



**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. 30/15

Date to Members: 24/07/15

Member's Deadline: 30/07/15 (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:

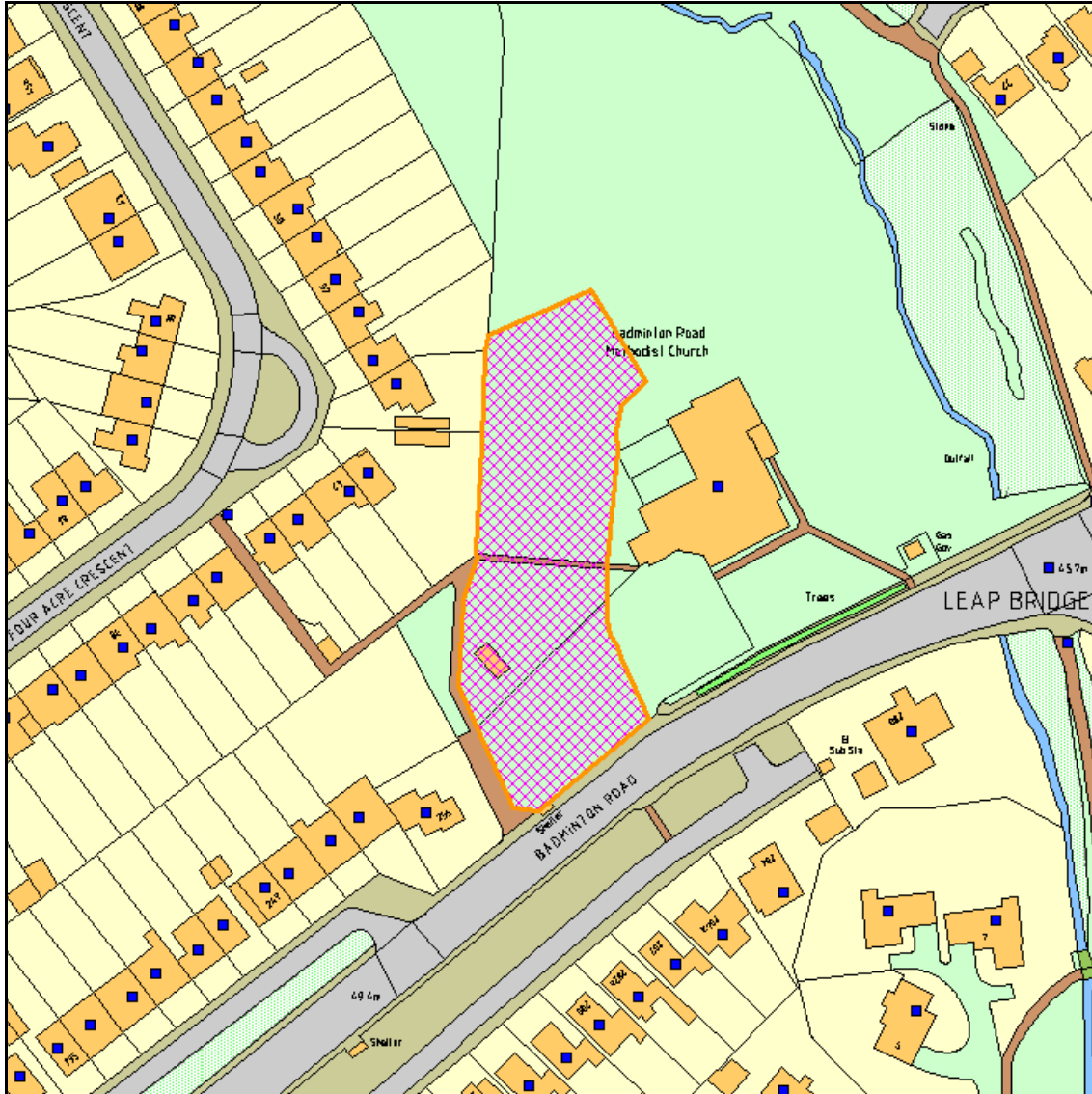
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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.

CIRCULATED SCHEDULE 24 July 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/1621/F	Approve with Conditions	Badminton Road Methodist Church Badminton Road Downend South Gloucestershire	Emersons	Downend And Bromley Heath Parish Council
2	PK15/1750/F	Approve with Conditions	Toghill Farm Stone Barn London Road Wick South Gloucestershire BS30 5RU	Boyd Valley	Cold Ashton Parish Council
3	PK15/2186/R3F	Deemed Consent	Emersons Green Primary School Guest Avenue Emersons Green South Gloucestershire BS16 7GA	Emersons	Emersons Green Town Council
4	PK15/2303/F	Approve with Conditions	161 Station Road Kingswood South Gloucestershire	Rodway	None
5	PK15/2335/F	Refusal	100 Forest Road Kingswood South Gloucestershire	Woodstock	None
6	PK15/2410/F	Approve with Conditions	61 Bromley Heath Road Downend South Gloucestershire BS16 6HY	Downend	Downend And Bromley Heath Parish Council
7	PK15/2440/F	Approve with Conditions	69 Chiphouse Road Kingswood South Gloucestershire BS15 4TY	Rodway	None
8	PK15/2489/CLP	Approve with Conditions	87 Milford Avenue Wick South Gloucestershire BS30 5PP	Boyd Valley	Wick And Abson Parish Council
9	PK15/2614/F	Approve with Conditions	20 Chedworth Yate South Gloucestershire BS37 8RX	Dodington	Dodington Parish Council
10	PK15/2653/CLP	Approve with Conditions	38 Sweets Road Kingswood South Gloucestershire	Kings Chase	None
11	PT15/0583/F	Approve with Conditions	18 Conygre Grove Filton South Gloucestershire BS34 7DN	Filton	Filton Town Council
12	PT15/1415/RM	Approve with Conditions	Land At Laurel Hill Cribbs Causeway South Gloucestershire	Patchway	Almondsbury Parish Council
13	PT15/1687/F	Approve with Conditions	Land Rear Of 137 Watleys End Road Winterbourne South Gloucestershire BS36 1QQ	Winterbourne	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 30/15 – 24 JULY 2015

App No.:	PK15/1621/F	Applicant:	Cotswold Homes Ltd
Site:	Badminton Road Methodist Church Badminton Road Downend South Gloucestershire BS16 6NU	Date Reg:	22nd April 2015
Proposal:	Erection of 9no dwellings with access, parking landscaping and associated works.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365679 177952	Ward:	Emersons Green
Application Category:	Minor	Target Date:	9th June 2015



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 100023410, 2008. N.T.S. PK15/1621/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application relates to a 0.30 ha plot of land lying adjacent to and associated with, the Badminton Road Methodist Church, Downend. Lying to the West of the Church to the north of and fronting Badminton Road, the plot is currently occupied by a single-storey lock-up garage with hard-standing to the front and a grassed area to the East. To the rear (North) the land is overgrown with brambles. The adjacent Methodist Church has recently been granted approval PK14/2749/F for the erection of a single-storey extension to form a prayer chapel with external alterations and associated works to include car parking and landscaping works. The approved scheme does not however include any of this current application site.
- 1.2 The application site lies within the Established Settlement Boundary within a predominantly residential suburban area. The Leap Valley Site of Nature Conservation Interest (SNCI) abuts the site to the North. To the West, the site is bounded by natural stone walling, hedgerow and close boarded fencing, which separates the site from a public footpath linking Badminton Road to Fouracre Crescent. To the West of the footpath is the residential property 255 Badminton Road, to the North of which are rear gardens of the houses in Fouracre Crescent. Hedgerows bound the site to the Badminton Road frontage. A footpath running through the site, to the North of the garage, provides an informal pedestrian link from the footpath on the western boundary, to the front of the Church. Vehicular access into the large car park currently serving the Church is directly from Badminton Road.
- 1.3 The proposal is to erect 9no. residential dwellings on the site, comprising a mix of 3 x 3 bed and 6 x 4 bedroom houses; being 7 x two and 2 x two and a half storey dwellings. It is intended that the residential scheme would tie in with the layout approved under PK14/2749/F. The two developments would maintain the existing site access, with improvement works to improve access for both vehicular and pedestrian movements within the site. The proposal is to create a new access road within the site to serve the residential dwellings proposed, with a hammerhead turning area at the northern end.
- 1.4 The applicant has indicated that if approved, the residential development would fund the works to implement the scheme approved under PK14/2749/F and to re-furbish the Church.
- 1.5 The application is supported by the following documents:
 - Design and Access Statement
 - Ecology Appraisal
 - Landscape Specification and Maintenance Plan

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
The National Planning Practice Guidance 2014

2.2 Development Plans

The South Gloucestershire Local Plan (Adopted) 6th January 2006 – saved policies

L1 - Landscape Protection and Enhancement
L5 - Open Areas within the Existing Urban Areas
L9 - Species Protection
EP2 - Flood Risk and Development
T7 - Cycle Parking
T12 - Highway Safety
LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)

The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013

CS1 - High Quality Design
CS4A – Presumption in Favour of Sustainable Development
CS5 - Location of Development
CS6 - Infrastructure and Developer Contributions
CS8 - Improving Accessibility
CS9 - Managing the Environment and Heritage
CS16 - Housing Density
CS17 - Housing Diversity
CS18 - Affordable Housing
CS23 - Community Infrastructure and Cultural Activity
CS24 - Green Infrastructure, Sport and Recreation Standards
CS29 - Communities of the East Fringe of Bristol Urban Area

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.
The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.
Affordable Housing SPD Adopted Sept.2008.
South Gloucestershire Council Residential Parking Standards (SPD) Adopted.
The South Gloucestershire Landscape Character Assessment SPD Adopted Nov. 2014.

2.4 Emerging Plan

Proposed Submission: Policies, Sites & Places Development Plan March 2015

PSP1 - Local Distinctiveness
PSP2 - Landscape
PSP3 - Trees and Woodland
PSP4 - Designated Local Green Spaces
PSP5 - Undesignated Open Spaces within Urban Areas and Settlements

PSP6 - Onsite Renewable & Low Carbon Energy
PSP8A - Settlement Boundaries
PSP8B - Residential Amenity
PSP11 - Development Related Transport Impact Management
PSP16 - Parking Standards
PSP19 - Wider Biodiversity
PSP20 - Flood Risk, Surface Water and Watercourses
PSP21 - Environmental Pollution and Impacts
PSP21A - Unstable Land
PSP39 - Private Amenity Space Standards

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK00/1904/F - Erection of single-storey extension to foyer.
Approved 14 Aug. 2000
- 3.2 PK14/2749/F - Erection of single-storey extension to form prayer chapel.
Various external alterations including the installation of 2no. rooflights with associated works.
Approved 28 Nov. 2014

4. **CONSULTATION RESPONSES**

4.1 Downend and Bromley Heat Parish Council

Objection:

1. Before development commences a quality wooden fence at least 1.8 metres high should be erected on the eastern perimeter boundary to protect the Public Right of Way which runs alongside the development.
2. Plots 5 and 6 are out of character with the rest of the development.
3. Plot 8 is overdeveloped to the boundary with 46 Four Acre Crescent, resulting in that house being overlooked.

Notes: Please note 4.5 in the Ecological Appraisal which stresses the need to ensure no pollutants entering into the stream.

The application PK15/1621/F shows an outdated plan for the remainder of the site.

Section 106 Agreement should be used to provide a Real Time Information Display Unit at the Bus Shelter alongside the development, and bat boxes for the adjoining SNCI area.

Emersons Green Town Council

No objection

4.2 Other Consultees

Highway Structures

No comment

Environmental Protection

No objection subject to standard informatives relating to construction sites.

Community Spaces

No comment

Lead Local Flood Authority

No objection subject to a condition to secure a SUDS Drainage Scheme.

Ecology

No objection subject to a condition to secure an Ecological Mitigation and Enhancement Plan and an informative relating to bats.

Landscape Architect

No objection to revised Landscape Layout

Transportation D.C.

No objection subject to the following:

1. The applicant is to upgrade the nearest bus stop with "Real Time Information facility". This is to be completed under an appropriate legal agreement; the applicant to confirm this.
2. Provide visibility splays of 2.4m by 43m from the site access onto the public highway in accordance with details submitted and maintain this satisfactorily thereafter.
3. Provided visibility splays of 2.4m by 25m from the Church car park onto the new road and subsequently maintain this satisfactorily thereafter.
4. Prior to occupation of any new house on the site, provide off-street parking in accordance with parking as shown on the submitted and approved plan and subsequently maintain these satisfactorily thereafter. Internal garage dimensions shall be 3m wide by 6m long.
5. No development shall take place until details of the following works to the highway have been submitted to and approved in writing by the Local Planning Authority : the site entrance with the new access road off Badminton Road.
6. No development shall take place until construction details of the internal access road to achieve an adoptable standard have been submitted to and been approved in writing by the Local Planning Authority. The building(s) hereby permitted shall not be occupied or the use commenced until the road is constructed in accordance with the approved plans.

PROW

There are no recorded public rights of way across the site, please note however that the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights of way exist which have not been recorded, and of which we are not aware. If a way has been used by the public at large uninterrupted for a period of twenty years with no indication from the landowner during that time that they did not intend to dedicate, a presumption of dedication may arise. The twenty year period is calculated retrospectively from the date on which the public were stopped from using a route. Any claim for a path having been established can take at least a year and therefore should a claimed path order be successful it is possible that a right of way might then exist through a development. It is up to developers to satisfy

themselves that should they build on a potentially successful claimed right of way that they might be required to remove the obstruction or provide a diversion which would require a legal order.

Housing Enabling

This application seeks planning permission for the development of 9 no. dwellings. The site measuring 0.3 ha, is located within the urban area and falls under the affordable housing threshold as set down under the Core Strategy Policy CS18. This requires 35% of all new housing developments over 10 or more dwellings or with a gross area of at least 0.33 ha for affordable housing.

Regard should be given to recent government policy amendments to the National Planning Policy Framework (NPPF) as of the 28th November 2014 concerning contributions for affordable housing. In this particular instance regard must be had for the threshold that applies to urban developments where sites with 10 units or less and a combined floor space of no more than 1000m² will not be required to make section 106 contributions. This application shows a combined floor space of 1099.16 sq.m. (including garages) and therefore a S106 contribution would apply.

It is requested that 35% of the dwellings are to be delivered as affordable housing, as defined by the NPPF; 35% of 9 dwellings (taking into account Vacant Building Credit) equates to 3 affordable homes.

