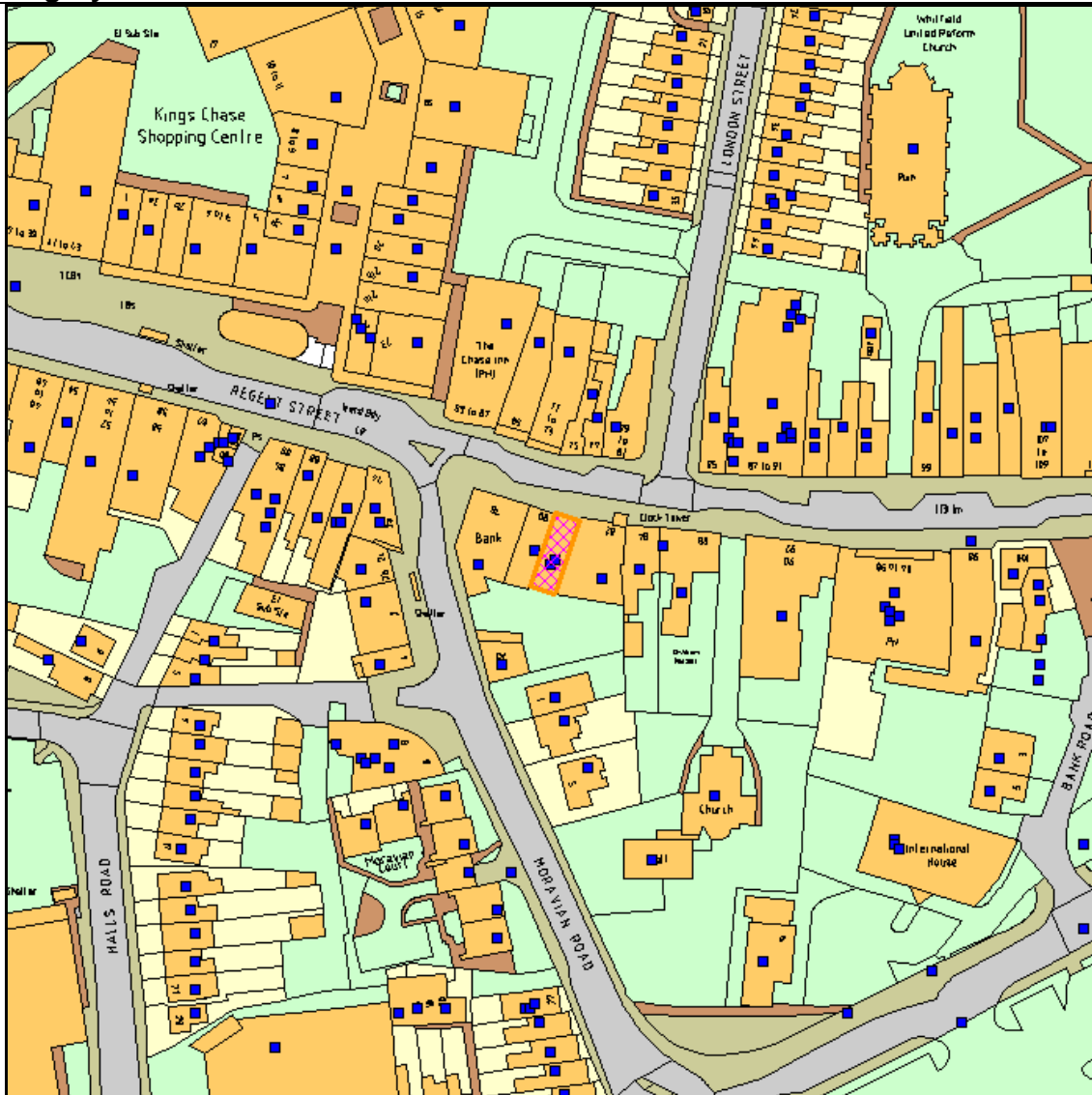
REASONS FOR REFUSAL

1. The development proposed, if allowed, would result in a parking space encroaching onto the previously approved access way for the development to the rear (PK14/1052/RM) which is under construction, creating a substandard access which does not allow for two vehicles to pass and would result in vehicles reversing distances down the access and into the highway, to the detriment to highway safety. Furthermore, it would result in conflict between vehicles, pedestrians and cycles due to the narrow access. The development is therefore contrary to policy CS8 of the South Gloucestershire Core Strategy (Adopted) December 2013, policy T12 of the

South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework 2012.

CIRCULATED SCHEDULE NO. 52/15 – 23 DECEMBER 2015

App No.:	PK15/4008/F	Applicant:	Mr Ervin Tekin
Site:	80A Regent Street Kingswood Bristol South Gloucestershire BS15 8HU	Date Reg:	14th October 2015
Proposal:	Change of use from retail (Class A1) to restaurants/cafes (Class A3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) and installation of 2no. extraction units to rear elevation	Parish:	None
Map Ref:	364806 173831	Ward:	Woodstock
Application Category:	Minor	Target Date:	7th December 2015



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 100023410, 2008. N.T.S. PK15/4008/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule due to objections received from local residents which are contrary to the recommendation detailed within this report.

1. THE PROPOSAL

- 1.1 The application is located at 80A Regent Street in Kingswood, which is a retail unit designated as part of a secondary shopping frontage.
- 1.2 The application proposes a change of use from retail (Use Class A1) to a restaurant/café (Use Class A3) and would be facilitated by the installation of 2 no extraction units to the rear elevation.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance 2014

2.2 Development Plans

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

T8 - Parking Standards

T12 - Transportation Development Control Policy for New Development

RT10 - Changes of Use of Retail Premises within Secondary Shopping Frontages in Town Centres

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 - High Quality Design

CS4A - Presumption in favour of sustainable development.

CS8 - Improving Accessibility

CS9 - Environment and Heritage

CS14 - Town Centres and Retail

CS29 – East Bristol Urban Fringe

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/1415/F Refusal 14/07/2003
Change of use from Class A1 (Retail) to A2 (Betting Office).

Refusal reason:

The proposed development would result in the loss of an existing trading retail unit which is considered to undermine the retail function of Kingswood Town Centre effecting its vitality and viability and would be contrary to Policies RT1 and RT9 of the South Gloucestershire Local Plan (Revised Deposit Draft),

Policy KLP11 of the adopted Kingswood Local Plan and guidance contained within PPG6.

4. CONSULTATION RESPONSES

4.1 Parish Council
Un-parished.

4.2 Other Consultees

Sustainable Transport
No objection.

Community Enterprise
None received.

Environmental Protection
Information submitted not adequate, but can be conditioned.

Other Representations

4.3 Local Residents

Twelve letters of objection have been received from eleven local residents stating the following:

- Kingswood does not need another café and would put other cafes out of business
- Increase in traffic and impact on highway safety – proposed restaurant is next to pedestrian crossing
- Increase in noise, smell and litter, particularly late at night
- Not enough police support in area

Three letters of support have been received stating the following:

- Prospect of a family run business supplying the area with alternative food options
- Will prevent town centre from declining

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Para. 19 of the NPPF states:

“The government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system”.

5.2 The aim of Core Strategy Policy CS14 is to protect the vitality and viability of centres, protecting against the loss of retail uses and encouraging a range of appropriate development types, including retail, commercial and leisure. The

policy states that proposals for the loss of retail use must demonstrate that they will not be detrimental to the continued vitality and viability of the centre.

- 5.3 In this instance the proposed change of use falls to be determined under saved Policy RT10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. The policy permits the change of use of existing retail premises within secondary shopping frontages in town centres unless criteria A and B are met:

A. The proposed use would undermine the established character vitality or civic role of that frontage

It is acknowledged that the change of use to an A3 use is proposed on a part of Regent Street which does have a cluster of restaurants and cafes, as well as some A5 takeaway food outlets, including a Subway sandwich shop, a pizza takeaway and a chip shop. Looking at Regent Street as a whole however, which has several stretches of secondary and primary shopping frontages, the street remains predominately retail in character. The creation of competition for other restaurants and cafes in the area is not a planning consideration and therefore objections which raise this issue have been given limited weight in the decision making process. The change of use to a restaurant/café would still maintain similar levels of footfall along the street and would provide an active frontage, and therefore it is not considered that the change of use would undermine the established character or vitality of Regent Street.

B. The proposed use would result in unacceptable environmental or transportation effects or would prejudice residential amenity

Environmental

Some odour abatement and acoustic information was submitted to support the application, in relation to the 2 no. extraction units to be installed on the rear elevation in order to facilitate the conversion. This information was lacking detail, however the Environmental Protection officer was confident that this could be resolved if the details were secured by condition. Therefore, a condition on the decision notice will require a noise report and full details of the odour abatement system to be submitted prior to commencement of development.

Transportation

The change of use from a retail unit to a café/restaurant would not significantly alter the vehicular and pedestrian movements surrounding the site, and the site is situated within a sustainable location within a town centre whereby visitors will mostly likely be visiting other units during the same trip. There is no transportation objection to the proposal.

Residential Amenity

There is a flat with opening velux windows above the unit, and the windows are adjacent to an existing flue. Subject to the aforementioned noise and odour abatement details being agreed prior to commencement of development, it will be possible to secure adequate mitigation to protect the amenities of this flat, and the nearest residential property on Moravian road. The opening times of the property will be 7am-11pm Monday to Saturday

and 8am to 10pm on Sunday. These opening times will be conditioned to reduce noise pollution at night.

5.4 Other Issues

Concerns have been raised with regards to an increase in littering, particularly late at night, and stating that there is no enough police support in the area to address this issue. The application does not propose a change of use to a hot food takeaway and therefore the taking away of packaging which could later be littered is not part of the proposal, and restrictions in opening hours prevent the restaurant operating later than 11pm on any day. Therefore, littering and anti-social behaviour warranting police attendance are unlikely to be caused or increased by the proposal.

6. **CONCLUSION**

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

6.2 The recommendation to **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 planning permission be **GRANTED** subject to the conditions listed on the Decision Notice.

Contact Officer: Trudy Gallagher

Tel. No. 01454 862217

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, an acoustic report shall be submitted to and agreed in writing by the Local Planning Authority, detailing how noise and vibration from the odour extraction system will be controlled to protect the amenity of nearby residential properties and the flats above the premises. The development shall then proceed in accordance with the agreed details.

Reason

To prevent unnecessary noise pollution causing harm to the residential amenity of nearby properties, in accordance with policy CS9 of the South Gloucestershire Core Strategy, policy RT10 of the Local Plan and the National Planning Policy Framework 2012. This information is required prior to commencement due to the operational development proposed including the installation of the extraction system to which the noise report will relate.

3. Prior to commencement of development, full details of the proposed extraction and odour abatement system shall be submitted to and approved in writing by the Local Planning Authority. This shall include details on the specification and location of all fans, filters and plant and a scaled plan of where the flue will terminate in relation to adjoining premises. The development shall then proceed in accordance with the approved details.