New Communities

This application for the erection of 9 dwellings falls below the threshold for Community Services S106 requirements in accordance with Paragraph 012 of the National Planning Practice Guidance, the application does not fall within a designated rural area where a lower threshold can be applied.

In line with the guidance above no S106 requests are made towards open space or libraries provision.

Children and Young People

No requests received.

Other Representations

4.3 Local Residents

A total of 14no. letters/e.mails of objection have been received from 10no.local residents. The concerns raised are summarised as follows:

- A boundary fence is required next to no. 8 Fouracre Crescent.
- Overdevelopment of site.
- Insufficient parking provision for Plot 8.
- Plot 8 overbearing on no. 46 Fouracre Crescent.
- Inter-visibility between no. 46 Fouracre Crescent and Plot 8.
- 3-storey Town houses are not in-keeping.
- The times of working on the site should be restricted.
- Not enough parking will remain to serve the Churches community events.
- The access road is too narrow.

- Plots 5-7 will result in loss of outlook, light and privacy to no.44 Fouracre Crescent.
- Overbearing impact on no.44 Fouracre Crescent.
- Increased noise and disturbance.
- Plots 3-4 overlook no. 42 Fouracre Crescent
- High fence will enclose footpath to the west and create security risk.
- Loss of light to footpath to the west.
- Loss of footpath link through site.
- Access too close to bus stop.
- Possible subsidence of Leap Valley.
- The path on the Badminton Rd. frontage is too narrow.
- Social housing should be provided.
- Loss of grassed open space.
- Loss of views for new house to be built in garden of no. 252 Badminton Rd.
- Inadequate access- poor visibility.
- The site has been nominated as a possible Designated Local Green Space in the PSP.

12no. letters and e.mails of support have been received, 4no. from the Rev. Ann Owen. The comments are summarised as follows:

- Will enhance the streetscape.
- Site levels are 1-1.2m lower than Fouracre Cres. So roof lines will be lower.
- The sale of the land will fund the badly needed refurbishment of the Church.
- The Church is well used for many community activities.
- The land is private and not for public use as has been suggested.
- There are no PROW across the land.
- Housing would be a beneficial land use.
- The scheme has been sympathetically planned with the Leap Valley in mind.
- Plots 5-6 are not 3-storey.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2012 (NPPF). The “saved” policies of the South Gloucestershire Local Plan (adopted 2006) also form part of the extant Development Plan.

5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only very limited weight can currently be given to the policies therein.

- 5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible. Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities and this policy stance is replicated in Policy CS17 of the Core Strategy.
- 5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.
- 5.6 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments. The proposal would provide a range of family sized homes and therefore complies with this policy.
- 5.7 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.* The site is considered to lie in a sustainable location, close to a mix of local amenities including schools, shops, public houses, sports facilities and employment opportunities with good pedestrian and highway links, including various bus service routes in and out of the city with links to surrounding areas. Bus services run along Badminton Road with a bus stop located directly outside the site. A cycle lane also runs along Badminton Road. The Church itself is used for a wide range of community activities.
- 5.8 Local Plan Policy H2 is not a saved policy; there is no prescribed minimum density requirement for housing development. The NPPF however seeks to make efficient use of land in the Urban Area for housing. Having regard to the site constraints and character of the locality, officers consider that the proposed density of development i.e. 30 dph makes efficient use of the site and in this respect alone the scheme does not represent over development.
- 5.9 Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.

5.10 Scale and Design

The location is residential, being characterised by predominantly two-storey dwellings, mid 20th century in age, facing onto Badminton Road or smaller estate roads. The houses do however exhibit a variation in design which represents a changing architectural detailing over a period of time. Officers do not consider that there is an overriding historic or traditional vernacular that needs to be followed in this case. Both the NPPF and Policy CS17 support a mix of housing type.

5.11 The proposed dwellings are appropriately modern in style. The buildings do however reflect some of the detailing of the surrounding area and as such include gable fronts, cills, heads, porches, canopies and Juliet balconies. The predominant material used in the immediate area is render and brickwork and the use of these materials has been incorporated into the main frontages of the scheme. To compliment the use of brick and render, the use of brindle or grey coloured, profiled roofing material is proposed. If permission is granted, the final material types would be secured by condition.

5.12 The proposed density of 30dph is commensurate with the area. The houses would be detached with foot-prints ranging from 50 to 65 sq.m. which is not excessive in scale. Ridge heights would be generally set at 8m with that of plots 5 & 6 at 9.0m which again is not considered to be excessive for this location. To some extent the heights of the buildings would be off-set by the difference in ground levels between the application site and neighbouring plots which is estimated to be at least 0.5m. Plots 5 & 6 utilise the roof space for additional accommodation and incorporate dormer windows, these are not therefore 3-storey town houses as suggested by some local residents.

5.13 Having considered the character of the area, the scale and design of the proposed houses is considered to be acceptable and would not be detrimental to the visual amenity of the area or character of the street scene. The proposal is considered to accord with the requirements of Core Strategy Policies CS1 (design) and CS17 (housing diversity).

Transportation Issues

5.14 In terms of access, it is proposed to gain entry to the site from the existing access which would be modified. Details submitted with the application show that adequate visibility splays can be achieved from this access onto the public highway. A new access road would be constructed within the site boundary and would be conditioned so that it is constructed to adoptable standards. The proposed access road would be 5.5m wide which is acceptable. A turning area would be formed off this access for use by service vehicles to ensure that such vehicles can enter and exit the site entrance in forward gear safely.

5.15 It is noted that vehicular access to the Methodist Church car park would be from the new road. Details of visibility have now been submitted. The site plan however also shows a 1.2m high boundary fence tight against the eastern edge of the new road and within the visibility splay. To take account of this, a condition can be imposed to ensure that there would be no obstruction over 0.9m within the splay.

- 5.16 As regards parking provision, this is shown as a mix of parking spaces and appropriately sized garages. The level of car parking provision is considered appropriate and in line with the Council's adopted minimum Residential Parking Standards SPD and as such it is acceptable.
- 5.17 Concerns have been raised about the level of car parking retained for the Methodist Church and whether this is sufficient for the variety of community uses that the Church building is used for. This matter was addressed under planning permission PK14/2749/F which would re-locate the parking provision from the current application site to the front of the Church, as well as creating 4no. additional spaces to the rear of the Church, making 42 spaces in all. This was considered to be adequate parking provision to serve the Church. This scheme has not yet been implemented as its funding is dependant on the scheme for residential development being granted. Furthermore, not all of the proposed car parking spaces for the Church are shown on the plans for the residential development.
- 5.18 Concern has also been raised about the proximity of the bus stop on Badminton Road to the site access and the likelihood of buses blocking the view down the road for vehicles exiting the site. This is however an existing situation and officers are satisfied that given the relative infrequency of buses stopping at the bus stop, that this situation is acceptable in highway safety terms.
- 5.19 Concerns have been raised about the adequacy of the footway (to the front of the site) to accommodate the pedestrian movements generated by the proposal; especially given the width of the footway, the presence of the bus stop and in light of the informal pathway link through the site being closed. Officers however note that the existing footway to the front of the site is a well established part of the public highway and is considered adequate for its purpose.
- 5.20 Officers consider that it would be desirable to upgrade the nearby bus stop to provide 'real time information' secured via a S106 Agreement. Notwithstanding the fact that the scheme is considered to fall below the threshold for S106 contributions (see para. 5.40 below) the applicant argues that a scheme of only 9no. houses, could not reasonably support the cost of such an upgrade and as such would not meet the tests for a S106 obligation. Officers conclude that the suggested upgrade is not absolutely necessary to grant planning permission for the scheme and therefore fails the tests of imposing either conditions or S106 obligations.
- 5.21 In view of all the above mentioned, there are no highway objections to this application subject to conditions relating to visibility splays, provision of off-street parking and works to the new access road.

Environmental Issues

- 5.22 The site is not at risk from former coal mining activities, neither does it lie within a zone at high risk of flooding. Connections to the mains sewer would need to be agreed with Wessex Water. A condition would secure a SUDS drainage scheme for surface water disposal.

- 5.23 Standard informatives would be added to any approval, regarding construction sites. Whilst there may be some disturbance for local residents during the construction phase, this would be on a temporary basis only. A condition could be imposed to control the hours of working on the site. Possible excessive noise or anti-social behaviour from future residents is controlled by legislation other than that found within the Planning Act and is not therefore grounds to refuse the application.
- 5.24 Impact on Residential Amenity
The only residential properties likely to be affected by the scheme are no.255 Badminton Rd., located immediately to the west of the site, and the nearest houses in Fouracre Crescent i.e. nos. 42, 44 & 46. A number of concerns have been raised by the occupiers of nos. 42, 44 and 46 Fouracre Crescent in relation to impact on residential amenity (see para. 4.3 above). These concerns are considered to have been adequately addressed by revisions made to the scheme.
- 5.25 In terms of overbearing impact, the proposed dwellings are not considered to be excessive in scale and the two-storey elements are set a sufficient distance from neighbouring property; these distances are shown on the revised Site Layout Plan. Furthermore the plot levels of the development site appear to be slightly lower than those in Fouracre Crescent. Whilst it is acknowledged that the garage serving Plots 7 & 8 is located close to the boundary with no.46 Fouracre Crescent, this building is single-storey only, being 6.645m wide with a roof ridge at 4.75m (orientated parallel to the boundary with no.46) and eaves at only 2.8m. Given that the boundary wall is to be repaired and a fence placed on top (details subject to condition), officers do not consider that the garage would be so overbearing for occupiers of no.46 as to justify refusal of the application. Any overshadowing of neighbouring property would be both limited and intermittent and would not affect the most usable areas of the gardens located immediately adjacent to the houses.
- 5.26 As regards overlooking and loss of privacy; some overlooking of neighbouring gardens from first floor windows is only to be expected in urban areas where houses are built in close proximity to each other, especially if the most efficient use of land in the urban area is to be achieved, as is required by government and Local Plan policy. In this instance, high boundary treatments are shown on the Proposed Site Layout Plan on the western boundary, which would provide adequate screening at ground floor level.
- 5.27 The rear elevations of Plots 1 & 2 are fully 20m from the facing side elevation of no.255 and its habitable room windows; this is an acceptable distance. Plot 8 is the closest house to nos. 44 & 46 Fouracre Crescent. This is a modest 3 bedroom dwelling set obliquely and approximately 16m from the closest corner of no.46 and 20m from the rear elevation. The rear elevation of Plot 8 facing no. 46 has no windows serving habitable rooms at first floor level; furthermore the proposed first floor en-suite and landing windows in this elevation are now shown as being obscurely glazed, this can be secured by condition. A further condition can prevent the insertion of additional windows in this elevation at a later date. There would therefore be no overlooking or inter-visibility between

Plot 8 and no.46 Fouracre Crescent. Whilst Plots 5 & 6 are 1m higher than the other dwellings proposed and have dormer windows in the roof spaces, these houses are set some 17m from the site boundary and 25m from the nearest corner of no.44 Fouracre Crescent. Plots 3 & 4 are some 40m from the rear elevation of no.42 Fouracre Crescent.

- 5.28 Whilst there is no right to a view across land in private ownership, loss of outlook is a material consideration; the proposed new houses however are not ugly being an acceptable design. Such an outlook for neighbouring property, is only to be expected in a residential location.
- 5.29 Each dwelling would be provided with private rear gardens of an adequate size for family occupation as well as garden space to the front. Such amenity space provision is in line with the standards quoted in the emerging PSP Policy 39; the amenity space provision is therefore acceptable.
- 5.30 On balance therefore and subject to the aforementioned conditions relating to boundary fences and windows, there would be no significant adverse impact on residential amenity to justify the refusal of the scheme.

Landscape Issues

- 5.31 The site, apart from the existing garage, is relatively open, although the front part is made over entirely to hard-standing. The Leap Valley Public Open Space (POS) and SNCI lie to the north. The application site itself is not POS as has been suggested by one local resident but is entirely in private ownership.
- 5.32 A full landscape scheme, landscape specification and maintenance plan have now been prepared in consultation with the Council's Landscape Architect. The scheme incorporates comprehensive new and upgraded boundary treatments, new planting, retention of and repair of existing natural stone walls and erection of new sections of stone wall to the entrance, all of which is to officer satisfaction.
- 5.33 The rear half of the application site has been nominated within the PSP as a possible Designated Local Green Space to be protected under Policy PSP4. It forms a small part of the wider Leap Valley nomination (see area code LGSD081). This process is however only at the initial consultation stage and as such carries very little weight in the determination of this planning application. The Landscape Officer has not objected to the loss of this space under Policy L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 as it is relatively insignificant, only comprising a patch of brambles and regularly cut grass.
- 5.34 On balance therefore and subject to a condition to ensure implementation of the approved landscape scheme and maintenance plan, there are no objections on landscape grounds.

Ecology

- 5.35 To the North, the application site abuts the Leap Valley SNCI. An Ecological Appraisal has been provided. Section 4 of the Ecological Appraisal makes recommendations for avoidance of harm to protected species and site

enhancements. Subject to a condition to secure an Ecological Mitigation and Enhancement Plan and an informative relating to bats, there are no objections on ecological grounds.

5.36 PROW

There are no designated PROW's that run through the application site. There is however a public footpath bounding the west of the site that links Badminton Road with Fouracre Crescent; there is also a PROW to the east of the Church along the Leap Valley. A footpath does run from the footway to the West through the site, to the North of the existing garage, to the front of the Church. This has apparently been used for many years as an informal means of access to the Church.

5.37 It is proposed to build over this footpath, which would mean that pedestrians would be forced to access the Church via a slightly longer route using the footway to the West and along the footway on the Badminton Road frontage. This is not considered to be grounds for refusing the planning application as access to the informal path could be denied by the land owner at any time.

5.38 Given the length of time that the informal path has been used, the applicant will be made aware, by means of an informative attached to any planning consent granted, of the potential for a presumption of dedication (see PROW officer comments at para. 4.2 above).

S106 and CIL Matters

5.39 As a result of the 28th Nov. 2014 update to the NPPG, the following amendments to National Policy came into force:

- Developments of 10 units or less **and** with a combined gross floorspace of no more than 1000sq.m. **will not be** required to make S106 contributions.
- In designated rural areas a lower threshold of 5 units or less applies, where no affordable housing or tariff style contributions can be sought.
- In designated rural areas, for developments of 6-10 units, only a cash payment is payable upon completion of units.

5.40 In this instance the applicant has confirmed that the gross internal floor area of the proposed houses is 998 sq.m.. If the garages are included then the figure rises to 1118 sq.m. Given however that the garages could easily be changed to car ports, which would then put the scheme below the threshold, officers consider that in this instance the pragmatic approach should be that the proposal falls below the threshold for affordable housing or tariff style contributions.

5.41 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. The introduction of CIL charging has however been delegated to the Director of ECS with charging to commence on 1st August 2015. In the event that a decision to approve this application were issued after 31st July 2015, the scheme would be liable to CIL charging. The applicant has however indicated that if that were the case, the scheme would most likely be unviable.

5.42 5 – year land supply.

A recent appeal decision APP/P0119/A/14/2220291 – Land South of Wotton Road, Charfield, established (para. 146) that the Council can currently only demonstrate a 5-year housing land supply sufficient for 4.64 years. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which would make a contribution, albeit a small one, to the housing supply within South Gloucestershire.

5.42 Other Issues

Of the matters raised by local residents that have not been addressed in the preceding paragraphs:

- Concerns about unstable banks in the Leap Valley would be addressed by Building Control, which would be the subject of a separate application. This is covered in Building Regs. Approved Document A page 5 para. A2. (b) which states that, “The building shall be constructed so that ground movement caused by :- land-slip or subsidence (other than subsidence arising from shrinkage) in so far as the risk can be reasonably foreseen, will not impair the stability of any part of the building.”
- The footpath to the West of the site, linking Badminton Road to Fouracre Crescent, is currently bounded along the site boundary, by a sporadic hawthorn hedge, although it is relatively open on its western side. Concerns have been raised about enclosing the footpath with high fences, that may reduce ambient light to the path and increase security risks. It is however only intended, through the landscape scheme, to retain and trim the hedge to the rear of Plots 1-3 and plant up any gaps within the hedge. A 1.8m high semi-permeable ‘hit and miss’ fence would be erected inside the boundary hedge. Officers do not consider that this arrangement would significantly alter the character of the footway, whilst at the same time create adequate security and screening for Plots 1-3.

6. CONCLUSION

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

6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 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: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with the requirements of the NPPF.

3. Prior to the commencement of the development hereby approved, surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the details so approved.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013. This is a prior commencement condition to ensure that the drainage scheme can be implemented in accordance with the approved details.

4. No windows, other than those shown on the plans hereby approved, shall be inserted at any time in the rear elevation or rear roof slope of the dwelling shown as Plot 8 on the approved Proposed Site Layout Plan Drawing No. 535-01-P4.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with the requirements of the NPPF.

5. Prior to the first use or occupation of the dwelling labelled Plot 8 on the approved Proposed Site Layout Plan Drawing No. 535-01-P4 and at all times thereafter, the proposed first floor windows on the rear 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 residential amenity of the neighbouring occupiers and to accord with the requirements of the NPPF.

6. Notwithstanding the details shown on the plans hereby approved; prior to the first occupation of the dwelling labelled Plot 8 on the approved Proposed Site Layout Plan Drawing No. 535-01-P4, whilst retaining the rear boundary wall, details of the fence to be erected above the wall (ref: Proposed Site Layout Plan) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, prior to the first occupation of Plot 8 the fence shall be erected in full accordance with the details so approved and maintained as such thereafter.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with the requirements of the NPPF.

7. Subject to the requirements of Condition 9, prior to the first occupation of the dwellings hereby approved, the boundary treatments shall be completed in accordance with the approved details shown on the approved Proposed Site Layout Plan Drawing No. 535-01-P4 and Proposed Walls, Fence and Railings Plan Drawing No. 535-04-P2 and maintained as such thereafter.

Reason

To protect the residential amenity of the neighbouring and future occupiers and to accord with the requirements of the NPPF.

8. Prior to the first occupation of any of the houses hereby approved, visibility splays of 2.4m by 43m shall be provided at the site access onto Badminton Road in accordance with the details shown on the approved Proposed Site Layout Plan Drawing No. 535-01-P4 and maintained as such thereafter.

Reason

In the interests of highway safety and to accord with Policy CS8 of The South Gloucestershire Local Plan Core Strategy Adopted 11th Dec. 2013 and Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

9. Notwithstanding the requirements of Condition 7 above, prior to the first occupation of any of the houses hereby approved, visibility splays of 2.4m by 25m shall be provided at the access onto the new site road from the Church Car Park in accordance with the details shown on the approved Proposed Site Layout Plan Drawing No. 535-01-P4 and maintained as such thereafter. There shall be no obstructions to visibility exceeding 0.9 metres in height within the splayed areas.

Reason

In the interests of highway safety and to accord with Policy CS8 of The South Gloucestershire Local Plan Core Strategy Adopted 11th Dec. 2013 and Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

10. Prior to the first occupation of any of the houses hereby approved, the car parking facilities including garages shall be provided in accordance with the details shown on the approved Proposed Site Layout Plan Drawing No. 535-01-P4 and Proposed

Single and Double Garages Drawing No. 535-05-P1. In the case of Plot 8 the garage shall at all times be made available for domestic car parking and associated storage.

Reason

To ensure a satisfactory level of off-street parking facilities is provided in the interests of highway safety and the amenity of the area and to accord with Policy CS8 of The South Gloucestershire Local Plan Core Strategy Adopted 11th Dec. 2013 and Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and The South Gloucestershire Council Residential Parking Standards SPD (Adopted) 2014.

11. Prior to its construction; construction details of the proposed internal access road, to achieve an adoptable standard, shall be submitted to and approved in writing by the Local Planning Authority. None of the houses hereby approved shall be occupied until the internal access road is completed in full accordance with the construction details so approved.

Reason

To ensure a satisfactory means of access in the interests of highway safety and to accord with Policy CS8 of The South Gloucestershire Local Plan Core Strategy Adopted 11th Dec. 2013 and Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

12. Prior to the commencement of the development hereby approved, an Ecological Mitigation and Enhancement Plan shall be submitted to the LPA for approval in writing. This will be based on recommendations provided in Section 4 of the Ecology Appraisal (All Ecology, dated March 2015). The plan shall include, inter alia, details of habitats to be retained, a lighting scheme to prevent disturbance to bats, types and locations of bird boxes, protection of and enhancements for hedgehog, and a planting scheme with a high proportion of native species. It will also include a Construction Method Statement detailing avoidance of harm to the SNCI. The development shall thereafter proceed in strict accordance with the approved plan.

Reason

In the interests of protected species and their habitat in accordance with Policy L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the requirements of the NPPF. This is a pre-commencement condition to ensure that no protected species would be harmed or their habitat unnecessarily lost.

13. Prior to the construction of the dwellings hereby approved, samples/details of the materials to be used for the external surfaces and roof covering of the dwellings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the details/samples so agreed.

Reason

To ensure a satisfactory appearance of the dwellings have regard to the visual amenity and character of the street scene and locality in general and to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and The South Gloucestershire Design Check List (SPD) Adopted Aug. 2007.

14. All hard and soft landscape works shall be carried out in accordance with the approved Landscape Layout Plan Drawing No. C261/P/25 A and the approved Landscape Specification and Maintenance Plan by Patrick Griffiths Ref. PMG/C261 dated June 2015. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and The South Gloucestershire Landscape Character Assessment SPD Adopted Nov. 2014.

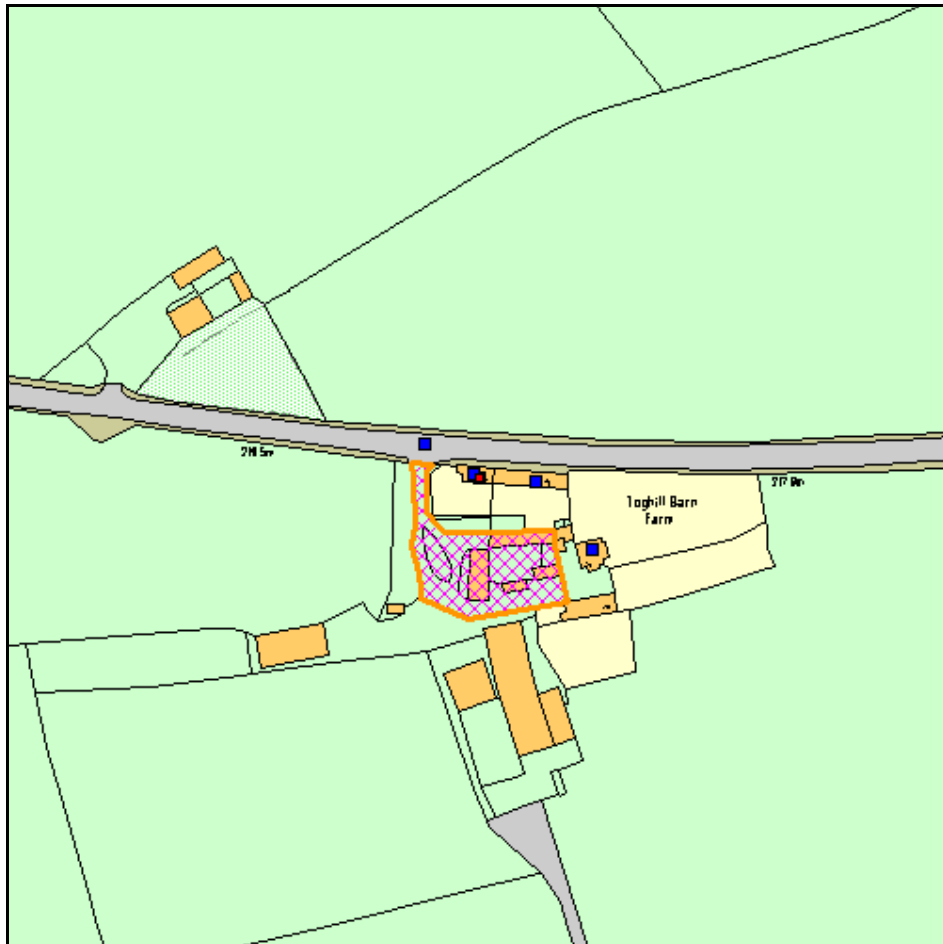
15. Prior to the commencement of the development hereby approved, details of overflow parking provision for the existing Church shall be submitted to and approved in writing by the Local Planning Authority. The parking provision so approved shall be implemented in full before the commencement of works on the development hereby approved.

Reason

To ensure a sufficient level of on-site parking, to compensate for the loss of car park to result from the development, having regard to the existing uses of the existing Church and in the interests of highway safety and the amenity of the area to accord with Policy T12 and T8 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013. This is a pre-commencement condition to ensure that the Church has sufficient parking in place before the section of the existing car park is lost to the development hereby approved.

CIRCULATED SCHEDULE NO. 30/15 – 24 JUNE 2015

App No.:	PK15/1750/F	Applicant:	Mr S Matthews
Site:	Toghill Farm Stone Barn London Road Wick South Gloucestershire BS30 5RU	Date Reg:	28th April 2015
Proposal:	Conversion of existing barns to form 1 no. dwelling, detached garage and associated works. (resubmission of PK15/0345/F)	Parish:	Cold Ashton Parish Council
Map Ref:	373648 172605	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	18th June 2015



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 100023410, 2008. **N.T.S.** **PK15/1750/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is to appear on circulated schedule due to the receipt of 3no. objections from local residents, contrary to the Officer's recommendation to approve.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the conversion of existing barns to form 1no. dwelling, detached garage and associated works (re-submission of PK15/0345/F).
- 1.2 The application site is situated at the top of Tog Hill, and is set within the Green Belt and Cotswolds Area of Outstanding Natural Beauty. The site is accessed from the A420. The barns are located at the centre of a group of farm buildings and hardstanding, with neighbouring residential properties to the north and east, which share the access to the site. The main barn is a two storey building built of stone, under a tiled roof, with two parts of two storey element and a single storey range at 90 degrees to the main part of the building.
- 1.3 The site was previously marketed for commercial workspace, suitable for offices, storage, workshop or holiday let in 2012-13. Planning permission was approved (Ref. PK13/2322/R3F) for conversion from agricultural to residential use, when the Council owned the building.
- 1.4 This application is a re-submission of PK15/0345/F, which was withdrawn due to the need for an updated bat survey. This application was re-submitted, and a more recent bat survey was produced by an Ecologist to support the application.
- 1.5 During the course of the application the curtilage of the dwelling has been reduced to mirror that approved in 2013 under PK13/2322/R3F.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
Planning Policy Guidance 2014

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4a Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS34 Rural Areas

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

- L1 Landscape Protection and Enhancement
- L2 Cotswolds Area of Outstanding Natural Beauty

- H3 Residential Development in the Countryside
- H10 Conversion and Re-use of Rural Buildings in the Countryside
- L9 Species Protection
- T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

- Development in the Green Belt SPD (Adopted) 2007
- Design Checklist SPD (Adopted) 2007
- Residential Parking Standards SPD (Adopted) 2013

2.4 Emerging policy

- South Gloucestershire Policy, Sites and Places SPD: PSP36 Residential development in the countryside

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/0345/F Conversion of existing barns to form 1no. dwelling, detached garage and associated works.
Withdrawn 09.04.15
- 3.2 PK13/2322/R3F Conversion of existing barn and stable block to form 1no. dwelling with associated works.
Approved 16.08.13

4. CONSULTATION RESPONSES

- 4.1 Cold Ashton Parish Council
No objection.

- 4.2 Ecology Officer
Initial objection: the last survey carried out for bat emergence/re-entry was 2nd June 2015. As the report acknowledges, this may be too early to establish the exact numbers (and species) of bats using the barns. In the absence of a later survey, it a further survey later in the summer may be required. It is expected that mitigation/enhancement for barn swallow will be provided.

FINAL COMMENTS:

No objection, subject to conditions. Surveyor is confident from the findings in 2013 and 2015 that there is no maternity roost present at the site. suggested conditions relating to bat mitigation measures and provision in the barn for swallows nesting.

- 4.3 Environmental Protection

No objection, subject to imposition of a condition. Due to likelihood of contamination of the site from previous agricultural use, a condition is recommended requiring a desk top study and remediation.

- 4.4 Lead Local Flood Authority

No objection, subject to a condition requiring details of the new septic tank.