Reason

To prevent unnecessary odours causing harm to the residential amenity of nearby properties, in accordance with policy CS9 of the South Gloucestershire Core Strategy, policy RT10 of the Local Plan and the National Planning Policy Framework 2012. This information is required prior to commencement due to the operational development proposed including the installation of the extraction system to which the odour information will relate.

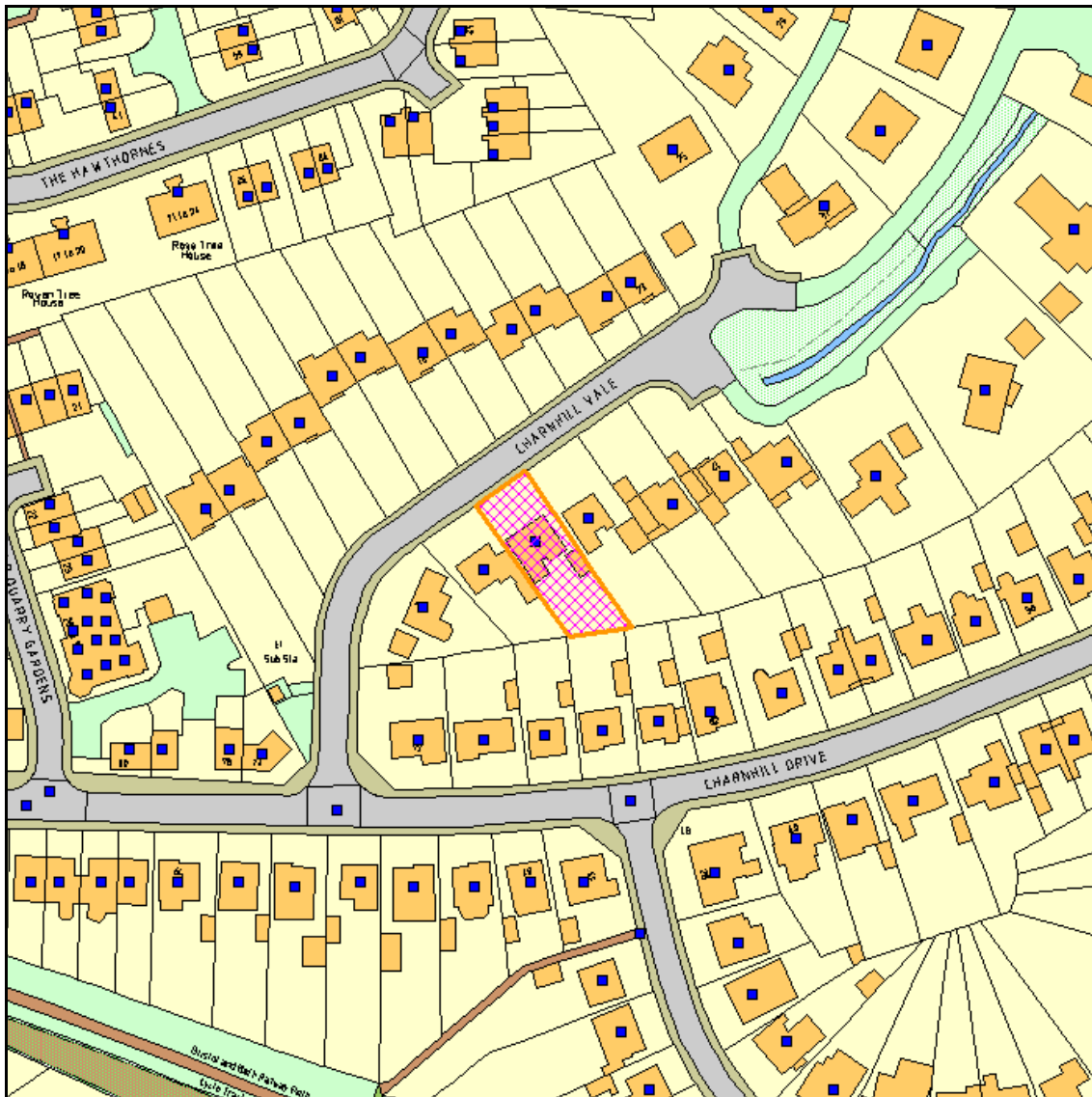
4. The cafe/restaurant hereby approved shall not be open outside of the following hours: Monday to Saturday 07:00 to 23:00, and 08:00 to 22:00 on Sundays and Bank Holidays.

Reason

In order to prevent unnecessary noise and to accord with policy CS9 of the Core Strategy (Adopted) December 2013 and policy RT10 of the Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 52/15 – 23 DECEMBER 2015

App No.:	PK15/4429/F	Applicant:	Mr Morgan
Site:	6 Charnhill Vale Mangotsfield Bristol South Gloucestershire BS16 9JT	Date Reg:	26th October 2015
Proposal:	Erection of two storey rear, single storey side extension and enlarged front porch to provide additional living accommodation.	Parish:	None
Map Ref:	365806 175728	Ward:	Rodway
Application Category:	Householder	Target Date:	16th December 2015



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 100023410, 2008. N.T.S. PK15/4429/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The applicant seeks full planning permission for the erection of a two storey extension to the rear, a single storey extension to the side and an enlarged porch to the front of the existing dwelling. The purpose of the side extension is to form a garage and the rear extension is to form additional living accommodation.
- 1.2 The application relates to a detached family dwelling facing onto Charnhill Vale.
- 1.3 During the course of the application amended plans have been received to alter the proposal. The scheme initially included a large, flat roofed three-storey extension and a detached garage to the front of dwelling. At the advice of your officer, these elements have been removed from the scheme and are no longer for consideration. Reconsultation has been carried out on the amended plans.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage.

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

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L10 Historic Parks and Gardens
L13 Listed Buildings
L15 Locally Listed Buildings

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire Local List SPD (Adopted 2008)

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history.

4. CONSULTATION RESPONSES

4.1 Town/Parish Council
The area is unparished

4.2 Other Consultees

Transportation Development Control
No Objection

Other Representations

4.3 Local Residents

Three letters of objection have been received through the course of the application. A summary of the points raised is as follows:

- The garage would obscure any visibility splay
- The garage is out of character
- It would set a precedent
- The garage will be sited over an old stream/culvert
- The proposal does not comply with permitted development rights (e.g. loft conversion exceeds 50 cubic metre allowance, eaves height within 3m of boundary and exceeds 3m deep)
- Overlooking of properties to the rear
- Overdevelopment of the site
- Scaling off plans is not acceptable to make a true and accurate judgement – dimensions should be given
- Three storey rear extension is out of keeping
- Overlooking from roof lights should not be allowed

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

Charnhill Vale has a strong and distinct character that can be described as generous detached dwellings set in large plots. Importantly, the dwellings have very large front gardens that give the road a pleasing sense of openness and space. As initially submitted, the officer raised a number of concerns about the proposal – in particular the detached garage, the two storey front extension and the design of the single storey rear extension). In response to this, amended plans have been received to address and overcome these concerns.

- 5.3 The design of the two storey rear extension is considered appropriate having regard to design, height and form of the existing dwelling. Although it is noted that the roof space of the extension will be utilised as additional living accommodation, the extension will have a two storey appearance in keeping with the massing and scale of the existing property. Although the roof pitch is shallow, given that it is to be located on the rear of the property and not readily visible from the public realm, this is not of significant concern.
- 5.4 The single storey side extension is also of a very simple design and is in keeping with the scale and design of the existing dwelling. Through negotiation with neighbours, the front wall of the garage will be set back 500mm from the front of the existing dwelling and set in slightly (approx. 12.5cm) from the boundary. The garage will be finished in materials to match the existing and will integrate successfully. The front porch extension will increase the depth of the porch so it can accommodate a ground floor WC. The eaves height and roof pitch of the existing porch will be retained and therefore there is no objection to the porch extension.
- 5.5 As such, all elements of the proposal are considered to be in accord with the aims and objectives of Policy CS1 of the Core Strategy and Policy H4 of the adopted Local Plan.
- 5.6 Residential Amenity
The dwelling is located on an established residential street with neighbouring properties to each elevation. There are no proposed windows within either side elevation. Windows and a large set of bi-folding doors are to be inserted in the rear elevation, but these are considered not to cause an unacceptable loss of privacy to the dwelling to the rear as the neighbouring properties to this elevation are of a suitable distance and orientation of host dwelling.
- 5.7 It is noted that there is a sizeable window proposed in the roof space facing towards the rear elevation. It has been raised in one of the letters of objection that this would have an unsatisfactory impact on the residents to the rear. In assessing the application, your officer is mindful that the dwellings to the rear (facing onto Charnill Drive) are at a noticeably higher level than the application property and are separated by significant vegetation. The proposed extension will also be 30 metres from the rear of the dwellings facing Charnill Drive. Given these factor, it is not considered that the rear window in the roof slope would result in any unacceptably greater levels of overlooking than already exists from first floor windows.
- 5.8 It is considered that the proposed development will not cause an unacceptable loss of light to any neighbouring dwellings. It is also notes that the dwellinghouse would have adequate amenity space remaining post development.
- 5.9 The applicant has confirmed to the case officer that the extensions, including all guttering and foundations, will be erected within the curtilage of the application property with no encroachment onto neighbouring land. Overall, it is considered that the proposal would not harm the living conditions currently enjoyed by neighbouring dwellings and as such, is considered acceptable.

5.10 Sustainable Transport

There is ample space on hard standing to the front of the property to meet the needs of the extended dwelling in accordance with the requirements of the Adopted Residential Parking Standards SPD.

5.11 Other Matters

It is noted that an objector has raised concern that the proposal does not comply with some of the permitted development requirements. For example, extensions more than one storey tall should not extend more than 3m beyond the rear wall, eaves height should not exceed 3m within 2 metres of the boundary, the oft extension exceeds 50 cubic metres, loft extension should be set back at least 20cm from the eaves. It is important to be mindful that permitted development right only apply to development proposals that do not require planning permission – they are not applicable in this instance as the proposal is subject to a planning application.

5.12 In a letter of objection one of the neighbours raised issue that the detached garage to the front would block visibility splays and would be erected over a culvert. As the detached front garage is now removed from the plans, these issues are no longer applicable.

5.13 In terms of the neighbours concerns about the suitability of the plans, the plans are drawn to an accurate scale and sufficiently detailed to allow for a detailed and proper assessment of the scheme. There is no requirement for the applicant to write dimensions on the plans.

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 attached to the decision notice.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

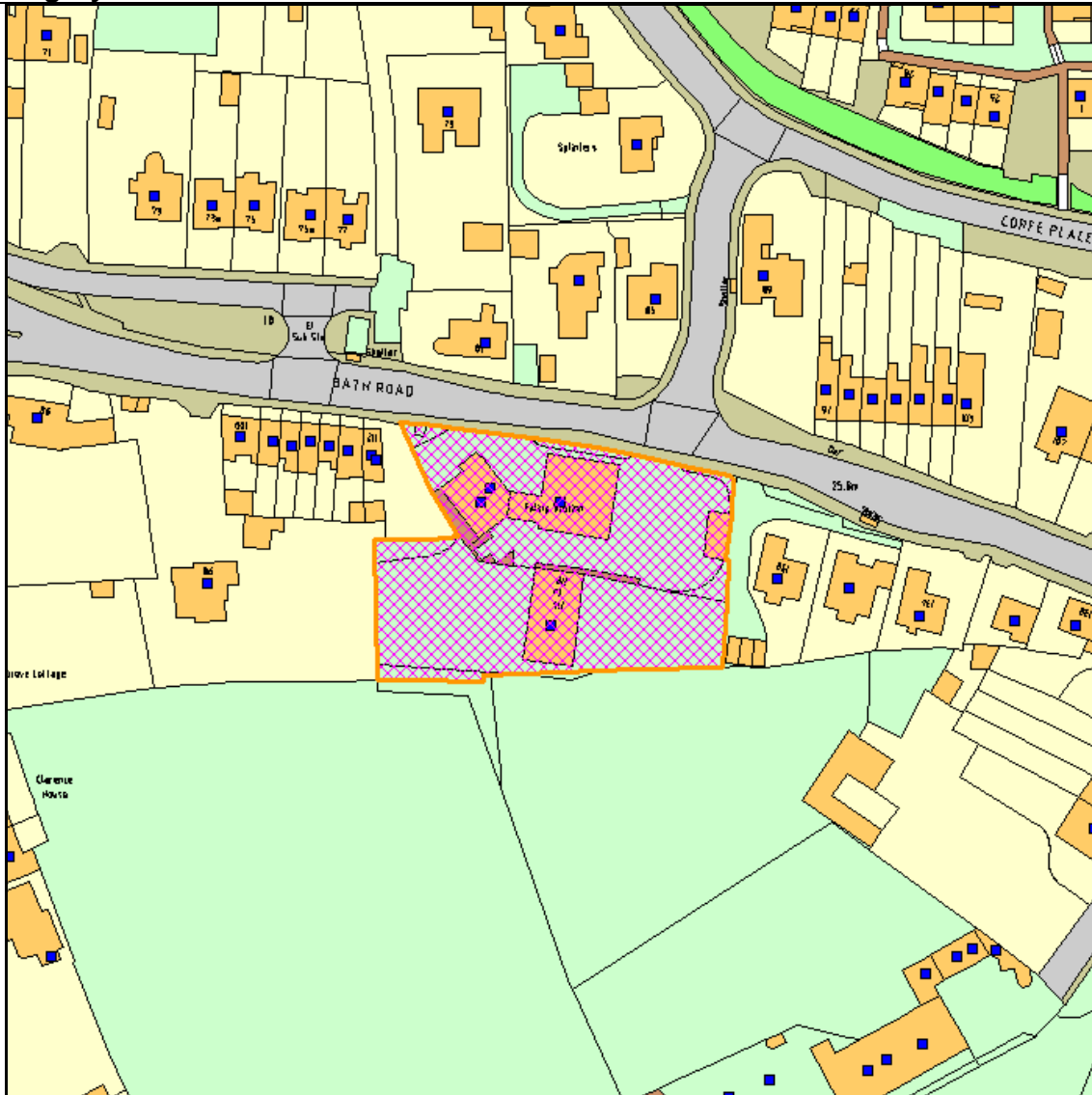
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 52/15 – 23 DECEMBER 2015

App No.: PK15/4567/RVC	Applicant: Mr Rupert Ainsworth Rontec Watford
Site: Snax 24 Ltd 114 Bath Road Willsbridge South Gloucestershire BS30 6EF	Date Reg: 26th October 2015
Proposal: Variation of condition no. 2 attached to planning permission PK13/3432/RVC to allow for 24 hours trading daily	Parish: Bitton Parish Council
Map Ref: 366754 170317	Ward: Bitton
Application Category: Minor	Target Date: 17th December 2015



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PK15/4567/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The following report appears on the Circulated Schedule due to comments received from local residents which include three letters of objection and one letter of support.

1. THE PROPOSAL

- 1.1 The applicant seeks permission to vary condition no. 2 attached to planning permission PK13/3432/RVC to allow for 24 hours trading daily.
- 1.2 The application site is situated on the southern fringe of Willsbridge within the urban area as defined in the Adopted Local Plan but just outside the Bristol and Bath Green Belt. The site is adjacent to the Bath Road and comprises a petrol filling station, associated shop and car wash.
- 1.3 This application follows a similar approved application PK13/3432/RVC which gained consent to vary condition 7 attached to planning permission K405/15 to extend the opening hours for the petrol station from 6am to midnight daily.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development

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

T8	Parking Standards
T12	Transportation Development Control
E3	Employment Development in the Urban Area
RT5	Out of centre and edge of centre retail development
RT8	Small scale retail uses within the urban areas and the boundaries of small settlements

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/4129/F Erection of single storey side extension to form additional retail and storage area and relocation of ATM.
Approved 27.11.14
- 3.2 PK13/3432/RVC Variation of condition 7 attached to planning

		permission K405/15 to extend opening hours for the petrol filling station from 7:00 to 23:00 Monday to Saturday and 8:00 to 22:00 on Sundays to 6:00 to 24:00 each day of the week
	Approved	15.11.13
3.3	PK12/2367/RVC	Variation of condition 7 attached to planning permission K405/15 to extend opening hours for the petrol filling station from 7a.m. to midnight.
	Refused	21.8.12
3.4	PK11/3432/EXT	Erection of single storey side extension to form additional retail and storage area. (Consent to extend time limit implementation for PK08/2852/F)
	Approved	13.12.11
3.5	PK08/2852/F	Erection of single storey side extension to form additional retail and storage area.
	Approved	11.12.08
3.6	PK02/1150/F	Erection of single storey side extension to extend existing shop
	Approved	27.5.02
3.7	PK01/2609/F	Erection of extension to existing shop and relocation of existing ATM
	Refused	10.10.01
3.8	P99/4724	Erection of single storey extension to form ATM Building
	Approved	15.10.99
3.9	P96/4245	Variation of Condition 7 attached to Planning Permission K405/15 to allow operation of Petrol Filling Station from 0600 hrs to 2400 hrs
	Refused	31.7.96
	Appeal dismissed	

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

The Parish Council has no objection to this application but would request that a condition is imposed to restrict hours of delivery to a reasonable time in respect for residential amenity

4.2 Other Consultees

Environmental Protection

No objection to the application however it should be conditioned that the other activities (Car Sales, Car wash, Jet wash, car vacuum, tyre inflation compressor and deliveries) at the Petrol filling station continue to be restricted in line with conditions 3, 7 and 16 of planning decision PK13/3432/RVC.

Highway Engineer

The proposed extension to the opening hours would lead to some increase in traffic movements to and from the site but this would not be significant. Access to the site is considered acceptable and it will not be altered as part of this application. Transportation Development Control do not object to this applicant.

Other Representations

4.3 Local Residents

Comments are summarised as:

Support:

- Our street falls between two different police offices (Kingswood and Keynsham) with neither wishing to come out here
- Welcome garage staying open longer because of anti-social behaviour after it closes: kids race up and down on mopeds between the roundabouts and people try to blow up the cashpoint with petrol. If the garage was open longer this would not happen
- The CRV (controlled remote viewing) on the property is excellent and the owners of the property co-operative in helping police investigations
- The garage provides a very good local service

Objection

- The increase in opening hours will bring unwanted disruption to my family in the form of extra noise from cars and pedestrians
- My garden backs onto the property and in recent years noise from garage has increased dramatically starting early in the morning and carrying on until evening. I have serious health issues and the increase in opening hours would be detrimental to well-being
- Concerned about light emitted from all signage as well as garage and forecourt and shop. The current levels of light impacts on residential amenity. Would request that the brightness of the signage is reduced between midnight and 6am

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The NPPF states that the government attaches great importance to the design of the built environment, citing good design as a key aspect of sustainable development and thereby positively contributing to making places better for people. Its core principles encourage the support of sustainable economic development/growth and development that seeks to enhance the vitality and viability of sites. Policy CS1 of the Local Plan requires all new development to,

along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and locality and should not unacceptably affect nearby residential amenities. Policy CS9 seeks to defend the built environment and development must protect land, air and aqueous environments, buildings and people from pollution. Pollution can include smoke, fumes, dust, smell, vibration, noise and an increase in artificial light.

- 5.2 The application to vary a condition under section 73 or section 73a of the Town and Country Planning Act 1990 is more limited than a full application. The LPA may only consider the question of the condition and cannot revisit or fundamentally change the original permission.

5.3 Assessment and Justification

The application seeks to vary condition 2 attached to planning permission PK13/3432/RVC which stated:

The petrol filling station use shall not be carried out other than between the hours of 06.00hrs to 24.00hrs daily.

The reason for the condition was given as:

To minimise disturbance to occupiers of nearby buildings and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006

- 5.4 The applicant wishes to extend the hours of operation to allow for 24 hour trading daily. The reason given in this case is to provide longer opening hours at night for customers and to enhance the viability and functionality of the site to the benefit of motorists and local residents.
- 5.5 National Planning Policy states the government is committed to securing economic growth in order to create jobs and prosperity while at the same time meeting the challenge of a global competition and a low carbon future. It states that the planning system should proactively meet the needs of business but at the same time promote and deliver sustainable development which produces positive improvements in the quality of the built environment.
- 5.6 This policy is a material planning consideration. It is recognised that the policy has a focus on supporting the economy, however, the advice is also clear in that local planning authorities must have regard to all other relevant considerations.
- 5.7 The main issue to consider in the assessment of this application is whether the longer working hours would result in an unacceptable level of noise and disturbance to surrounding residences and whether on balance this would outweigh the economic benefits of the proposal.
- 5.8 A detailed noise report has been provided, based on parameters suggested in the previously approved application and advice given by Environmental Protection Officers within the Council. This is discussed below.

5.9 Environmental Protection

Based on the information and conclusions presented in the Noise Impact Assessment dated October 2015 produced by Enzygo Ltd and submitted to support the proposed extension to operating/opening hours at the Snax Garage 114 Bath Road Willsbridge Environmental Protection Officers make the following observations:

5.10 The Assessment has been carried out using British Standard BS4142 :1997 and BS8233:1999 which are considered the appropriate assessment tools in this case. Officers do not have access to the software used for the modelling assessment but the assessment information regarding background noise levels and specific noise levels and the monitoring positions used is accepted. It is agreed that the rating level for the specific noise levels relating to the proposed extended hours for the site should include the +6dB acoustic feature adjustment due to the nature of activities eg car doors slamming and other individual noises that may attract attention and this has correctly been incorporated into the assessment.

5.11 The resulting conclusions by the Acoustic Consultants regarding the proposed extension to the opening hours of the forecourt and shop, indicate that there are no noise related issues to prevent the extension in operating hours.

5.12 Based on the Noise Impact Assessment Officers have no objections to the application however it should be conditioned that the other activities at the Petrol filling station should continue to be restricted to the hours currently permitted. These activities are Car Sales, Car wash, Jet wash, car vacuum, tyre inflation compressor and deliveries in line with conditions 3, 7 and 16 of planning decision PK13/3432/RVC.