- 4.5 Open Spaces Society
No comments received.
- 4.6 Planning Enforcement
No comments received.
- 4.7 Public Rights of Way
No objection, subject to informatives being added to the decision notice in relation to PROW LCA/15/10.
- 4.8 Sustainable Transport
No objection subject to the imposition of a condition requiring the provision of two parking spaces on site and their subsequent maintenance.

Other Representations

- 4.9 Local Residents
Three comments of objection have been received from local residents:
- Position of proposed garage and proximity to the private shared road access;
 - Access road shared ownership that provides access to cottages no. 3 and no. 4;
 - Is there sufficient space in front of the garages for a car to park clear of the access road without blocking access;
 - Proximity of garage causes concern about risk of vehicular or pedestrian collision;
 - Lack of turning space between garage doors and boundary of property;
 - Original planning permission clause about high wall needed to be constructed in order to conceal personal belongings and general paraphernalia from view to preserve the outlook of the AONB;
 - Amended plans show window to overlook into garden of No. 2.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application site relates to a redundant barn building located within the Green Belt, outside of the defined settlement boundary and in an Area of Outstanding Natural Beauty. The proposal is to change the use of the building from agricultural to a residential dwelling house (C3). Planning permission has previously been granted (Ref. PK13/2322/R3F) in August 2013 for the change of use. This application represents an amendment to the previous approval, including minor changes such as, the erection of new garage, insertion of a new window on the west elevation and internal alterations to the layout of the building.
- 5.2 The proposal stands to be assessed against the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, as well as the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and national guidance contained within the NPPF (2012).

- 5.3 Policies contained in the adopted Core Strategy are important where being outside the settlement boundary and in the open countryside; new development is strictly limited under policies CS1, CS5 and CS34. The NPPF seeks to avoid new isolated homes in the countryside unless there are special circumstances; this principle is supported by saved policy H10. Emerging policy PSP36 is in agreement with the NPPF and seeks to maintain the values and principles as set out in saved policies H10 and H3. This policy context is discussed in further detail below.
- 5.4 Paragraphs 55 and 90 of the NPPF are considered relevant to this application as it deals with development in rural locations. The proposal involves the conversion of an existing building to residential use, in the countryside, AONB and Green Belt. Firstly, paragraph 55 clearly states that new isolated homes in the countryside should be avoided unless there are special circumstances such as where the *re-use of a redundant or disused building would lead to an enhancement of the immediate setting*. The building has been left redundant now for a number of years and is no longer required for agricultural purposes. The barn is located amongst ancillary outbuildings, a small group of 4no. cottages (north and east) and other agricultural buildings to the south and west. Therefore, barn is not an isolated building as such.
- 5.5 Paragraph 90 of the NPPF states that certain other forms of development are not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. These are outlined within paragraph 90 of the NPPF, which includes *the re-use of buildings provided that the buildings are of permanent and substantial construction*. Paragraph 90 is therefore supportive of the principle of the re-use of a dis-used building and the enhancement of the setting (i.e. restoring existing buildings and improving the setting) as a type of development that is considered appropriate in the Green Belt.
- 5.6 In terms of local planning policy context, saved policy H10 of the adopted Local Plan advises that proposals for the conversion or re-use of rural buildings for residential purposes outside of the settlement boundaries will not be permitted, unless:
- *All reasonable attempts have been made to secure a business re-use or the conversion is part of a scheme for a business re-use; and*
 - *The buildings are structurally sound and capable of conversion without major or complete reconstruction; and*
 - *The buildings are in keeping with their surroundings; and*
 - *Development, including alterations, extensions or the creation of a residential curtilage would not have a harmful effect on the amenities of the area; and*
 - *The building is well related to an existing settlement or other group of buildings.*
- 5.7 Saved policy H10 requires that buildings in rural locations should first be tested for a business use in order to benefit the rural economy. A marketing statement has been compiled by David James and Partners, which states that the property was placed on the market in May 2012 with advertising in newspapers

and on their rural property website, with a guide price dependent on use. Despite interest in the property back in late 2012 no requests were made for particulars, no viewings were requested and no negotiations conducted. At the time, this was considered to represent a suitable duration for the marketing of the site, at a reasonable rate and it remains the Officer's opinion that the building could not viably be put to an employment use in accordance with criterion A and a residential use therefore remains the next best option.

- 5.8 To be converted to a residential use, buildings are should be of permanent construction in accordance with saved policy H10. In this case, the buildings are suitable for conversion and the works to achieve this would be limited to repairs at most. The level of works required would not interfere with the intrinsic character of the buildings. It is also required that the buildings are in keeping with their surroundings; the buildings are central to the farm group and as such, would accord with criterion B. The buildings are located near to an existing group of agricultural buildings to the south and west, and other residential dwellings to the north and east and would overall be well related to an existing group of buildings, satisfying criterion E. Overall, the proposal is considered to comply with the individual criteria set out in saved policy H10.
- 5.9 In respect of saved policy H10, it is recognised that the NPPF adopts a more lenient approach with regard to the re-use of buildings. Nevertheless, some weight can still be given to the criteria under saved policy H10, especially as the emerging Policy, Sites and Places SPD Policy PSP 36 seeks to continue a number of the criteria set out under saved policy H10.
- 5.10 Due to the application sites rural location, this makes it ideal for certain wildlife and measures to be in place for their protection (Policy CS9). In addition, the Transportation Development Control Officer considers the existing access acceptable and the location sustainable (Saved policy T12 and Policy CS8). In conclusion, the proposal is considered to accord with the principle of development subject to a detailed assessment of visual amenity and landscape, residential amenity, transportation and ecology impacts.
- 5.11 Visual Amenity and Landscape
The barn and associated outbuildings are located within an existing complex of agricultural and residential buildings. There are four buildings within the application site; the main barn, a long single storey building linked to the main barn, an open barn with corrugated roof (to be demolished) and a detached garage (to be re-built).
- 5.12 It is considered that potentially the biggest impact that a conversion can have on the surrounding landscape character is through the creation of a domestic curtilage and its boundary treatments. The proposed residential curtilage is the same as the previously approved application PK13/2322/R3F. The residential curtilage is visually contained by the single storey buildings to the north and west. The private garden/amenity space would be enclosed by a boundary wall, the existing surrounding outbuildings within the application site and proposed new garage. Views into the site from the open countryside and public footpath (south) are restricted by the existing agricultural buildings. The revised proposal includes the erection of a large garage, replacing building 4. This garage will

remain in line with the south elevation of the barn and will not impinge on the openness of the Green Belt as such, with the addition of a new stone boundary wall to the west and east.

- 5.13 In order to maintain a defined residential curtilage and refrain from domestic paraphernalia affecting the rural character and AONB setting, it is considered preferable for a new stone wall to be high enough to screen views of parked cars associated with the dwelling and other domestic paraphernalia. Conditions will be attached to satisfy these requirements, including details of the proposed boundary wall, landscaping, the garage to be used for parking of vehicles only and the removal of permitted development rights to ensure a high standard of design and to protect the character of the barn and rural setting.
- 5.14 Overall, the proposed conversion and alterations to the appearance of the building and its curtilage are considered acceptable, in accordance with policy CS1 of the adopted Core Strategy.
- 5.15 Residential Amenity
The building is located centrally within its grounds, being set back from the existing two storey dwellings to the north and east. Under this proposal, the curtilage would remain the same as PK13/2322/R3F and there is considered to be no material impact on the amenity of the neighbours in this respect.
- 5.16 It is proposed to insert one additional window on the west elevation roof slope. The separation distance between the building and the nearest neighbouring dwellings to the north and east is sufficient to overcome any privacy or overlooking concerns. The addition window is a rooflight is unlikely to have any material impact on the residential amenity given there are no dwellings to the west. There are no other new window openings proposed that could potentially impact on the nearest neighbouring properties to the north.
- 5.17 The proposed boundary treatments will provide the future occupier of the building and neighbouring residents to the north and east with adequate privacy. Overall, there are no concerns in terms of residential amenity afforded to the existing neighbouring residents and the future occupiers. The proposal is considered to accord with saved policy H4 of the adopted Local Plan.
- 5.18 Transportation
The proposed means of access will be via a shared drive off the A420, which serves the group of existing dwellings. The application site is located 2 miles to the east of Wick village, between Wick and Marshfield. It is a rural location but with direct access off the A420. There is ample room for 2-3 vehicles to pull off the A420 to access the shared access way.
- 5.19 The Transportation Development Control Officer considers the means of access to have an acceptable with adequate visibility in both directions and sufficient space in the form of a turning circle to the west of the barn to ensure that vehicles can enter and exit in a forward gear. As the proposal would use an existing shared access, there is no highway safety objection subject to a condition securing the provision of two parking spaces on site.

- 5.20 The previously approved proposed site layout (PK13/2322/R3F) included a driveway from the south into the courtyard area, for parking and grassed amenity space. This proposal does not involve parking within the courtyard area as this has been replaced with a large garage. As per the Officer's assessment of the visual amenity impact and the Transportation Development Control Officer's recommendation that parking provision on site should include 2no. off-street parking spaces, it is considered relevant and reasonable to impose a condition that the new garage should be used for the parking of 2no. vehicles associated with the new dwelling as there is no other parking provided within the curtilage. This condition is to ensure that there is acceptable off-street parking provision provided for the new dwelling, in accordance with the Transportation DC Officer's recommendation.
- 5.21 Comments have been received from local residents raising concerns about the shared driveway along the south of the barn's curtilage could be blocked when vehicles use the garage. The siting of the proposed garage is considered appropriate, as it would replace an existing building albeit with a slightly larger one. There is considered to be adequate space for vehicles to manoeuvre into and out of the garage, given there is open hardstanding area to the south and vehicles would be entering/exiting the garage at relatively low speeds. The siting of the garage is not considered to present a highway safety issue. The proper use and ownership of the shared access is not a material planning consideration.
- 5.22 Ecology
The application site does not have any nature conservation designations. The existing buildings subject to this application have been surveyed and an updated ecological report supports the proposal. The previous application PK15/0345/F was withdrawn due to outdated bat survey information. This application is a re-submission, with the previously submitted Ecological Appraisal and supporting Bat Surveys (conducted in 2013 and 2015) in respect of buildings 1 (main barn) and 2 (single storey building). Previous findings that the main barn supported a brown long-eared bat roost and a Myotis bat roost (Natterer's bat confirmed by DNA analysis of droppings) were not confirmed, though the Ecology Officer advises the building must still be considered a roost for these species. The single storey building was not found to be being used by bats, although it is still considered to have moderate potential to support roosting bats. The open barn and detached garage outbuilding have a negligible potential to support roosting bats. Although brown long-eared and Myotis bats were not located during the surveys, recommendations for bat mitigation habitats are made which are designed to enable not only the common pipistrelle roost to be maintained, but also facilitate access for these two species.
- 5.23 In addition, evidence of Swallows nesting was also found in the barn. Considering the above, mitigating conditions ensuring the species are protected will be attached to the decision notice.
- 5.24 Drainage
There is no public sewer available for the barn to connect. The Council's Lead Local Flood Authority has recommended a suitably worded condition to be

attached requiring details of a new septic tank and suitability of ground conditions.

5.25 Public Rights of Way

The PROW Officer has confirmed that the proposed development is unlikely to affect the nearest public right of way reference LCA/15/10.

6. CONCLUSION

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

6.2 The recommendation to **APPROVE** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) 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 **APPROVED**, subject to the attached conditions.

Contact Officer: Katie Warrington
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

2. Prior to the commencement of development, details of the materials, dimensions and access for the bat loft, as well as timing of works, and a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the bat mitigation recommendations outlined in Section 4.2 of the Bat Report (IES Consulting, dated May 2015). Development shall be carried out strictly in accordance with the Bat Report recommendations and approved details.

Reason 1

This is a pre-commencement condition so as to avoid any unnecessary remedial action in the future.

Reason 2

To ensure the works are carried out in an appropriate manner and in the interests of the habitats of protected species, to accord with saved policy L9 of the South Gloucestershire Local Plan (Adopted) 2006 (Saved Policies).

3. Prior to the commencement of development, details of the provision for swallows in the main barn, to include type and location of cups, shall be submitted for approval in writing to the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the main barn.

Reason 1

This is a pre-commencement condition so as to avoid any unnecessary remedial action in the future.

Reason 2

To ensure the works are carried out in an appropriate manner and in the interests of the habitats of protected species, to accord with saved policy L9 of the South Gloucestershire Local Plan (Adopted) 2006 (Saved Policies).

4. A) The previous use of the building(s) and adjacent land for agricultural purposes may have given rise to contamination. Prior to commencement, an investigation shall be carried out by a suitably qualified person, into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
- B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development and how any unacceptable risks will be mitigated. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings and what mitigation measures are proposed to address these. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
- C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

For further advice on contaminated land investigations, the applicant can contact Environmental Services on (01454 868001).

Reason 1

This is a pre-commencement condition so as to avoid any unnecessary remedial action in the future.

Reason 2

To ensure that adequate measures have been taken to mitigate against contaminated land, to accord with saved policy EP6 of the South Gloucestershire Local Plan (Adopted) 2006 (Saved Policies).

5. Prior to the commencement of development, a plan indicating the design, construction, height and materials of the boundary wall to form the curtilage of the site shall be submitted to the Local Planning Authority and approved in writing. For the avoidance of doubt, the height of the boundary wall to the south and east of the site shall be a minimum of 2.5 metres high. Development shall be carried out strictly in accordance with the approved details before the first occupation of the the dwelling hereby permitted.

Reason 1

This is a pre-commencement condition so as to avoid any unnecessary remedial action in the future.

Reason 2

To protect the character, appearance and setting of the barn, outbuildings and area; to ensure that the residential curtilage is defined and any domestic paraphernalia and clutter is contained within that curtilage; and, to maintain the rural character of the AONB and Green Belt setting. To accord with saved policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policy CS1, CS5, CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

6. Prior to the commencement of development, a scheme of landscaping for the site shall be submitted to the Local Planning Authority and approved in writing. The scheme of landscaping shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of development; proposed planting and times of planting; boundary treatments; and areas of hardsurfacing. Development shall be carried out strictly in accordance with the approved details and completed within the first year of occupation of the new dwelling.

Reason 1

This is a pre-commencement condition so as to avoid any unnecessary remedial action in the future.

Reason 2

To protect the rural character, appearance and setting of the barn and the area, to accord with saved policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policy CS1, CS5, CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

7. Prior to the commencement of development, details comprising plans at scale 1:20 of the windows, doors and conservation rooflights to be inserted in the main barn and single storey attached building shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out strictly in accordance with the approved details.