5.13 Residential Amenity

The site has residential properties to its east and west boundaries and also opposite to the north where the ground rises above the road level. Comments received from local residents have expressed concern regarding the increase in noise that would result from the change in opening hours. Notwithstanding that a degree of noise and disturbance is already experienced from the petrol filling station/shop and by its location adjacent to a busy road, the impact the change in opening hours would have on local residents is an important consideration.

5.14 Environmental Protection Officers have given their assessment of the potential noise resulting from the proposal by examining the submitted Noise Impact Assessment and concur with the findings that the level of noise would be acceptable. Although it is not disputed that there may be some changes experienced by neighbours, the degree of separation from the petrol station and those neighbours who have commented must also be noted, being approximately 30 metres and 40 metres away. It is recognised that no information has been provided with respect to the projected increase in usage by customers visiting the petrol station, but it is not unreasonable to assume that the number of additional users during these hours would be limited. Nevertheless, changes are acknowledged but these have to be set against firstly, the aims/directions given within the NPPF to promote and encourage

economic development, secondly, the findings in the acoustic report which has found noise levels acceptable and thirdly, the support comments which have indicated that the additional use and human presence in the petrol filling station/shop could assist in the prevention of anti-social behaviour.

5.15 Comments regarding the bright lights affecting neighbours to the north is noted. It is noted that this is an existing situation, and as mentioned above, this application relates purely to the variation of a condition. However, to accompany the extension of the opening hours, an extension to the length of time the signs would be illuminated would also be necessary. It is therefore considered reasonable that a condition be attached to the decision notice requiring that prior to the implementing of the new hours, additional details regarding the location and brightness levels and timings of all illuminated signage on the site be submitted to the LPA for written approval.

5.16 Taking the above into account, and on balance, it is considered that the increase in hours of operation would not have a significant and detrimental impact on residential amenity of neighbours sufficient to warrant the refusal of the application.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That consent be given subject to the conditions attached to the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The car sale use shall not be carried out other than between the hours of 7.00am to 11.00pm Mondays to Saturdays and 8.00am to 10.00pm on Sundays

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the NPPF.

3. Noise from the premises (including the car wash and jet wash facility) assessed in accordance with BS4142 1990 shall not exceed a rating level of 50dB(a) measured at or beyond the boundary of any residential property.

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the NPPF.

4. The car wash and jet wash, and the car vacuum and tyre inflation compressor use hereby permitted shall not be carried out other than between the hours of 7am to 11pm Monday to Saturdays and 8am to 10pm on Sundays.

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the NPPF.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended, (or any Order revoking and re-enacting that Order), no plant or machinery shall be installed outside the building on the site nor shall any building be extended without the prior permission of the LPA.

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the NPPF.

6. No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse or any other item shall be stacked or stored outside any building on the site.

Reason

To minimise the visual impact disturbance to occupiers of nearby buildings and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the NPPF.

7. The display or sale of motor vehicles shall not take place on any part of the land or within any part of the buildings except on the areas as indicated on the approved plans.

Reason

To ensure the parking spaces are retained for the prime purpose of providing parking for visitors and staff to the premises and to ensure that sufficient off street parking is retained to serve the development in the interests of highway safety and to accord

with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

8. No deliveries shall be taken at or despatched from the site outside the hours of 7.00am to 11.00pm Mondays to Saturdays and 8.00am to 10.00pm on Sundays

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the NPPF.

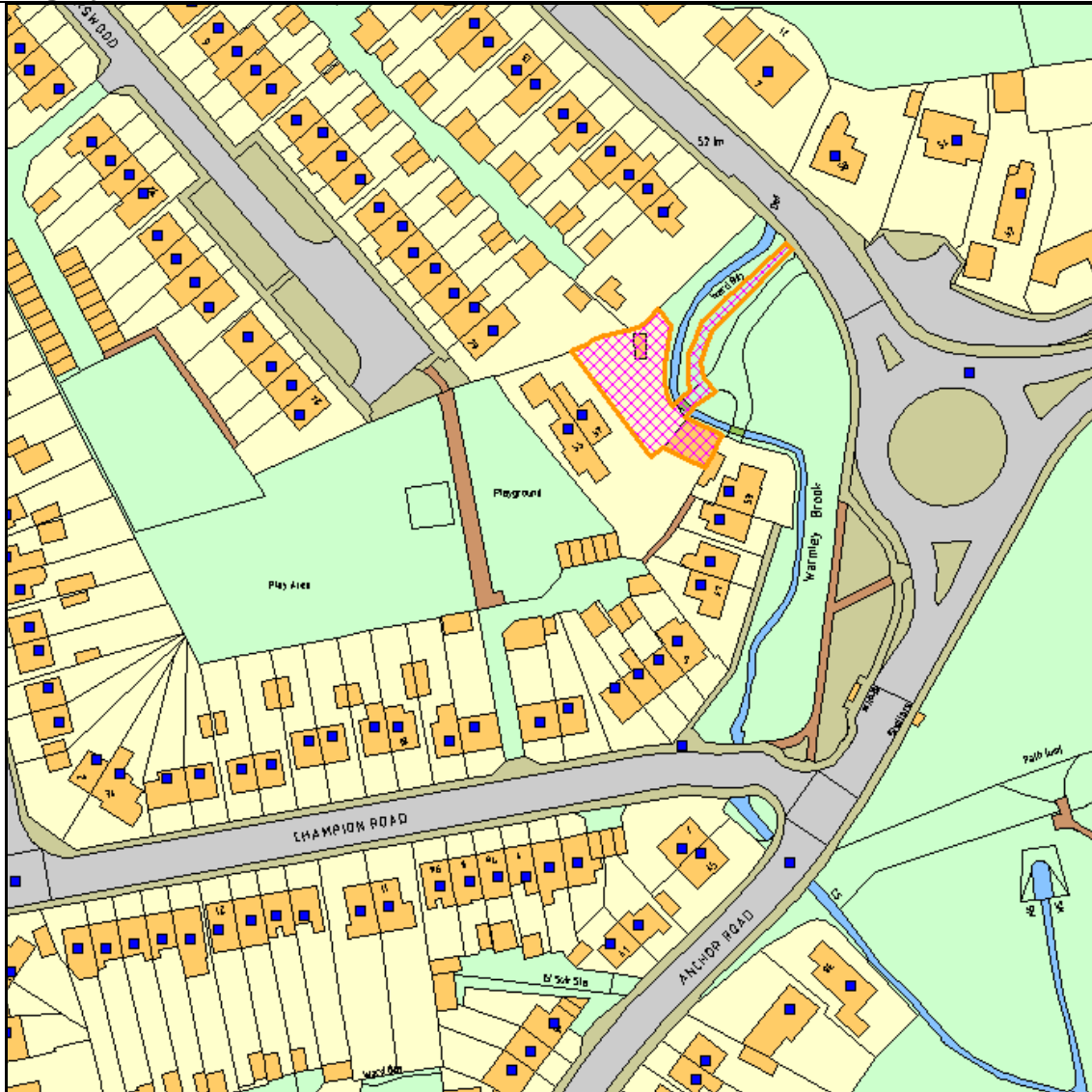
9. Prior to the implementation of the change of hours details of the siting, levels of illumination and the operating timings of all illuminated signage within the site shall be submitted to the LPA for written approval. Development shall be carried out in accordance with these approved details.

Reason

This is a pre-commencement condition to mitigate against any possible future remedial action and to minimise disturbance to occupiers of nearby buildings and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the NPPF.

CIRCULATED SCHEDULE NO. 52/15 – 23 DECEMBER 2015

App No.:	PK15/4758/F	Applicant:	Mr Bullen & Naish c/o Laurence Rae Associates Ltd
Site:	57 Anchor Road Kingswood Bristol South Gloucestershire BS15 4RF	Date Reg:	5th November 2015
Proposal:	Erection of 1 no. detached dwelling including new access and associated works (resubmission of PK15/0372/F)	Parish:	None
Map Ref:	366162 174723	Ward:	Rodway
Application Category:	Minor	Target Date:	29th December 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

Two comments have been received that are contrary to the Officer's recommendation.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The applicant seeks full planning permission to erect one 3-bed detached dwelling with new vehicular access and associated works (re-submission of PK15/0372/F).
- 1.2 The previous application (PK15/0372/F) was refused for two reasons. The first refusal reason was due to inadequate access width and increased vehicular movements to and from the site which would interrupt the safe and free-flow of traffic to the detriment of highway safety and contrary to Policy T12 of the South Gloucestershire Local (2006). The second reason was the absence of a site specific flood risk assessment and so the application failed to demonstrate how flood risk would be managed over the lifetime of the development, contrary to Policy CS9 of the South Gloucestershire Core Strategy 2013, Policy EP2 of the South Gloucestershire Local Plan 2006 and the provisions of the National Planning Policy Framework 2012. This proposal has now increased the access width of the main access road and a site specific flood risk assessment has also been submitted for consideration.
- 1.3 The plot is set within a built up residential area within an existing settlement boundary and has proposed access over Siston Common which is common land. No. 55 and 57 share the same access route and are located to the west side elevation of the proposed dwelling. No.55 and 57 are semi-detached properties that are finished in rough stone render with a pitched roof and a separate garden with an approximate 1.4m wall surrounding the front garden. There is a stream that runs close to the east side elevation of the proposed dwelling. There is currently a very large shed structure to the front of the proposed dwelling that is used for storage and separates the boundary between the proposed dwelling and no. 53 Anchor Road.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance 2014
- 2.2 Development Plans
South Gloucestershire Local Plan Core Strategy (Adopted December 2013)
CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility

- CS15 Housing Distribution
- CS16 Housing Density
- CS17 Housing Diversity
- CS29 Communities of the East Fringe of Bristol Urban Area

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

T12 Transportation Development Control Policy for New Development.

T7 Cycle Parking

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

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)
Residential Parking Standards (Adopted 2013)

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/3622/F *Erection of 1 no. dwelling with access, parking and associated works.* Refusal 28.02.2007
- 3.2 PK15/0372/F *Erection of 1no. dwelling including new access and associated works* Refusal 27.03.2015

4. CONSULTATION RESPONSES

4.1 Siston Parish Council
No Comment

4.2 Other Consultees

Sustainable Transport

- Since refusal of the applications in 2006 and 2015 the applicant has made changes and submitted additional information.
- Visibility to the right of the access is considered to be acceptable.
- Visibility to the left of the access is very close to the top of the parapet wall and is restricted. The applicant is therefore proposing to raise the existing levels of the driveway by resurfacing it and increasing the levels by 45mm.
- The officer considers this is a modest but sufficient improvement.
- In the 2006 appeal decision, the inspector confirmed that the access where it joins Station Road was insufficient to allow two vehicles to pass safely.
- Applicant is proposing to widen the existing access to 4.5m at the entrance to Station Road.
- With the width and no boundary restriction the officer is satisfied that two vehicles can now safely pass each other.
- Details of auto-track have been submitted to show the amended access is suitable for two-way movement.

- Since 2006 the Council has constructed a new pedestrian crossing on Station Road near the site entrance.
- The development will generate one extra vehicle in any peak hour. This level of impact cannot be considered material.
- There are no transport objections subject to conditions regarding resurfacing of the private driveway and raising it by 45mm, the access road being widened by 4.5m where it joins Station Road and the parking provision and turning area being approved and in place prior to development.

Highway Structures

No Comment

Lead Local Flood Authority

- No Objection subject to conditions regarding SUDs and public sewer location.
- The Environment Agency 3rd Generation Flood Maps for surface water show ground profiles as subject to overland flow.
- An informative is to be included in the Decision Notice that states that the developer must consider surface water drainage and flood risks to and from the site which would occur as a result of the development.

Ecologist

- No comment

The Coal Authority

On the 13th November 2015 the Coal Authority explained:

- The application site falls within the defined Development High Risk Area.
- The information submitted does not adequately address the impact of coal mining legacy on the proposed development.
- The Coal Authority objects and the applicant needs to submit the Coal Monitoring Risk Assessment Report to the Local Planning Authority.

A Coal Monitoring Risk Assessment was submitted on 18th November 2015 and on 2nd December 2015 the Coal Authority explained:

- Applicant has submitted a very brief Risk Assessment against mining subsidence.
- The Coal Authority does not consider that this document adequately addresses the impact of coal mining legacy on the proposed development.
- The Coal Authority maintains its previous objection and considers that the applicant needs to revise and resubmit the Coal Mining Risk Assessment Report to the LPA.

A revised Coal Mining Risk Assessment was submitted on 7th December 2015 and on 18th December 2015 the Coal Authority explained:

- Whilst the revised statement remains brief, it does now acknowledge the potential presence of shallow underground coal mine workings beneath the site. However, the revised statement is unable to identify the likely depth of potentially worked seams beneath the site and is therefore unable to

quantify the risk that the collapse of any such workings pose to the proposed development.

- The revised Risk Assessment against Mining Subsidence statement recommends the undertaking of an intrusive borehole investigation in order to establish the presence or otherwise of mine workings and to inform any necessary remedial works required, e.g. drilling and grouting stabilisation works. Consideration should also be given to the monitoring of mine gas during intrusive ground investigations to inform any necessary gas protection measures to be incorporated into the development.
- We note that the revised statement recommends the drilling of a single borehole. The applicant should note that a single borehole is unlikely to provide sufficient information to satisfactorily ascertain ground conditions and to establish the presence or otherwise of mine workings. As such, the applicant should ensure that the exact form of any intrusive site investigation, including the number, location and depth of boreholes, is agreed with The Coal Authority's Permitting Team as part of their permit application.
- Recommends that the Local Planning Authority impose a Planning Condition requiring site investigation works prior to commencement of the development.
- If the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement.

Other Representations

4.3 Local Residents

Neighbour Objection from 53 Anchor Road

- Concern regarding increased congestion and the safety of the access road.
- Siston Common is common land and a 'wayleave' payment is paid by users of the access road.

Neighbour Objection from 1 Laxton Close, Olveston

- Site entrance is on the Siston Parish boundary.
- Concerns regarding intensification of vehicle use of the driveway and detrimental impact on highway safety.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Development within the established settlement boundary is generally supported by the Council as it is a sustainable form of development which makes the most efficient use of land. Policy CS5 allows for development within the existing urban area subject to conformity with other development plan policies. Similarly policy H4 of the Local Plan states that new dwellings within existing residential curtilages are acceptable in principle but should respect the overall design and character of the existing property and street scene, would not detrimentally affect the amenities of nearby occupiers, would have acceptable parking

provision and would provide adequate private amenity space for any new dwelling. Policy CS16 explains that housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied. The density of new development should be informed by the character of the local area and contribute to the high quality design set out in CS1, improving the mix of housing types and providing adequate levels of semi-private communal open space and private outdoor space. Furthermore, as the Council currently does not have a 5 year supply of housing land the test in Paragraph 14 of the NPPF explains that where this is the case permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Part of the site falls within flood zone 2 and as such the principle of the proposed development also stands to be assessed against section 10 of the NPPF which applies a risk based approach in order to steer new development to areas with the lowest probability of flooding.

The previous application (PK15/0372/F) was refused for two reasons. The first refusal reason was due to inadequate access width and increased vehicular movements to and from the site which would interrupt the safe and free-flow of traffic to the detriment of highway safety and contrary to Policy T12 of the South Gloucestershire Local (2006). The second reason was the absence of a site specific flood risk assessment and so the application failed to demonstrate how flood risk would be managed over the lifetime of the development, contrary to Policy CS9 of the South Gloucestershire Core Strategy 2013, Policy EP2 of the South Gloucestershire Local Plan 2006 and the provisions of the National Planning Policy Framework 2012. This proposal has now increased the access width of the main access road and a site specific flood risk assessment has also been submitted for consideration.

In principle the proposed erection of a new detached 3 bed house would be acceptable because it is situated within an existing urban area and within a settlement boundary. However, the proposal should satisfy all of the criteria as set out above and the remainder of this report will assess such criteria.

5.2 Flood Risk

The application site is situated to the west of a brook with the eastern half of the site falling within flood zone 2 (medium probability) and the western half falling within flood zone 1 (low probability). The site layout is such that the proposed dwelling itself would fall just within flood zone 1 but the remaining garden area would predominantly fall within flood zone 2. The site is also now supported by a flood risk assessment that details this.

The NPPF applies a risk based approach to flood risk by applying the sequential test to development proposals. The development proposal of one dwelling falls under the category of 'more vulnerable' within the Flood Risk Vulnerability Classification (Table 2) outlined in the NPPG. The development site consists of flood zones 1 and 2 and as such, in accordance with Table 3 (Flood risk vulnerability and flood zone 'compatibility') the development is considered appropriate and therefore passes the sequential test.

In addition to the sequential test paragraph 103 of the NPPF states that when determining applications Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding when informed by a site specific flood risk assessment. This is required to demonstrate that the most vulnerable development is located in areas of lowest flood risk and that development is appropriately flood resilient and resistant, including safe access and escape routes, and that any residual risk can be safely managed, including by emergency planning. Priority is required to be given to the use of sustainable drainage systems.

The application is now supported by a site specific Flood Risk Assessment (FRA). It is noted that a large proportion of the garden and access area associated with the dwelling would fall within Flood Zone 2 (FZ2) even though the proposed dwelling itself would lie within Flood Zone 1 (FZ1). It is considered therefore that development could as a result have an impact on flood risk. The submitted FRA explains that the new dwelling is in FZ1 and the flood maps show a small area of the garden and an area of the Common adjacent to the original channel is in FZ2. It states that the depth of the flood is unlikely to exceed 150mm and the flood is likely to dissipate in a couple of hours.

It is considered that the application has met the requirements of the NPPF and adequately demonstrates that the development would be safe and would not impact flood risk elsewhere.

5.3 Sustainable Transport

The application seeks permission for the erection of 1no. detached dwelling accessed along the shared private driveway from Station Road (A4175) which is a principal classified highway. The access is existing and within close proximity to the roundabout which serves Anchor Road, Station Road and the Avon Ring Road. Three other dwellings currently utilise this access point.

The previous application on the site (PK06/3622/F) was for the same development and was dismissed at appeal with the highway refusal reason upheld. The Inspector, within the appeal decision, noted the following:

“There is a wall a short distance to the northwest of the access at the back of the footway which intrudes into the required splay area. As a result of the height of this wall and the alignment of Station Road visibility to the left is considerably less than the required 25m. Therefore, I consider the increased number of vehicle movements out of the access that would be likely to result from the development would unacceptably add to road safety hazards in Station Road.

Moreover, the width of the access where it joins Station Road is insufficient to allow two vehicles to safely pass. As a result, if a vehicle were waiting in the access to leave, a vehicle intending to turn into the track would have to wait in Station Road. As the access is close to the roundabout where the other drivers’ attention would likely be focussed on entering or leaving the roundabout, I

consider vehicles waiting on the road would further add to safety risks.....It represents an additional risk and reinforces my view that, as a result of its width and the limited visibility from it, the access is not suitable to safely accommodate additional vehicular movements.”

The application submitted in March 2015 (PK15/0372/F) showed that in response to the above the proposal sought to address the issue of highway safety by widening the access to 4.1 metres using part of the grass verge, and raising the level of the existing access by resurfacing a short distance of the driveway. However, this amendment was not considered acceptable and the proposed access in this re-submission has been widened to 4.5m which is now considered acceptable and the access road would now be able to facilitate additional vehicular movements that will result by having a new dwelling on the site.

Visibility to the right of the access is considered to be acceptable but visibility to the left of the access is very close to the top of the parapet wall and is restricted. The applicant is therefore proposing to raise the existing levels of the driveway by resurfacing it and increasing the levels by 45mm and the transport officer considers this is a modest but sufficient improvement. In the past, obstruction in the visibility to the left was partly due to presence of vegetation/bushes/trees around the parapet wall. Since the appeal decision the vegetation has been removed and as a result visibility has improved. As such, there is not considered to be a reasonable objection on grounds of visibility.

The widening of the access to 4.5m and the raising of the access to 45mm is considered to be acceptable by the Transport Officer subject to these measures being imposed by conditions. In the previous application (PK15/0372/F) there was concern over the ability to implement the access widening as the land fell outside of the applicant's ownership and it was thought that a condition could not reasonably be imposed requiring the implementation and subsequent retention of the road improvements. However, the applicant has now served a Certificate B to the Estates Department of South Gloucestershire Council who currently own the land. An amended access plan has also been submitted showing the red line boundary that covers the new widened access road was also submitted to the council on 14th December 2015.

In addition to the above, since the appeal decision in 2006, the Council has constructed a new pedestrian crossing on Station Road within close proximity to the access point. This new pedestrian crossing facility is on a busy traffic and pedestrian route and serves pupils walking to the nearby school. It has been considered by the Transport Officer that due to the improved access arrangements and that the development will generate one extra vehicle in any peak hour, this level of impact cannot be considered material.

5.4 Design

The application proposes a detached two storey dwelling to the side of no. 57 Anchor Road, which forms one of a pair of semi-detached properties. Within the previous application the Inspector did not uphold the Council's refusal reason in relation to the design of the building and its impact on the character

and appearance of the locality. The current application seeks the same design on a slightly different layout with the new dwelling set back from the front of no.s 55 and 57. In giving the Inspector's previous appeal decision substantial weight there are no objections on grounds of design and visual amenity. The changes in national and local policy since the determination of the previous application are not considered to have a material impact on the Inspector's views in this respect.