Reason 1

This is a pre-commencement condition so as to avoid any unnecessary remedial action in the future.

Reason 2

To ensure a high standard of appearance that maintains the integrity of the barn and attached single storey outbuilding and to protect the rural character and setting of the immediate area, to accord with saved policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policy CS1, CS5, CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

8. No public foul sewers are readily available. Prior to the commencement of development, full details of a new Septic Tank with an approved method of irrigation for the overflow effluent will be required. This includes, assessment details for a new septic tank; evidence must be provided to confirm the suitability of ground conditions; and sufficient site area for drainage field. Development shall be carried out strictly in accordance with the approved details. .

Reason 1

This is a pre-commencement condition so as to avoid any unnecessary remedial action in the future.

Reason 2

To ensure a satisfactory means of pollution control is achieved on site, to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

9. The garage hereby approved shall be available for the parking of 2no. standard vehicles.

Reason

To ensure the provision of 2no. spaces minimum are provided and the amenity of the area and rural setting are protected, to accord with Saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), Policies CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the Council's adopted Residential Parking Standards SPD (2013).

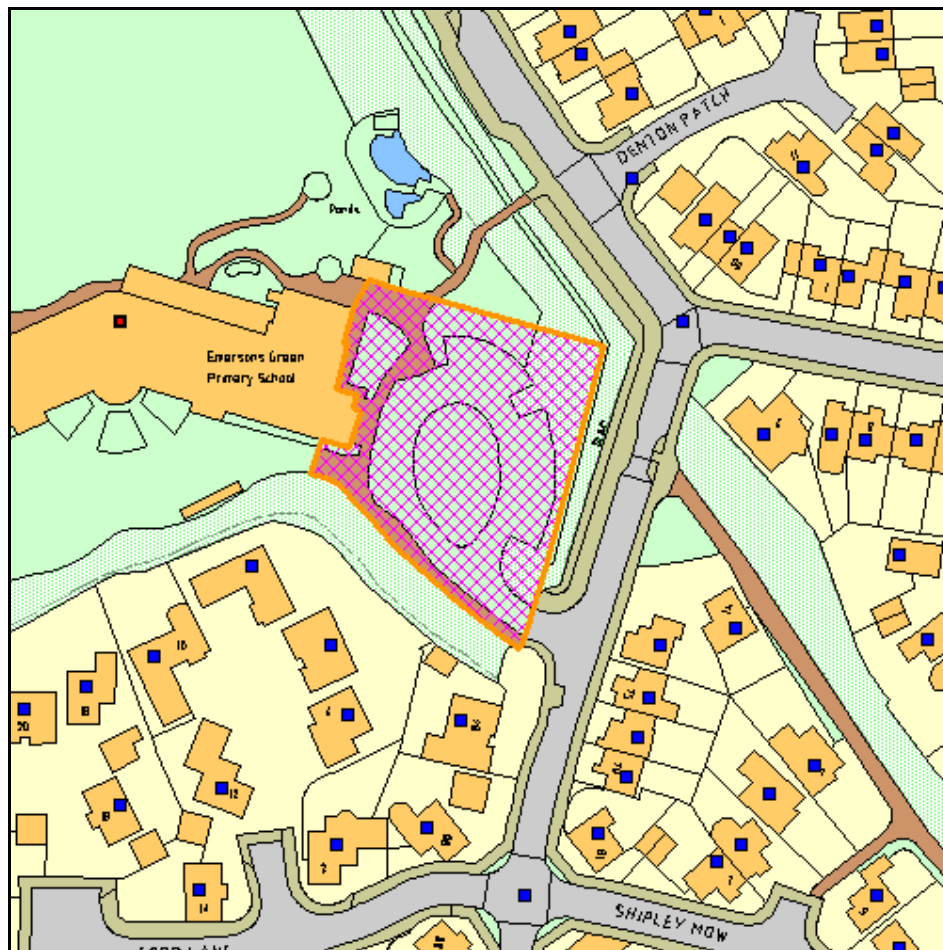
10. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F and H), other than such development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

Reason

To prevent later extensions and additions that would impact on the openness of the Green Belt and character of the barn and rural setting. To accord with saved policies H10 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policies CS1, CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 30/15 – 24 JULY 2015

App No.:	PK15/2186/R3F	Applicant:	South Gloucestershire Council
Site:	Emersons Green Primary School Guest Avenue Emersons Green Bristol South Gloucestershire BS16 7GA	Date Reg:	11th June 2015
Proposal:	Construction of additional parking bays and improvements to footways.	Parish:	Emersons Green Town Council
Map Ref:	366580 177075	Ward:	Emersons Green
Application Category:	Minor	Target Date:	4th August 2015



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Reasons for Referring to Circulated Schedule

This application has been referred to the Circulated Schedule because it is a Regulation 3 application submitted by South Gloucestershire Council; furthermore, concerns have been raised by local residents.

1. THE PROPOSAL

- 1.1 The application relates to Emerson's Green Primary School located to the West of Guest Avenue. The School currently experiences significant parking issues due to the high level of pupils with special educational needs i.e. 50 of the 267 attending the school. These children have physical needs and travel to and from school in specially adapted cars or minibuses. There are 39 full-time and 30 part-time employees at the school. The site does not have suitable provision for both parking and manoeuvring of the vehicles. The mix of pedestrians and vehicles accessing the site at school opening and closing times gives rise to health and safety concerns. In addition there is a general lack of staff parking places which contributes to offsite parking issues on local roads, double parking within the school and parking on landscaped areas.
- 1.2 The aim of the proposals is to provide disabled minibus parking bays and additional car parking and to improve pedestrian facilities adjacent to the main school entrance. The proposals are summarised as follows:
- Provide 5 disabled minibus bays to accommodate the needs of pupils being collected by organised transport.
 - Improve pedestrian access by widening the footways adjacent to the frontage of the main entrance.
 - Car parking improvements to increase the availability of parking for staff and visitors.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (NPPF) March 2012
The National Planning Policy Guidance (NPPG) 2014

2.2 Development Plans

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

L1 - Landscape Protection and Enhancement

EP2 - Flood Risk and Development

T8 - Parking Standards

T12 - Transportation Development Control Policy for New Development.

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 - High Quality Design

CS4A - Presumption in Favour of Sustainable Development

CS5 - Location of Development

CS8 - Improving Accessibility

CS9 - Managing the Environment and Heritage

2.3 Supplementary Planning Guidance
None

Emerging Plan

2.4 Proposed Submission ; Policies, Sites and Places Plan
PSP2 - Landscape
PSP3 - Trees and Woodland
PSP16 - Parking Standards
PSP20 - Flood Risk, Surface Water and Watercourse Management
PSP21 - Environmental Pollution and Impacts

3. **RELEVANT PLANNING HISTORY**

3.1 None

4. **CONSULTATION RESPONSES**

4.1 Emersons Green Town Council
Objection : Members felt that the direction of the flow of traffic should be clockwise.

4.2 Other Consultees

Lead Local Flood Authority

No objection subject to an informative relating to proximity of Ordinary Watercourse.

Tree Officer

No objection

Transportation D.C

No objection to revised plans subject to a condition to ensure that the one-way traffic circuit shall be adhered to at all times and parking and drop off/pick up shall take place in designated bays only.

Other Representations

4.3 Local Residents

2no. e-mails were received from local residents raising the following concerns/comments

- 5 mini bus bays are not required.
- Why are there restricted parking times for the 6 new spaces – staff work outside these hours and will park on the road.
- The School Swimming Coach causes disturbance and should pick up/drop off within the school grounds not on Guest Avenue.
- Any works should not be carried out during anti-social hours.
- The circulation of traffic around the island should be clockwise as mini-bus doors are located on the left hand side.
- Tree Survey not required.

- Staff parking should be full-time not restricted.
- Bollard in road prevents access to site by Swimming coach.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2012 (NPPF). The “saved” policies of the South Gloucestershire Local Plan (adopted 2006) also form part of the extant Development Plan.

5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only very limited weight can currently be given to the policies therein.

5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.

5.6 The application falls to be determined under Core Strategy Policy CS8 and Local Plan Policies T8 and T12. Policy CS8 seeks to ensure that car parking and vehicular site access is well integrated and situated so it supports the street scene and does not compromise walking, cycling, public transport infrastructure and highway safety. Policy T12 seeks to ensure that development provides adequate safe, convenient, attractive and secure access and facilities for pedestrians, and people with disabilities. Policy T8 sets the **maximum** parking standards for schools at 1 space per 2 staff.

Analysis

5.7 Highway Issues

It is proposed to improve the existing facilities within the School site only. There are no new buildings or increase in staff or pupils proposed. The existing situation at the School is that a driveway, from the access off Guest Avenue, encircles a central landscaped island within the School site. To the outside of the driveway are 3 existing drop-off bays to the South and staff parking to the

North comprising 2 disabled bays and 12 standard bays interspersed with landscaped areas.

- 5.8 The proposed scheme, as originally submitted was to direct traffic in an anti-clockwise direction around the central island and to introduce 5no mini-bus parking bays on the island plus 6 additional car-parking bays with restricted stay; plus 3no. additional car-parking spaces to the North of the drive; together with a range of works to improve the accessibility of the existing footpaths and pick up/dropping off areas.
- 5.9 For a number of reasons, as in part highlighted by the concerns raised by the Parish Council and local residents, officers considered this arrangement to be unsatisfactory. The Council's transportation officer therefore, in consultation with the applicant's agent, re-negotiated a revised scheme whereby the traffic would now be directed in a clockwise direction around the central island; landscaping on the central island would be cleared to allow the provision of 5no. disabled minibus parking bays; 3no. additional staff car parking spaces would be added to those existing to the North and pedestrian facilities adjacent to the main school entrance would be improved. The 5no. new disabled bays are only likely to be used at the beginning and end of the school day, so these have the potential to be used as visitor parking at other times; this would however need to be a matter for the school to appropriately manage. The staff parking spaces would no longer have time restrictions on them. Officers consider that these proposals are acceptable and would result in a significant highway improvement to the existing situation on this restricted site. A condition would be imposed to ensure that the one-way traffic circuit would be adhered to at all times and parking and drop off/pick up would take place in the designated bays only.
- 5.10 Concerns have been raised about the School swimming coach that apparently makes 4no. visits on a Wednesday morning and parks on the road, rather than entering the site. Concern has also been raised about the impact of the traffic calming island and associated bollard located on Guest Avenue just to the south of the School access.
- 5.11 Whilst other coaches do access the site, there is in fact no planning requirement for the swimming coach to do so, this remains a matter for the school to manage. The existing traffic calming lies within the public highway and not within the School site, as such this matter does not fall within the scope of this planning application.
- 5.12 Impact on Residential Amenity
The proposed improvements should improve the existing situation for local residents. Whilst there is potential for disturbance during the development phase, this can be adequately addressed by imposing a condition to control the hours of working.
- 5.13 Landscape and Tree Issues
The site is heavily landscaped and some of the trees are protected by Tree Preservation Order. An Arboricultural Impact Assessment and Tree Protection Plan, has therefore been submitted in support of the application. Officers are

satisfied that the removal of 3 young trees in order to facilitate the proposal is not considered to have an impact on the wider amenity as there are many trees growing within close proximity, therefore it is agreed that no mitigation planting will be necessary. There is some conflict with the root protection areas of young c-grade trees G13 & T4 however it is considered that the trees are likely to tolerate the disturbance to the roots due to the proposed construction. There are therefore no objections on landscape grounds.

5.14 Drainage Issues

The site does not lie within an area at risk of flooding. It does however lie adjacent to an Ordinary Watercourse (drainage ditch). No formal Land Drainage consent will be required to carry out the works outlined in this application, however the applicant's responsibilities regarding the ditch would be communicated via an appropriate informative, should planning permission be granted.

6. CONCLUSION

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

6.2 The recommendation to grant planning 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: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. The hours of working on site during the development phase shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with the requirements of the NPPF.

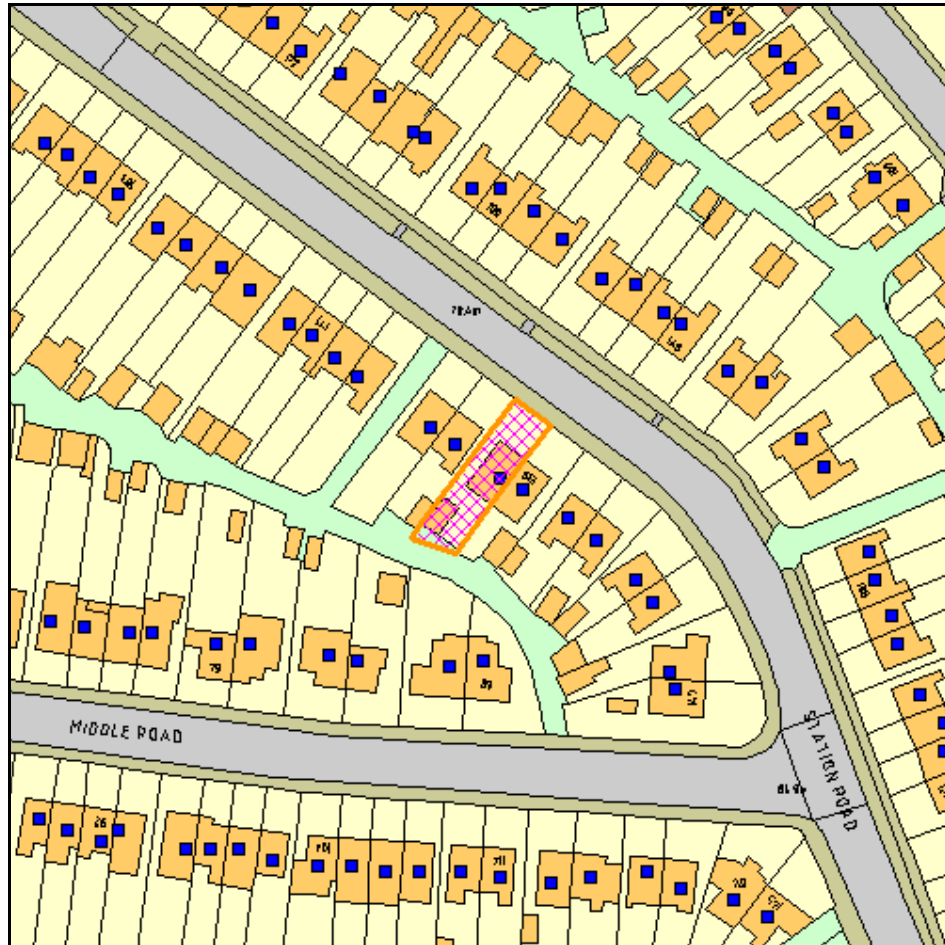
3. The one-way, clockwise traffic circuit as shown on the Proposed Car Park Improvements General Arrangement Plan Drawing No. 2698.13D shall be adhered to at all times and parking and drop off/pick up shall take place in the designated bays (as shown on the plan) only.