5.5 Residential Amenity

Neighbour objections have been made regarding highway safety and access to the site but there have been no objections raised on grounds of residential amenity. The layout of the development within the current application has changed slightly with the dwelling set back extending beyond the rear elevations of no.s 55 and 57 by 2.5 metres. Although the development would as a result introduce a double storey wall to part of the rear garden of no.57 it is not considered that it would be significantly overbearing or oppressive and would not significantly alter existing levels of outlook or light. However, a condition will be imposed to ensure that no windows are installed on the side elevation facing into the neighbouring property in order to secure the continued privacy of the current and future occupiers of no. 57.

5.6 Other Matters

Matters raised in relation to access rights and access over common land is a civil issue which falls outside of the remit of this planning application. These matters have therefore not been afforded material weight within this decision.

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 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 attached to the decision notice.

Contact Officer: Chloe Buckingham

Tel. No. 01454 867967

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 08.00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

In the interests of highway safety and residential amenity and to accord with Policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

3. Prior to commencement of development the car parking provision and turning area is to be approved by the Council and provided and retained as such thereafter.

Reason

To avoid the need for future remedial action and to ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the minimum Residential Parking Standard SPD (Adopted) December 2013.

4. Prior to commencement of development the private access driveway shall be resurfaced and raised by 45mm and the access road shall be widened by 4.5 metres where it joins Station Road as detailed on plan BN6.

Reason

To avoid the need for future remedial action and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 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 avoid the need for future remedial action and to comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

6. All prior to the commencement of development:-

(i) A scheme of intrusive site investigations shall be submitted to and approved in writing by the Local Planning Authority. The intrusive site investigations shall then be undertaken in accordance with the approved details and a report of the findings from the site investigations (Sites Investigation Report) be submitted to and approved in writing by the Local Planning Authority.

(ii) In the event that the Site Investigation Report identifies the need for remedial works/mitigatory measures a scheme of these works/measures shall be submitted to and approved in writing by the Local Planning Authority. The implementation of these works/measures shall be undertaken fully in accordance with the approved details.

Reason:

To address the issue of land instability given the location of the site in a Coal Mining Development Referral Area and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013. A pre-commencement condition is needed to avoid the need for future remedial action.

7. No windows shall be installed to the north east side elevation.

Reason

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

CIRCULATED SCHEDULE NO. 52/15 – 23 DECEMBER 2015

App No.:	PK15/5030/CLP	Applicant:	Mr Simon Cummings
Site:	Greenways Siston Lane Siston Bristol South Gloucestershire BS30 5LY	Date Reg:	26th November 2015
Proposal:	Application for a certificate of lawfulness for the proposed erection of two single storey side extensions	Parish:	Siston Parish Council
Map Ref:	368409 174298	Ward:	Siston
Application Category:		Target Date:	19th January 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination as a matter of process. The application is for a certificate of lawfulness for a proposed development.

1. THE PROPOSAL

- 1.1 This application seeks a formal decision as to whether or not the proposed erection of two single storey side extensions at Greenways Siston would be permitted under the regulations contained within The Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations. There is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

- 2.1 This is not an application for planning permission. Thus it cannot be determined through the consideration of policies contained within the Development Plan; the determination of this application must be undertaken as an evidential test against the regulations listed below.
- 2.2 National Guidance
The Town and Country Planning (General Permitted Development) (England) Order 2015.

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/4578/PNH No Objection 16/11/2015
Erection of single storey rear extension, which would extend beyond the rear wall of the original house by 8 metres, for which the maximum height would be 4 metres and for which the height of the eaves would be 2.8 metres

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
No comments received.

Other Representations

- 4.2 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The following evidence was submitted to the Local Planning Authority on 23 November 2015 –

- Existing and Proposed Front and Rear Elevations
- Existing and Proposed Side Elevations
- Existing and Proposed Site Plan
- Location Plan
- Planning Statement

6. ANALYSIS OF PROPOSAL

6.1 This application seeks a certificate of lawfulness for two proposed single storey side extensions at a property in Siston.

6.2 Principle of Development

An application for a Certificate of Lawfulness is purely an evidential test and is a formal way to establish whether or not the proposed development can be implemented lawfully without the need for planning permission. Thus there is no consideration of planning merit, the application is based on facts presented. The submission is not a planning application and therefore the Development Plan is not of relevance to the determination of this application.

6.3 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

6.4 The proposed developments are two single storey side extensions to the property, on the north of the property and the south of the property. This development would fall within Schedule 2, Part 1, Class A this allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below

6.5 Assessment of Evidence: Single Storey Side Extensions

Schedule 2 Part 1 Class A allows for the enlargement, improvement or other alteration of a dwellinghouse, subject to meeting the following criteria:

A.1 **Development is not permitted by Class A if –**

(a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)

The dwellinghouse was not granted under classes M, N, P or Q of Part 3 of this Schedule.

(b) As result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The total area of ground covered by buildings (other than the original dwellinghouse) would be less than 50% of the total area of the curtilage.

- (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**

The height of the two single storey side extensions would not exceed the height of the roof of the existing dwellinghouse.

- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**

The height of the eaves of the single storey side extension would not exceed the height of the eaves of the existing dwellinghouse.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which –**

- (i) forms the principal elevation of the original dwellinghouse; or**
- (ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

Neither of the proposed single storey side extensions would extend beyond a wall that forms the principal elevation of the original dwellinghouse or a wall that fronts a highway and forms a side elevation of the original dwellinghouse.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
- (ii) exceed 4 metres in height;**

The proposal is for two single storey side elevations, neither of which extend beyond the rear wall of the original dwellinghouse, nor do they exceed 4 metres in height.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
- (ii) exceed 4 metres in height;**

Not applicable

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
- (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse**

The proposed side extensions would be single storey.

- (i) **The enlarged part of the dwellinghouse would be within 2 metres of the boundary curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**

The proposed side extensions would not be within 2 metres of the boundary curtilage of the dwellinghouse.

- (j) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –**
 - (i) **exceed 4 metres in height,**
 - (ii) **have more than a single storey, or**
 - (iii) **have a width greater than half the width of the original dwellinghouse; or**

The proposed side extensions do extend beyond a wall forming side elevations of the original dwellinghouse, however neither side extension exceed 4 metres in height, have more than a single storey or have a width greater than half the width of the original dwellinghouse.

- (k) **It would consist of or include –**
 - (i) **the construction or provision of a veranda, balcony or raised platform,**
 - (ii) **the installation, alteration or replacement of a microwave antenna,**
 - (iii) **the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
 - (iv) **an alteration to any part of the roof of the dwellinghouse.**

The proposed extensions do not include any of the above.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –

- (a) **it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
- (b) **the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) **the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.**

The application site is not situated within article 2(3) land.

A.3 Development is permitted by Class A subject to the following conditions –

- (a) **the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior dwellinghouse;**

The materials which will be utilised will match those of the existing dwelling.

- (b) **any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must 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; and**

This is not applicable for the proposed development.

(c) where the enlarged part of the dwellinghouse had more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

This is not applicable for the proposed development.

7. RECOMMENDATION

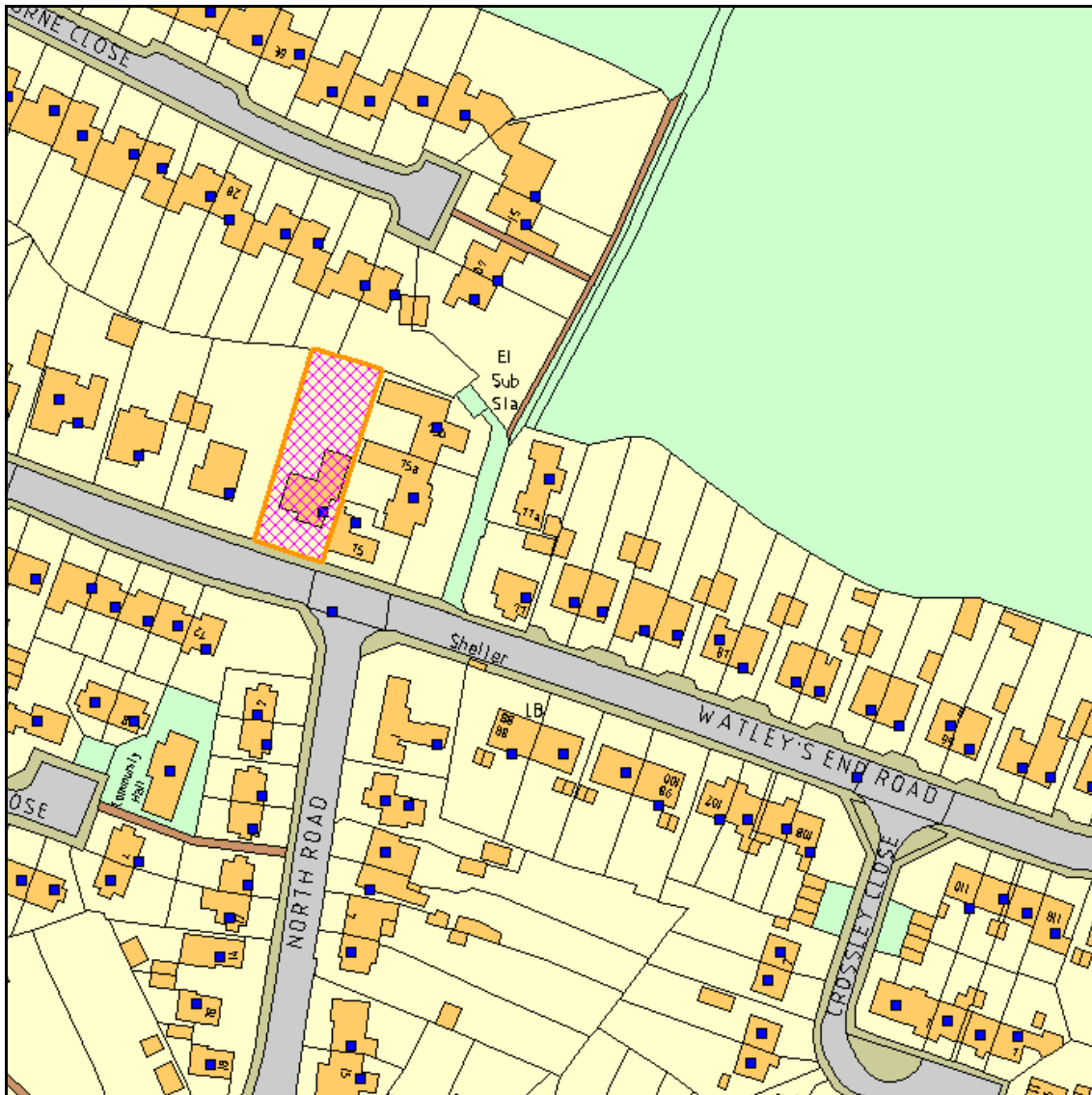
7.1 That a Certificate of Lawfulness for Proposed Development is **GRANTED** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Contact Officer: Fiona Martin
Tel. No. 01454 865119

CIRCULATED SCHEDULE NO. 52/15 – 23 DECEMBER 2015

App No.:	PT15/4730/F	Applicant:	Mr And Ms P And J Mainstone And Harvie
Site:	73 Watleys End Road Winterbourne Bristol South Gloucestershire BS361PN	Date Reg:	12th November 2015
Proposal:	Raising of roofline, Installation of 2no. front and 1no. rear dormer to facilitate loft conversion. Erection of front extension to form additional living accommodation. Erection of single storey rear extension to form annexe ancilliary to main dwelling house. Erection of detached garage.	Parish:	Winterbourne Parish Council
Map Ref:	365529 181317	Ward:	Winterbourne
Application Category:	Householder	Target Date:	5th January 2016



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4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

No objection although the Parish consider that the garage roof should be varied to avoid offending the neighbours in Bourne Close.

4.2 Sustainable Transport

No objection

Other Representations

4.3 Local Residents

One comment of objection has been received which raises the following matters -

- Garage roof is very high and would have significant impact on neighbours
- Garage roof should be reduced in height and a different style of roof selected

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for a number of alterations and extensions and the erection of a detached garage at an existing bungalow in Winterbourne.

5.2 Principle of Development

Extensions and alterations to existing dwellings are broadly supported by policy H4 of the Local Plan subject to an assessment of design, amenity and transport. In addition to this, the creation of the annex should be considered. Therefore the proposed development is acceptable in principle but should be determined against the analysis set out below.

5.3 Annex

The plans as submitted indicate that the internal layout would lead to the creation of a separate unit of living accommodation. This can be described as an annex as there is both a functional (in terms of access and parking) and physical (as the annex is attached) relationship to the main house.

5.4 The application has not assessed the annex as a wholly separate residential dwelling; the use in such a manner would require further assessment. Therefore a condition shall be attached that requires the annex to be used as ancillary accommodation only.

5.5 Design

The proposed development would make a material change to the appearance of the property. As a result, the ridge would rise and the pitch would steepen. Two dormer windows would be added to the front elevation - which itself is slightly more forward than the existing front elevation. Policy H4 requires development to respect the character and appearance of existing dwellings. The existing dwelling has a 1970s character. Whilst it cannot be said that this

would retain after the development is completed, it is not considered that the design of the proposal is harmful to the visual amenity of the area.

5.6 Watleys End Road provides an eclectic mix of house types, styles and designs. The application site itself is bounded on either side by Victorian style double fronted houses (although it is noted that a new dwelling has been permitted to the west). Opposite are bungalow and two-storey terraces dating from the 1960s. The appearance of the proposed extensions would not be incoherent within its location. Therefore the design is considered to be acceptable. The use of the materials as listed on the application form are acceptable.

5.7 Garage

Concern has been raised about the design of the garage. The garage is located in the northwest corner of the site. The garage roof is at a pitch of 40°. It has an overall height of 5.3 metres and an eaves height of 2.6 metres. The garage is located close the rear boundary of the site and the properties to the rear on Bourne Close. There is a gap of approximately 13 metres between the proposed garage and the rear elevation of the nearest property on Bourne Close.

5.8 The roof structure of the garage matches that in the dwelling. The distance between the garages building and other residential dwellings falls just into that which is considered acceptable. Whilst a roof of an alternative design may have a lesser impact, the impact is not considered to be sufficient to require modifications to the design of the garage. The impact of the garage in its current form is considered to be acceptable and is not a reason to refuse planning permission.

5.9 Residential Amenity

Development should not be permitted that has a prejudicial impact on residential amenity. An earlier application was withdrawn as it failed to gain officer support due to the impact on residential amenity. This application does not proposed to raise the height of the existing single storey rear extension and therefore the previous objection is overcome.

5.10 It is not considered that the proposed extensions would have a prejudicial impact on residential amenity. There are no windows situated in a position that would lead to a loss of privacy. It is not considered that as a result of the development, the resulting built form would be overbearing. The proposal is therefore considered to be acceptable in terms of residential amenity.

5.11 Transport and Parking

For householder development, highway considerations resolve around the provision of adequate off-street parking. The development would provide a long drive and detached garage. It is considered that these would provide sufficient parking to meet the needs arising from the development and is therefore acceptable.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant/refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended that planning permission is GRANTED subject to the conditions listed below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

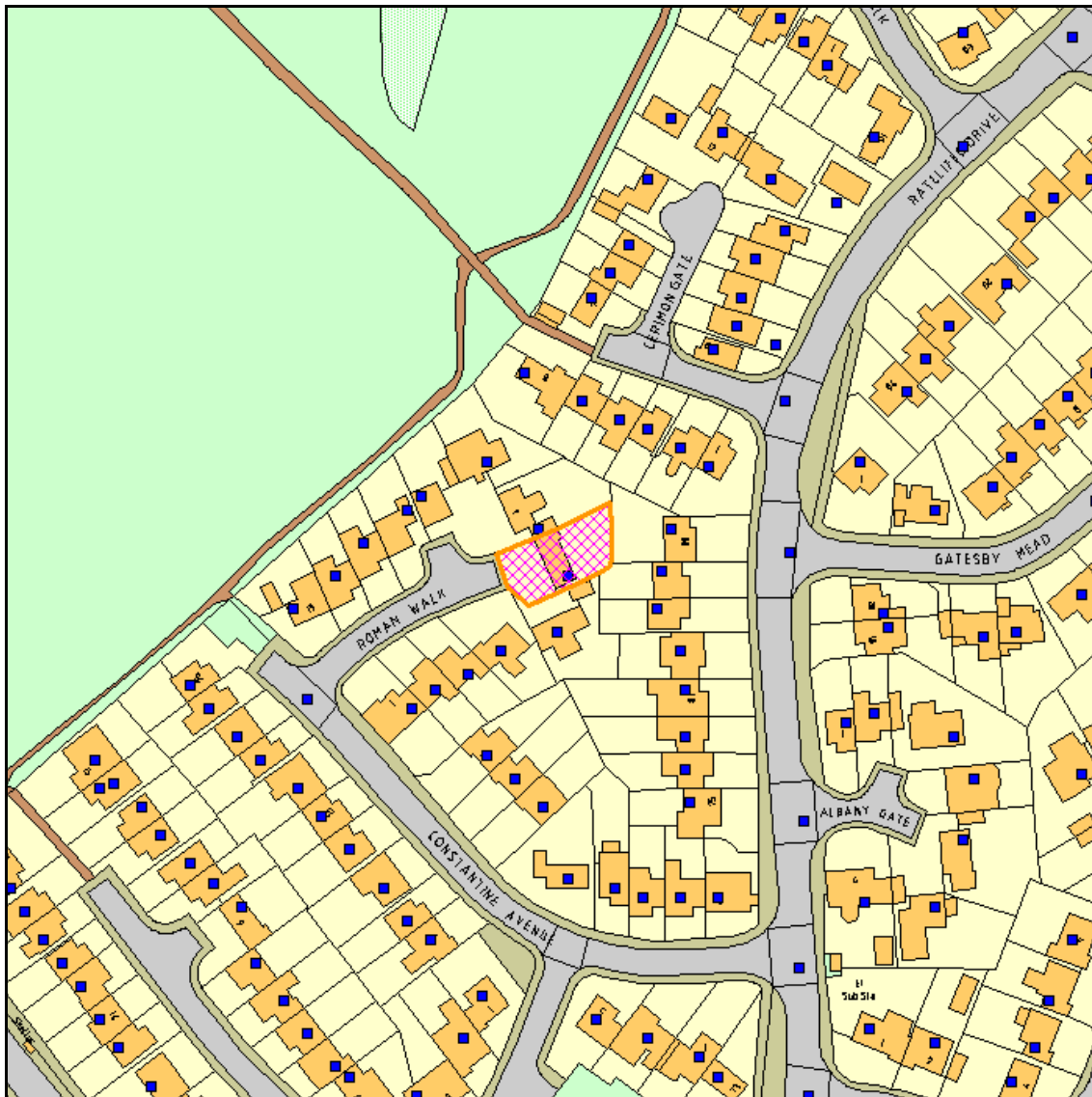
2. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 73 Watleys End Road, Winterbourne.

Reason

The development has been permitted on the particular circumstances of the case and the development would be unsuitable for use as a separate residential dwelling because further consideration with regard to residential amenity and parking would be required in accordance with policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; policy T12 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies); and the Residential Parking Standard SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 52/15 – 23 DECEMBER 2015

App No.:	PT15/4753/F	Applicant:	Mr Lawrence Benson
Site:	6 Roman Walk Stoke Gifford Bristol South Gloucestershire BS34 8UH	Date Reg:	4th November 2015
Proposal:	Erection of two storey rear extension and conversion of existing garage to form additional living accommodation (resubmission of PT15/2889/F).	Parish:	Stoke Gifford Parish Council
Map Ref:	362132 180198	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	29th December 2015



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4.2 Other Consultees

Sustainable Transport

No objection subject to a condition ensuring the parking shown is implemented.

Other Representations

4.3 Local Residents

Two letters of objection have been received and their comments can be summarised below:

- Shifting the extension slightly north is insufficient to address concerns
- Properties to the rear, including 2 Cerimon Gate, would be overlooked and does not comply with policy H4 of the Local Plan, and paragraph 26 of the NPPG
- No information with regards to the construction timings and control of noise dust etc has been submitted
- Application is not in accordance with the European Convention on Human Rights
- Extension will overshadow onto no. 89 Ratcliffe Drive
- Lacks information with regards to materials
- Parking provision will be decreased
- The application does not demonstrate compliance with energy conservation or renewable energy resources
- The applicant has not worked closely with those directly affected by the proposal, and is therefore not compliant with paragraph 66 of the NPPF

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 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, and also that there is safe and adequate parking provision and no negative effects on transportation. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Design

The application proposes a two-storey rear extension which extends into the rear garden by 3.5 metres, continuing the ridge height of the existing house. The proposal has a hipped roof, and the materials will match the existing property in appearance. Concerns have been raised with regards to a lack of materials stated on the plans, so a condition on the decision notice will ensure that they do indeed match the host dwelling as stated within the application

form. The form and scale of the extension are acceptable given the size of the plot, and whilst the extension is two-storeys in height it has a modest footprint. One of the objection letters received states that the application should not be approved as it does not demonstrate compliance with energy conservation or propose renewable energy sources, however given the scale of the proposal, it would be unreasonable for the Local Planning Authority to insist on these provisions. Therefore, the development is considered acceptable in terms of policy CS1 of the Core Strategy.

5.3 Residential Amenity

The rear boundary of no. 6 Roman Walk is angled, and it slopes closer to the property as it runs from north to south. The previously withdrawn application proposed an extension in the southern part of the boundary, very close to the rear boundary and the properties to the rear on Cerimon Gate and Ratcliffe Drive. This submission moves the extension to the north, so that there is an adequate distance from the rear windows of the extension to the rear boundary, which is a distance of almost 7 metres. The proposed rear windows are also at an angle from the properties on Ratcliffe Drive, and the window to window distance is approximately 18 metres at an angle. Claims that the extension will overshadow no. 89 Ratcliffe Drive are not considered to be accurate, as any shadow or lack of light falling to the east will be caused primarily by the existing dwelling, and not exacerbated by the extension. There may be a slight increase in overshadowing to the north-west falling on the rear garden of no. 7 Roman Walk, however this will only be a slight increase compared to the shadowing already caused by the existing dwellings in the evening.