Reason

To ensure the satisfactory provision of access and parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

CIRCULATED SCHEDULE NO. 30/15 – 24 JULY 2015

App No.:	PK15/2303/F	Applicant:	Mr & Mrs J&L Leppier
Site:	161 Station Road Kingswood Bristol South Gloucestershire BS15 4XN	Date Reg:	3rd June 2015
Proposal:	Erection of two storey and single storey rear extension to form additional living accommodation.	Parish:	None
Map Ref:	365777 175338	Ward:	Rodway
Application Category:	Householder	Target Date:	24th July 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a two storey and single storey rear extension to from additional living accommodation. The application site relates to a two-storey semi-detached post war property situated within the established residential boundary of Kingswood.
- 1.2 The application site is adjacent to the busy Station Road but set at a higher level above the road, accessed from the front by a series of steps. The proposed two-storey rear extension would measure approximately 3 metres deep, 3.5 metres wide, have an eaves height of 5.2 metres and an overall height of 6.7 metres. The single storey rear structure would measure about 2.3 metres wide and have an overall height of 3.8 metres.

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
CS8	Improving Accessibility
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing

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

H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12	Transportation Development Control

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. **CONSULTATION RESPONSES**

4.1 Parish/Town Council
The area is unparished

4.2 Other Consultees

Lead Local Flood Authority
No comment

Other Representations

4.3 Local Residents

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

- Loss of light into my kitchen window and possibly other rooms

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposal stands to be assessed against the above listed policies and all other material considerations. Of particular importance is the impact the design would have on the host property and the character of the area (CS1); the impact on the amenity of existing and future occupiers and that of neighbouring dwellings must be fully assessed (H4) and any impact on highway or off-street parking (T12, SPD: Residential parking standards).

The proposal is considered to accord with the principle of development and this is discussed in more detail below.

Design and visual amenity

5.2 The proposed extensions would replace two existing single storey extensions. These structures currently extend from the rear building line by approximately 1.9 metres and by contrast the proposed new structures would extend out by 3 metres. The two-storey extension would have a pitched roof lower than the ridge line of the main property and the single storey extension with its mono-pitched roof would follow on to the southeast, being closer to neighbours at No. 159. The proposal would provide an enlarged bedroom at first floor, a ground floor bathroom and an extended kitchen/living room.

5.3 Currently the property has three bedrooms and a bathroom at first floor and these would seemingly remain. Under the proposal the large back bedroom would have an extension which where it dog-legs round, in effect seems to create two rooms rather than one cohesive space. Nevertheless, and despite the anomalous interior layout, the proposal is to be assessed on the plans proposed. As mentioned above the two-storey structure would extend out from the rear building line by 3 metres, and although this can be considered an acceptable amount for a two-storey extension in most circumstances, in this case Officers had some initial reservations regarding the overall resulting bulk and massing, given the modest size of the original dwelling. It is also worth noting that there are no other two-storey rear extensions along this row of

properties. The proposed extension would have its main openings and rooflights to the southeast, opposite the rear garden, save for an obscure glazed window in the first floor bathroom which would be located in the northwest side elevation. Good quality materials to match those of the existing dwelling would be used in the construction.

- 5.4 As mentioned above, the proposal would be a new and relatively large feature to this row of modest semi-detached dwellings. A balancing exercise is therefore required to assess whether there would be unacceptable harm to visual amenity resulting from the proposed development. Firstly, it is important to recognise that two storey rear additions themselves are not uncommon and secondly, it is useful to acknowledge that in terms of its scale, design and finish this proposed extension again is of an average size for such a structure. Overall, it would therefore, not be out of proportion with nor adversely compromise either the host property or area in general sufficient to warrant a refusal. The two-storey and single storey extensions are considered acceptable in terms of appearance and visual impact on the area.

Residential Amenity

- 5.5 The application site is within a row of post war dwellings which benefit from a rear access lane. Gardens vary in size along this row and it is noted that the application site has one of the smallest gardens here. Given the busy road to the north, a garage and area of hardstanding provide valuable off-street parking for the dwelling. The amenity space to the rear would therefore be further compromised by the proposed extension. Officers calculate that the amount of garden to the rear is currently 24 sqm, the area of hardstanding of an equivalent amount, has not been included. Following the proposed development the area of usable amount of rear garden, again excluding the hardstanding area, will be 15 sqm.
- 5.6 It is acknowledged that the Council has no set residential amenity space standards and therefore a judgement has to be made. As the house would remain a three bed property it can reasonably be assumed that it would serve a family and therefore a practical amount of garden space should be present to serve the occupants. Although very small adequate space to hang washing and or to sit out in, would remain. Note must be given to the urban location where small gardens are not unusual and so, on balance it is considered that the proposal would not be to the detriment of existing and future occupiers.
- 5.7 Concern has been expressed by the closest neighbour to the north at No. 163 Station Road. A kitchen window for this property is to the side elevation. A further first floor window and smaller ground floor window are also in this elevation. This property also has a small single storey rear extension where a second window serves the kitchen. It is acknowledged that the position and massing of the proposed extension would cause changes for this neighbour. The degree of impact of these changes must therefore be carefully assessed. Best practice and convention advises that no part of a building should break an angle of 45° when drawn from the centre of a window in a room of primary living accommodation. At 45° satisfactory levels of natural light and outlook are likely to be achieved. On the one hand, the proposed two-storey extension breaks this angle and as such would not follow good design principles that

safeguard the amenity of neighbouring dwellings, but on the other, this kitchen room has a second window to the rear. Given that the side kitchen window faces the side elevation of No. 161 and is only approximately 3 metres away, the main light source comes from the rear south west facing window. This rear window would be unaffected by the proposed extension. Consequently, although there would be changes, it is considered that the proposed extension would not have an overbearing and overshadowing impact on the neighbouring property sufficient to warrant a refusal.

Sustainable Transport

- 5.8 The application site currently has three bedrooms and notwithstanding the unusual internal design the submitted plans indicate that three bedrooms would remain. Current parking standards require 2no. off street parking spaces to be provided for a 3no. bed room property and at the moment the site has a garage and an area of hardstanding side by side to the rear of the property. Plans label this area 'garden' with the implication being that the area of hardstanding would be lost. It is therefore reasonable to include a condition to ensure parking for two cars is retained.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 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 written on 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 hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:30 to 13:00 on Saturdays; and no working shall

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

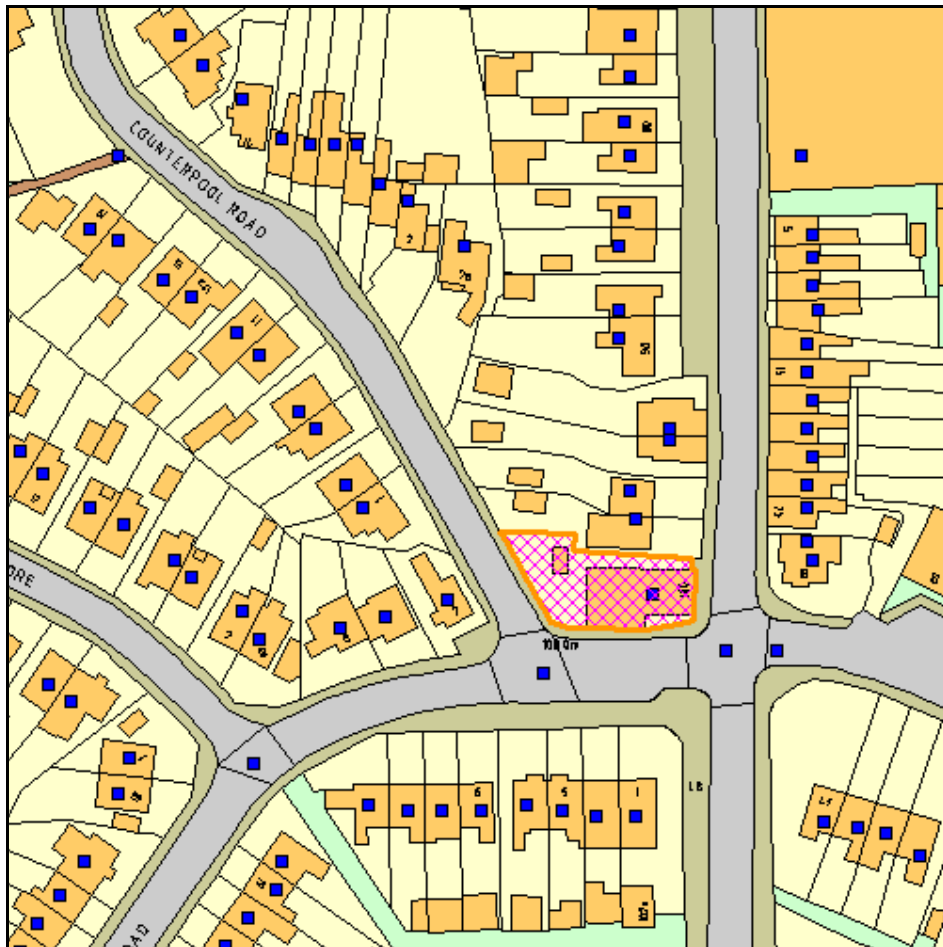
3. The current parking arrangement shall be retained to provide two off-street parking spaces to serve the building.

Reason

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

CIRCULATED SCHEDULE NO. 30/15 – 24 JULY 2015

App No.:	PK15/2335/F	Applicant:	Mr B Singh Kingswood Stores Ltd
Site:	100 Forest Road Kingswood Bristol South Gloucestershire BS15 8EH	Date Reg:	3rd June 2015
Proposal:	Change of use of part of existing unit from Retail (Class A1) to Hot Food Takeaway (Class A5) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of external flue to north elevation and new shopfront. Resubmission of PK14/4859/F	Parish:	None
Map Ref:	364523 173124	Ward:	Woodstock
Application Category:	Minor	Target Date:	24th July 2015



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PK15/2335/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is to appear on circulated schedule due to the receipt of 2 comments of support, contrary to the Officer's recommendation to refuse.

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the change of use of part of existing unit from Retail (Class A1) to Hot Food Takeaway (Class A5) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) and installation of external flue to north elevation and new shopfront (Re-submission of PK14/4859/F).
- 1.2 The application site relates to an existing isolated retail unit located at the junction of Forest Road and Footshill Road. The shop occupies a corner position and is on popular vehicular and pedestrian route to/from Beacon Rise primary school on Hanham Road.
- 1.3 The shop lies outside of the established shopping area of Kingswood and is not within a designated frontage.
- 1.4 This application is a re-submission of PK14/4859/F which was withdrawn prior to the Officer's recommendation of refusal due to lack of off-street parking provision for the takeaway and unknown impact on residential amenity due to lack of information in respect of the extraction system. This re-submission has included additional information

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the environment and heritage

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

T12 Transportation Development Control Policy
RT11 Retention of Local Shops, Parades, Village Shops and Public Houses

2.3 Supplementary Planning Guidance

Residential Parking Standards SPD (Adopted) 2013
Planning and Noise (Specific Guidance Note 1) (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/4859/F Change of use of part of existing unit from Retail (Class A1) to Hot Food Takeaway (Class A5) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of external flue to north elevation and new shopfront.
Withdrawn 11.02.15
- 3.2 PK07/2314/F Installation of ATM cash machine to front of building and erection of 2 no. anti-ram bollards.
Approved 13.09.07
- 3.3 PK07/0797/F Erection of single storey rear and side extension to form additional store/staff area. Creation of new vehicular access from Counterpool Road.
Refused 03.05.07
- 3.4 PK05/3431/F Erection of single storey side and rear extension to form additional store/staff area.
Approved 20.01.06
- 3.5 PK04/2254/F Erection of 1no. detached 2 bedroom house.
Refused 04.08.04
- 3.6 K5065/1 (P86/4420) Extension to shop/residential premises
Approved 21.07.86

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Unparished.
- 4.2 Community Enterprise
No comment received.
- 4.3 Environmental Protection
Objection; there still remains a lack of detail regarding the proposed change of use.
- 4.4 Food Safety Team
No adverse comments.
- 4.5 Lead Local Flood Authority
No comment.
- 4.6 Sustainable Transport
Objection, recommend refusal. Proposal would result in loss of existing on-site parking facilities for the retail unit and residential flat above, thereby

encouraging on-street parking in close proximity to the road junction to the detriment of highway safety. The proposal would also result in an intensification in vehicular use of the sub-standard access serving the application.

Other Representations

4.7 Local Residents

A total of 51no. comments have been received. Of these, 49no. comments of objection and 2no. comments in support:

Objections:

- Increase on-street parking problems will be exacerbated;
- Increased litter on pavements and roads;
- Likely groups of people will be hanging around the area;
- Negative impact on property prices;
- Possibility of late night openings;
- Inappropriate development in the area;
- Plenty of existing takeaways that deliver in the area;
- Takeaway will cause major problems and disruption to the surrounding area as a result of noise
- School nearby;
- Proposed car park will cause accessibility issues on the road;
- Care home for people suffering from mental disorders in locality will be upset and distressed;
- Residents not consulted about the plans before submission;
- This is a residential area, there are enough takeaways on Kingswood High Street;
- Takeaway will cause odours from cooking;
- Impact on quality of life in this area;
- Could lead to a rise in vermin and air pollution;
- Additional traffic on a busy junction, where there have been many accidents on the cross roads, and in close proximity to zebra crossing;
- Extraction system/flue exits next to residential property;
- Drawings incorrect, they do not show existing 2no. extractor fans and 11no. pipes in situ on side elevation of shop. Already an eyesore;
- Will affect health of nearest neighbour (No. 98) as already experience noise and smells;
- Already high demand for on-street parking on nearby roads (houses without off-street parking);
- Fire risk to No. 98;
- Road near shop has 'keep clear' lines and restricted on-street parking;
- Takeaway promotes unhealthy eating as located on school route;
- Proposed 3no. parking spaces is not enough;
- No public notice displayed at the shop about proposal;
- Previous permission for extension, will the use breach any of the attached conditions?
- No local need for a takeaway facility;
- Waste bins will not be suffice for additional waste;
- Busy location will cause a highway hazard.