5.4 Objections have been received claiming the extension will overlook properties on Cerimon Gate, in particular no. 2, which the extensions rear windows are angled directly towards. The boundary to no. 2 is over 15 metres from the proposed rear windows and the window to window distance is approximately 28 metres. There will not be any inter-visibility between these windows despite being directly opposite the extension, due to the long distance. Furthermore, the closest first floor window to no. 2 serves a bathroom and is proposed to be obscure glazed. This will be conditioned on the decision notice.

5.5 A new window in the existing north-western elevation of the property was proposed to serve a bedroom, but given the direct view into the garden of no. 7 Roman Walk it was recommended that the applicant swap the internal arrangement so that the bedroom is served by an existing window in the principal elevation, and the north-western facing window serves only a bathroom and is obscure glazed. This arrangement will be conditions on the decision notice.

5.6 Transport

The garage is to be converted into living accommodation, forming a large kitchen. The parking lost is being made up for on the driveway, where two off-street parking spaces have been shown. A condition will ensure they are retained for this purpose going forward. Subject to this condition, the proposed parking meets the Council's standards and there is no transportation objection.

5.7 Other Matters

Objection letters state that the application must be refused as it is contrary to paragraph 66 of the NPPF, which requires applicants to work closely with those directly affected by the proposal. Whilst it is recommended that the applicant discusses the proposals with their neighbours, due to the small scale of the proposal a failure to do so would not warrant a refusal reason.

5.8 Similarly, information regarding the construction timings and the control of noise dust etc is not necessary for a development of this size. In order to reduce the impact on neighbouring properties, a condition restricting the hours of working at the site will be added to the decision notice.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

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

Reason

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

3. Prior to the use or occupation of the development hereby permitted, and at all times thereafter, the proposed first floor window on the north-west elevation of the existing dwelling and the proposed first floor, northernmost window on the rear elevation of the extension hereby approved shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy H4 of the Local Plan and the National Planning Policy Framework.

4. The development shall proceed in accordance with the Proposed First Floor plan (592-P2 Rev A) received on 26th November 2015, and be maintained as such thereafter.

Reason

To protect the residential amenity of the occupiers of the dwelling and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy H4 of the Local Plan, and the National Planning Policy Framework.

5. The off-street parking facilities shown on the plan hereby approved (Block Plan 592-P4 received 3rd November 2015) shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

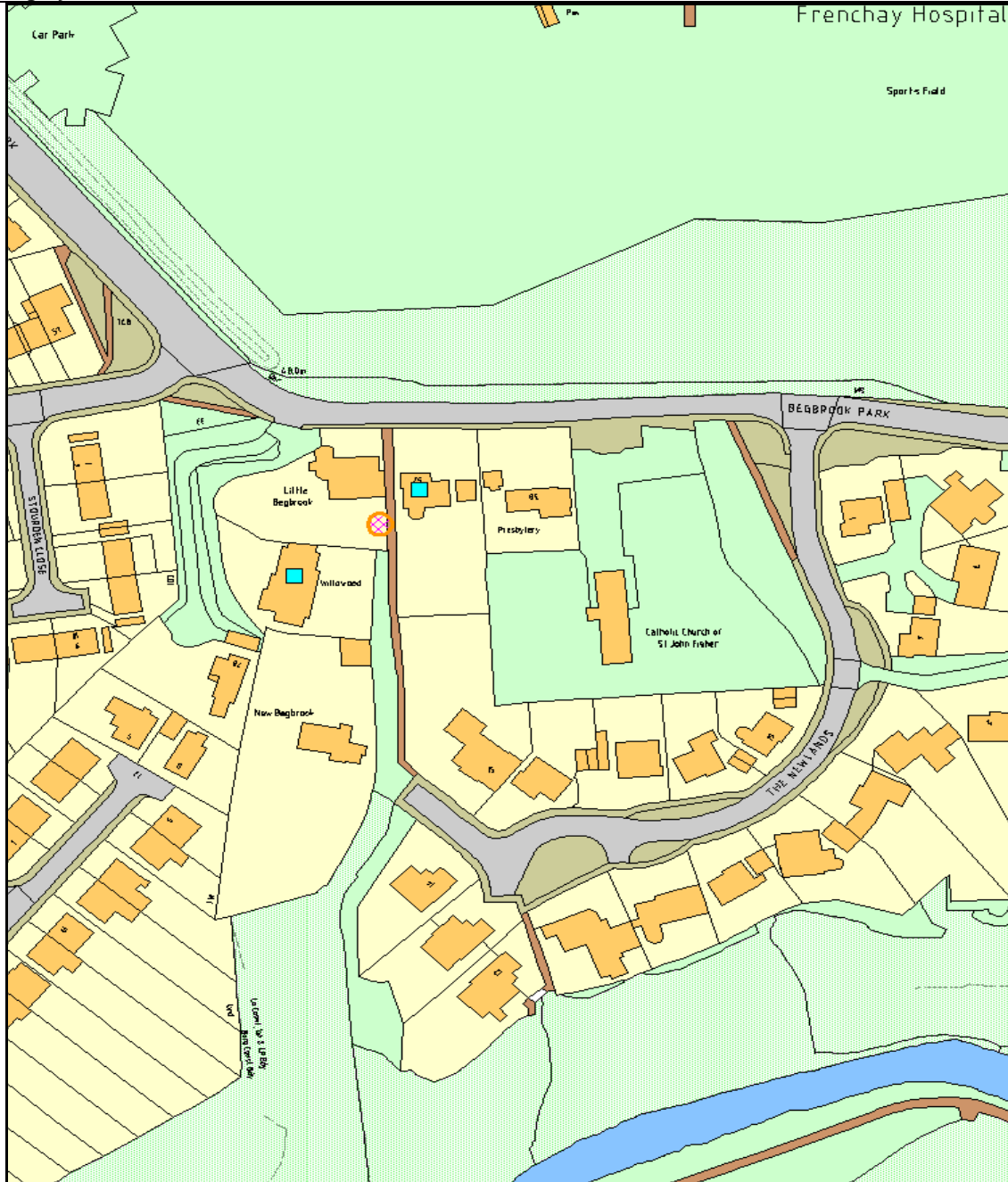
6. The hours of working on site during the period of construction shall be restricted to 07.30am to 18.00pm Monday to Friday; 08.00am to 13.00pm on Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: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

Reason

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

CIRCULATED SCHEDULE NO. 52/15 – 23 DECEMBER 2015

App No.:	PT15/4984/TCA	Applicant:	Mr Adrian Rivers
Site:	Little Begbrook Begbrook Park Frenchay Bristol South Gloucestershire BS16 1NF	Date Reg:	19th November 2015
Proposal:	Works to fell 1 no. Sycamore tree situated within the Frenchay Conservation Area	Parish:	Winterbourne Parish Council
Map Ref:	363478 177437	Ward:	Frenchay And Stoke Park
Application Category:		Target Date:	30th December 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as comments have been received during the public consultation period that are contrary to the recommendation.

However, this application is a prior notification of proposed works to trees in a conservation area. The purpose of such an application is to provide an opportunity for the Local Planning Authority (LPA) to serve a Tree Preservation Order (TPO) on the tree, should it fulfil the criteria of designation. A TPO must be served within a period of six weeks. Failure by the LPA to serve a TPO or respond to the notification within this timeframe results in a default position of the works gaining deemed consent. Therefore this application appears on the Circulated Schedule for information purposes only.

1. THE PROPOSAL

- 1.1 Works to fell 1 no. Sycamore tree situated within the Frenchay Conservation Area

2. POLICY CONTEXT

2.1 National Guidance

- i. The Town and Country Planning Act 1990
- ii. The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
- iii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012

3. RELEVANT PLANNING HISTORY

- 3.1 PT02/3693/TCA, Decision: NOB, Date of Decision: 08-JAN-03. Proposal: Works to Holly tree (T1) to reduce height by 3 metres, reduce crown of Beech (T2) to 2.5 metres and pollard Sycamore (T3) at 5 metres situated within Frenchay Conservation Area.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection. The parish would prefer the tree to be crown lifted.

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application provides prior notification of proposed works to trees situated within a conservation area.

5.2 Principle of Development

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, it is recognised that trees can make a special contribution to the character and appearance of a conservation area. Under the above Act, subject to a range of exceptions, prior notification is required for works to a tree in a conservation area. The purpose of this requirement is to provide the Local Planning Authority an opportunity to consider bringing any tree under their general control by making a Tree Preservation Order. When considering whether trees are worthy of protection the visual, historic and amenity contribution of the tree should be taken into account and an assessment made as to whether the tree fulfils the criteria of a Tree Preservation Order.

5.3 Consideration of Proposal

The subject tree has been 'topped' at some point in the past initiating stem dieback. This has significantly reduced the amenity value and the longevity of the tree. Regrowth from these pruning points has been vigorous. The tree is directly abutting the stone boundary wall and will likely cause some structural issues in the future. Given the location and condition of the tree, a Tree Preservation Order would not be appropriate in this situation

6. **RECOMMENDATION**

6.1 No objection

Contact Officer: Phil Dye
Tel. No. 01454 865859

CIRCULATED SCHEDULE NO. 52/15 – 23 DECEMBER 2015

App No.:	PT15/4986/TRE	Applicant:	
Site:	36 Penn Drive Frenchay Bristol South Gloucestershire BS16 1NN	Date Reg:	20th November 2015
Proposal:	Works to fell 1 no. Silver Maple tree covered by Tree Preservation Order no. 466 dated 4th March 1996	Parish:	Winterbourne Parish Council
Map Ref:	364399 178309	Ward:	Frenchay And Stoke Park
Application Category:		Target Date:	13th January 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

Comments of objection have been received which are contrary to the officer's recommendations. Therefore this application is being referred to the circulated schedule.

1. THE PROPOSAL

- 1.1 Works to fell 1 no. Silver Maple tree covered by Tree Preservation Order no. 466 dated 4th March 1996

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
The comments of the Parish Council are Objection. Members feel the Tree Preservation Order must have been implemented with good reason and that the tree should remain.

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 Works to fell 1 no. Silver Maple tree covered by Tree Preservation Order no. 466 dated 4th March 1996
- 5.2 Principle of Development
The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.
- 5.3 Consideration of Proposal
The subject tree has been poorly pruned in the past resulting in irregular regrowth, as is typical of this species.
- 5.4 Its amenity value has been affected due to the past tree works.

5.5 A replacement tree will be required as per TPO legislation which will be protected under the same TPO. A more considered tree species would enhance the locality.

6. RECOMMENDATION

6.1 That permission is GRANTED subject to conditions detailed in the decision notice.

Contact Officer: Phil Dye
Tel. No. 01454 865859

CONDITIONS

1. A replacement tree, the species, size and location of which is to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

2. The works hereby permitted shall be begun before the expiration of two years from the date of the consent.

Reason

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