Support:

- The local shop has many things to offer, and the addition of a takeaway is benefit;
- Loitering/trouble on the street no different to school kids hanging around after school for hours;
- Welcome change that will bring jobs;
- Family converting shop have lived in area for 17 years and provided a community service (shop);
- Hot food service is another amenity for the area for elderly and new residents of Douglas Road development.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposal includes the sub-division of the existing shop to provide a hot food takeaway (Class A5). The application relates to an existing corner shop/off-licence. The application site is not located within the town centre or high street. The application site is surrounded by residential properties.

5.2 Policy CS1 permits development where the highest possible standards of design and site planning are achieved. Policy CS9 of the adopted Core Strategy aims to ensure that new development does not result in an unacceptable harm to the environment as a result of pollution to air or through noise or vibration. Saved policy T12 of the adopted Local Plan permits new development provided that adequate safe, convenient, attractive and secure access, would not create or unacceptable exacerbate traffic congestion or have an unacceptable effect on road, pedestrian and cyclist safety, or generate traffic which would unacceptably affect residential amenity. Saved policy RT11 permits the change of use of existing retail premises outside of town and village centres if the proposed use would not result in unacceptable environmental or transportation effects, and would not prejudice residential amenity.

5.3 The draft policy PSP31 (Hot Food Takeaways) of the Draft Policies, Sites and Places Plan specifically relates to the proximity to schools and youth facilities whereby it states "*takeaways within 400 metres of schools and youth facilities will not be permitted where they would be likely to influence behaviour harmful to health or the promotion of healthy lifestyles*". This document and the policies contained within it are currently at public consultation stage but have not yet been examined or formally adopted. There are schools within 400 metres of the application site (John Cabot Academy and Beacon Rise Primary School). However, the application also does not specifically state the type of hot food takeaway proposed making it difficult to ascertain if this would result in an 'unhealthy' as such. Considering the above, policy PSP31 holds very little weight and the considerations of the merits of the proposal as set out above is in the context of the existing adopted policies in the Local Plan and Core Strategy.

5.4 In respect of the above policy considerations, the principle of the location of the proposal is considered unacceptable and will be discussed in detail below.

5.5 Design and Visual Amenity

The proposal would involve the sub-division of the existing shop into two units. An internal wall would be constructed creating a separate unit, with a small waiting area and server area at the front and a large kitchen towards the rear, and the replacement of the existing front elevation window with a door/window panel. The proposed flue/extraction system would be located on the north elevation on the ground floor, adjacent to No. 98 Forest Road. No extensions are proposed as part of the proposal. The only external alterations would be the replacement of the shop window, installation of flue/extraction system and removal of the existing gates and part of the boundary wall of the parking area.

5.6 The main concern in respect of the visual impact is the proposed location of the flue/extraction system that would be located in close proximity to the nearest residential property to the north (no. 98 Forest Road). No. 98 is part of a pair of semi-detached dwellings which are substantially set back from the road. The property has a large front garden which is slightly forward of the shop and directly bounds the proposed takeaway unit. There is a rendered boundary wall of approximately 1.8 metres high between the shop and dwelling; however there is also existing piping and an air conditioning fan located on the north elevation which is visible from No. 98.

5.7 The proposed flue/extraction system would be located at ground floor level and would be largely in line with the front elevation of No. 98. Whilst there is existing piping and fan equipment on the side elevation, which are located higher up the wall and visible from the public realm, the proposed new extraction system would not be readily visible and would therefore not impact on visual amenity as such.

5.8 The proposed off-street parking arrangement to the rear of the property would utilise an existing yard, which is used by the occupiers of the shop and associated residential flat. The existing gates and wall will be removed in order for 3no. parking spaces to be created for customers of the takeaway to use. In terms of visual amenity, the parking proposal is considered acceptable and would unlikely have a negative visual impact. Overall, the proposal is considered acceptable in terms of design and visual amenity.

5.9 Impact on Residential Amenity and Environmental Effects

The site is located close to residential dwellings, being a lone corner shop on a prominent road junction between Forest Road, Footshill Road and Oakfield Road. Residential properties are located to the north, south, east and west, being predominantly semi-detached and terraced houses. An extraction/flue system is proposed on the north elevation, nearest to the adjoining property No.98. The potential issues affecting residential amenity relate to odours from the cooking and extraction system, noise from the extraction system, potential customers, and late opening hours.

5.10 The proposed hours of opening would be 11:00 to 22:00 Monday to Saturday and no opening on Sundays. Concern has been raised by local residents that the local care home facility which houses people suffering from mental disorders will be upset and distressed by the proposed takeaway, as well as

other neighbouring occupiers. The proposed use would create an additional commercial unit that is subject to late night openings, within close proximity to numerous residential properties, of particular concern is No. 98 Forest Road. The addition of a takeaway in a predominantly residential area is likely have a negative impact on residential amenity due to the nature of proposed use, the turnaround of customers, hours of opening, additional traffic movements and associated odours and noise created by the cooking and flue/extraction system. Whilst the proposed opening hours are not considered excessive in order for the takeaway to be viable (they would be less than other takeaways on the High Street and local parades), the creation of an additional unit, that would be open late, would likely harm the existing level of residential amenity by reason of intensification. Given the location of the unit in close proximity to residential dwellings, it is considered that the proposed change of use would have a detrimental impact on residential amenity.

- 5.11 Local residents have raised a number of concerns about the potential for the increase in litter and vermin, with not enough bins in the area, and the potential for anti-social behaviour from gangs of people hanging around the shop/takeaway. Resultant litter and vermin from the takeaway cannot be controlled through conditions, however Environmental Health legislation would cover these issues. A planning condition could be added requiring the provision of a bin in association with the takeaway. In respect of the potential creation of anti-social behaviour, this would be dealt with by the Police. Whilst these are amenity issues, the potential for causing such issues cannot be given much material weight.
- 5.12 Concern has been raised that the proposal would present a fire risk to No.98. This could be in relation to the commercial kitchen and additional equipment (flue/extraction system). There is relevant legislation contained in the Fire Safety Order which came into force on 1st October 2006 which enforces fire safety for businesses and Building Control legislation. Whilst it is a material planning consideration, this is considered to hold little weight.
- 5.13 The Council's Environmental Protection Officer has assessed the proposal and it is considered that the proposal is unacceptable due to a lack of detail regarding the proposed change of use and site specific noise report. This re-submission follows a previous application which was withdrawn due to highway safety and environmental protection concerns, specifically a lack of detail and clarity of the proposed flue/extraction system and type of takeaway. The information provided to date has been more detailed than the previous application; however there is insufficient information to assess the impact on neighbouring residents and the potential impact on residential amenity.
- 5.14 A site specific noise report setting out the pre-existing background noise levels and the impact the plant would have on this, including how the mitigation measures (i.e. silencer) would achieve their purpose. The proposed plans show a silencer and the Design and Access Statement includes manufacturer's data, but there is no detail specifically relating to the application site. As there is an adjoining neighbour, immediately next to the proposed location of the flue/extraction, information must be submitted to clarify that the occupier's residential amenity will not be adversely affected. The plans submitted as part

of the Design and Access Statement show the extraction system discharging at ground floor level and having regard to the DEFRA guidance, a flue/stack is suggested even when filtration and UV systems are used. Therefore, it appears the odours would be extracted at ground floor level, within the side courtyard area. The Environmental Protection Officer is concerned that the proposed extraction system and its location would not discharge completely odour-free and could also create an unacceptable noise impact.

- 5.15 The agent/applicant have not confirmed the type of takeaway that would occupy the unit (previously requested in the course of the last application), although the submitted Design and Access Statement refers to this depending on the eventual tenant. Use Class A5 encompasses the “sale of hot food for consumption off the premises”, but there is no control within this in respect of the type of food sold. Whilst the applicant has not specified the type of takeaway, this mainly concerns the Environment Protection Officer’s professional assessment of the specification of the flue/extraction system, particularly in relation to the impact on the adjoining dwelling No.98. The type of hot food sold on site cannot be specifically restricted, in respect of Use Class A5.
- 5.16 Overall, it is considered that the proposal would be likely to negatively impact on the adjoining neighbour No. 98 due to the property being set back from the main road and their front elevation being directly in line with the proposed flue/extraction system. This could have a negative impact in terms of potential odours not being removed effectively and noise vibration from the system. On this basis, the proposal is considered unacceptable and would potentially result in a harmful impact on the residential amenity of the adjoining neighbour, contrary to policies CS1 and CS9 of the adopted Core Strategy and saved policy RT11 of the adopted Local Plan.
- 5.17 Transportation Issues
Part of the reasons for the withdrawal of the previous application was based on lack of off-street parking provision for the proposed takeaway. To address these concerns the agent has submitted a proposed parking plan utilising the rear courtyard. The existing gates and wall on Footshill Road will be removed to create 3no. off-street parking spaces for customers.
- 5.18 The application site is located on a prominent corner and junction of Forest Road and Footshill Road, close to a pedestrian zebra crossing facility. To the rear of the property is an existing yard/off-street parking area that is currently accessed off Counterpool Road and is used for parking by the owners of the shop and associated flat. The flat behind the shop includes 5no. bedrooms, located on the top floor. The surrounding streets have restricted on-street parking, with white lines on Forest Road and Foothill Road directly outside the shop, as well as white lines further south on Forest Road. There are a large number of residential properties in the area without off-street parking.
- 5.19 The application seeks to reduce the size of the current retail unit and construct an internal wall to create an additional unit for Class A5 Hot Food Takeaway outlet. The proposal would create two separate units, which could be run independently. The proposal would utilise the access and parking area

associated with the shop and residential flat for customer parking for the new takeaway. The Transportation Development Control Officer has assessed the information and plans submitted with the application. The applicant has not provided information about off-street parking provision for the existing uses on site (i.e. the retail unit and residential flat). The Council's adopted Residential Parking Standards require a minimum of 3no. off-street parking spaces are provided for a 5+ bedroom dwelling. Whilst the proposal is not creating any additional bedrooms or living accommodation, this is the recommended level of off-street parking provision for residential dwellings as per the adopted guidance. The re-allocation of existing parking provision from one use to another is not considered acceptable. It is also important to note that the existing shop does not have any existing off-street parking provision for customers and whilst the proposed parking spaces would be associated with the takeaway, there is no way to control who uses the parking area as such. If allowed, the proposal would displace all the existing parking provision on site for the occupiers of the shop and flat elsewhere and onto the adjoining streets; this is not considered appropriate given the level of restricted parking in the vicinity and the number of concerns raised by local residents about the existing on-street parking issues.

5.20 The proposed use of the existing access is also a concern. The existing access is located at the junction between Counterpool Road and Footshill Road, where there is little to no visibility onto the public highway. There is no room for a turning area on site, therefore vehicles would be forced to reverse out onto the public highway near a busy junction and in an area heavily used by children who walk to/from the local schools. In addition, the access is on part of Footshill Road that is currently unrestricted on-street parking. Therefore vehicles could legitimately park on this short section of Footshill Road blocking in vehicles in the parking area and further exacerbating visibility for reversing vehicles. The use of this parking area by customers of the shop/takeaway would be for relatively short stay parking, which could create a busy turnover of vehicles parking and leaving the site every few minutes. This would increase the volume of traffic visiting the existing shop and proposed takeaway to the detriment of neighbouring resident's amenity and highway safety. Overall, the proposed parking arrangement serving the takeaway, and likely shop, is considered unacceptable. It is considered that the proposed change of use is unlikely to be considered appropriate given the lack of off-street parking provision and turning area, the local highway network and on-street parking restrictions.

5.21 Considering the above, the proposed parking arrangement and access is not considered acceptable or appropriate. The proposed parking arrangement would create serious highway safety issues and would be contrary to saved policies T12 and RT11 of the adopted Local Plan.

5.22 Other Issues

A number of other issues have been raised by local residents, which will be addressed below in turn:

5.23 Local residents have raised concern that this is a predominantly residential area, there are enough takeaways on Kingswood High Street and there is no local need for a takeaway facility in the area. There are no policy restrictions on

a need being proven or assessed, as the application site is not located within an existing High Street or parade of shops. The main considerations are visual and residential amenity, and highway safety.

5.24 The previous planning permissions for extensions to the property do not include any restrictions on the use or sub-division of the shop.

5.25 It is confirmed that the consultation process accords with the Council's Statement of Community Involvement and relevant legislation. No public notice has been displayed about the proposal and some nearby residents have not been formally consulted about the plans prior to submission. Site notices are only displayed on sites for Major, Listed Building and Conservation Area applications. Neighbours are notified by letter giving them 21 days in which to comment. The definition of a neighbour differs from each type of application. In respect of this change of use application, only adjoining occupiers having a common boundary with the site and properties directly opposite are consulted. The applicant is not required to consult with neighbours prior to the submission of a valid application.

5.26 Loss of value to property is not a material planning consideration.

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 (saved policies) 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**.

Contact Officer: Katie Warrington

Tel. No. 01454 863436

REASONS FOR REFUSAL

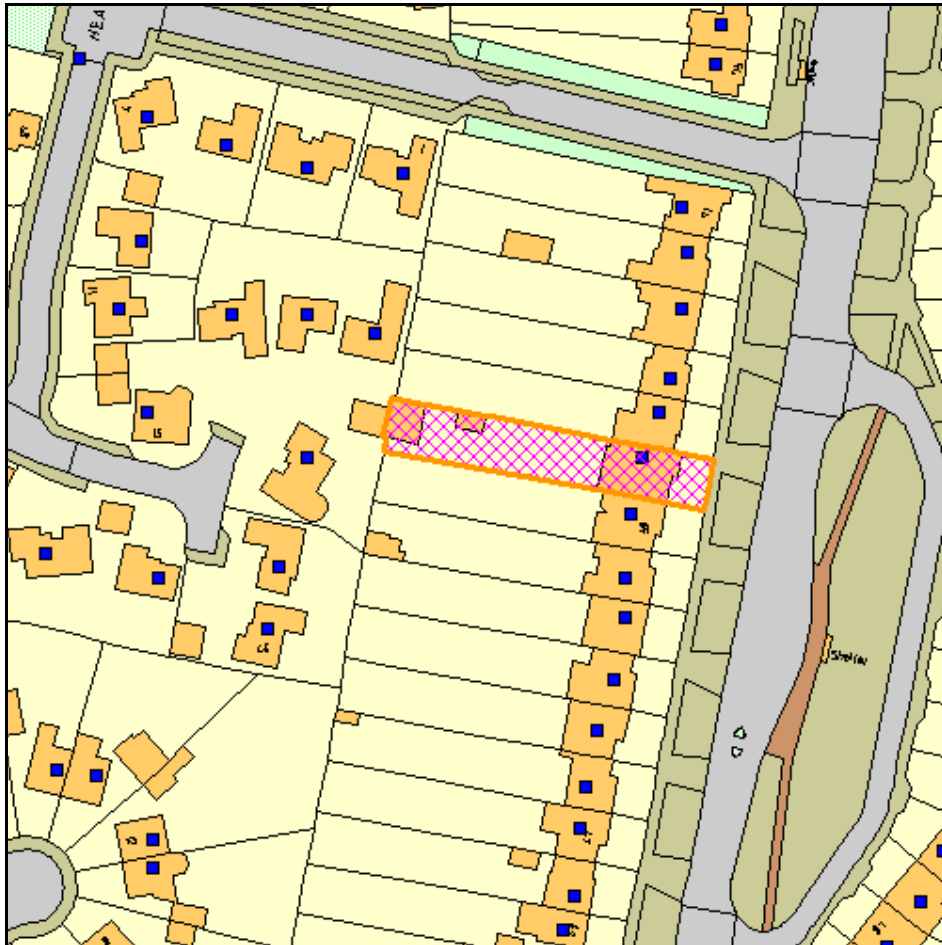
1. Insufficient information has been submitted with the application to enable the Local Planning Authority to assess whether the proposed change of use would have a harmful impact on the occupiers of the neighbouring residential dwelling. It is likely the proposed flue/extraction system and odour abatement system would result in odours and noise pollution to the detriment of the residential amenity of the nearest neighbouring dwelling No.98 Forest Road. The development is therefore contrary to Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Saved Policy RT11 of the South Gloucestershire Local

Plan (Adopted) January 2006 (Saved Policies), and the provisions of the National Planning Policy Framework (2012).

2. The creation of an additional unit for Hot Food Takeaway, the proposed hours of opening, additional vehicular movements and proximity to the adjoining residential dwelling No. 98 Forest Road would likely harm the existing level of residential amenity and potentially lead to additional and unacceptable levels of noise and disturbance. The creation of an additional unit and Hot Food Takeaway in a predominantly residential area would prejudice the residential amenity of nearby occupiers by reason of intensification of a commercial use in an inappropriate location. The development is therefore contrary to Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Saved Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), and the provisions of the National Planning Policy Framework (2012).
3. The proposal would result in the loss of existing on-site vehicular parking facilities for the existing retail unit and the associated residential flat. Thereby encouraging on-street parking on the highway in close proximity to the nearby road junction with consequent risk of additional hazards to all users of the road and in an area of restricted on-street parking. There is no on-site provision for vehicles to turn or manoeuvre and the use of the existing sub-standard access would result in the intensification of vehicular movements on the highway. The proposed off-street parking arrangement would be to the detriment of highway safety and fails to provide sufficient off-street parking facilities for the retail unit, associated residential flat and proposed takeaway. The development is therefore contrary to Policies CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Saved Policies RT11 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), Residential Parking Standards SPD (Adopted) 2013, and the provisions of the National Planning Policy Framework (2012).

CIRCULATED SCHEDULE NO. 30/15 – 24 JULY 2015

App No.:	PK15/2410/F	Applicant:	Mr & Mrs J Macey
Site:	61 Bromley Heath Road Downend Bristol South Gloucestershire BS16 6HY	Date Reg:	17th June 2015
Proposal:	Erection of first floor side extension to form additional living accommodation.	Parish:	Downend and Bromley Heath Parish Council
Map Ref:	364739 177574	Ward:	Downend
Application Category:	Householder	Target Date:	10th August 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been forwarded to the Circulated Schedule due to the receipt of an objection raised by an adjoining occupier.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission to erect a first floor side extension to form additional living accommodation at 61 Bromley Heath Road, Downend.
- 1.2 The application site relates to a two storey, 1930's semi detached dwelling, set back from the highway by approximately 14 metres, with a hipped roof and roughcast cream finish. Residential properties in the locality vary in character; whilst it appears the majority were erected in the same time period and to a similar specification, adaptations over the years means that external finishes and features are no longer uniform. There are several dwellings close by that have extended in the same way as this application seeks to extend number 61 Bromley Heath Road.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS8 Improving Accessibility
- 2.3 Supplementary Planning Guidance
Design Checklist (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection

4.2 Sustainable Transport

The transportation officer requested revised plans showing how three parking spaces would be accommodated within the residential curtilage. On receipt of those plans, follow up comments were submitted confirming the level of parking complies with Council policy and on that basis, there is no transportation objection.

4.3 Lead Local Flood Authority

No comment

Other Representations

4.4 Local Residents

One adjoining neighbour objected to the proposal based on a number of perceived issues. The comments which related in planning terms to the application can be summarised as follows:

- Limited parking is a concern within the immediate locality and parking for three vehicles has not been demonstrated on the plans
- Natural visibility would be decreased due to the proximity of the proposal

The neighbour also raised a number of other concerns which could not be considered when determining the application as they did not relate to material planning considerations. These concerns have been addressed in the 'other matters' section of the analysis.

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 considerations below.

5.2 Design and Visual Amenity

The application proposes to erect a first floor side extension which would extend the width of the existing single storey to the north, taking the building up to the residential curtilage. The extension would provide an additional bedroom, bathroom and storage area on the first floor and extend the size of the bedroom in the existing loft conversion. The extension would be set down from the ridge line of the host dwelling and set back from the building line, making the extension subservient in line with policy CS1 of the Core Strategy. Materials used for external finishes, windows, doors and roof tiles would match the existing dwelling, ensuring that the respects the character of the host dwelling in line with policy H4 of the Local Plan.

There are several other extensions which are very similar to the design of this proposal (number 55 and 47 Bromley Heath Road for example) which sit well within the street scene and do not present themselves as out of keeping with

the character of the area. It is believed that the apparent success of these extensions would be mirrored at the application site and therefore the proposal has been deemed acceptable in design and visual amenity terms.

5.3 Residential Amenity

The addition would increase the height of the property to the north from one storey to two, but would not project further than the existing principal or rear elevation. Due to its modest size and positioning, it is not considered that the addition would result in an overbearing presence being felt by any occupiers of neighbouring properties. The position of the extension to the north of the host dwelling would mean there would be only minimal changes to the level of light currently afforded to the adjoining neighbour to the north (number 63). The majority of overshadowing caused as a result of the development would be likely to fall on the front and rear of the application site, having no impact on residential amenity.

The residential property to the north of the site (number 63) currently over looks the host dwelling from a single window on the second storey landing. This window is mirrored by the host dwelling which also currently has a window in the same position on the northern elevation. Considering the existing outlook from the window of number 63 (which is a solid brick wall after approximately 4.8 metres) and the fact that the window is not located in a habitable room, the change to outlook is not going to be significantly changed. Furthermore, the removal of this window from the side elevation of the application site will mean the neighbouring property will no longer be overlooked in this way. There are no windows proposed for the side elevation of the extension and the only additional window at the rear would be located in a bathroom, and will therefore be obscure glazed. This would protect the level of privacy currently enjoyed by neighbours to the North. Due to the amount of private amenity space to the rear of the application site, it is not considered that there would be any impact to residential amenity for those neighbours to the rear boundary, as they are too far away to experience any material difference.

Due to the reasons stated above, the proposal is considered to accord with policy H4 of the Local Plan and is considered acceptable in terms of residential amenity.

5.4 Transportation

The proposed addition would increase the number of bedrooms within the dwelling from four to five. In order for the proposal to accord with the Residential Parking Standards SPD (Adopted) 2013, there would need to be three parking spaces permanently maintained within the residential curtilage.

According to a plan provided by the agent 14th July 2015, four cars can be accommodated within the residential curtilage of the site when the garage is used for the parking of two standard sized motor vehicles. However, the internal dimensions of the garage measure 9.2 metres by 2.65 metres which falls below the minimum width required to be classed as a parking space. Although this is the case, it has been acknowledged that these are generous sizes and it is very likely that a vehicle could park comfortably within a garage that it is only 0.35 metres short of the minimum width standard. For this reason,

it has been considered that this garage could accommodate one vehicle, whilst two further vehicles could be comfortably accommodated on the hard standing area to the front of the dwelling. This would result in a total of three spaces being provided which accords with the Residential Parking Standards SPD (Adopted) 2013. This assessment has been supported by a transport officer whom had no transportation objection to the development. In order to ensure that parking is not made worse as a result of the extension, particularly considering this is a concern of a local resident, a condition will be added to ensure that a minimum of three parking spaces will be maintained within the residential curtilage at all times. It is not considered that there are any further material considerations in terms of transport.

5.5 Other matters

In respect of those comments made by one neighbour regarding construction methods, access arrangements, waterproof details and insurance arrangements, these are not considered to be material planning considerations. As the proposed scheme is considered acceptable in planning policy terms as assessed above, it is not considered necessary or reasonable to ask the applicant to make any amendments to the scheme.

The neighbour whom objected to this proposal also commented that they were concerned as to the level of disruption that they would experience during the construction period. In order to ensure there is a minimal impact on residential amenity during the construction period, a condition has been included to limit the hours of work on the site.

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 is **approved** subject to conditions.

Contact Officer: Helen Benjamin
Tel. No. (01454) 865119

CONDITIONS

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

Reason

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

2. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the extension 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 the Residential Parking SPD (Adopted) 2013.

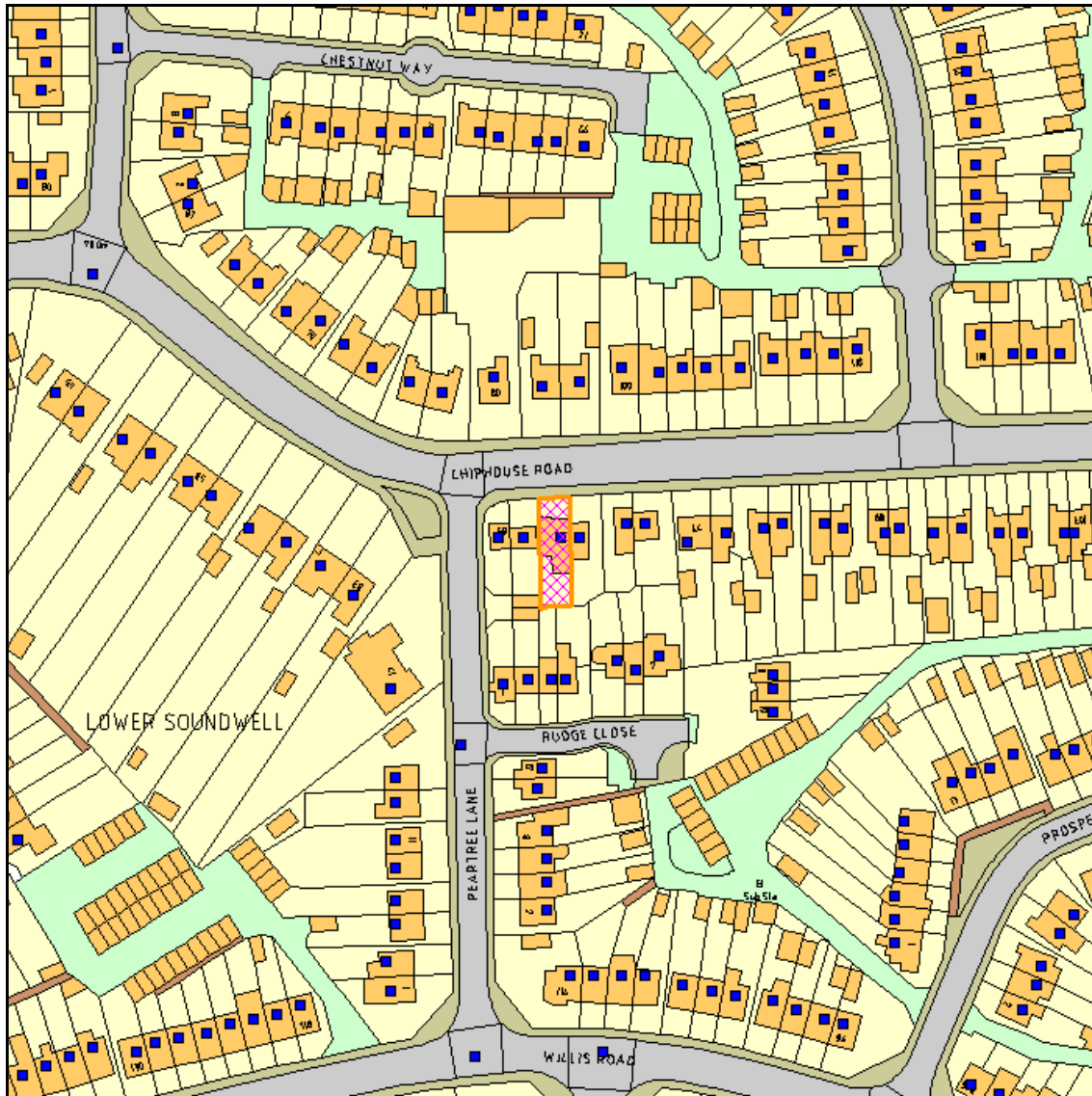
3. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the hours of 7:30 - 18:00 Monday - Friday, and 08:00 - 13:00 on a Saturday, nor at any time on a Sunday or a Bank Holidays.

Reason

To minimise disturbance to adjoining occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 30/15 – 24 JULY 2015

App No.:	PK15/2440/F	Applicant:	Mr J Reynolds
Site:	69 Chiphouse Road Kingswood Bristol South Gloucestershire BS15 4TY	Date Reg:	9th June 2015
Proposal:	Erection of two storey and single storey rear extension to provide additional living accommodation (Retrospective)	Parish:	None
Map Ref:	365783 175021	Ward:	Rodway
Application Category:	Householder	Target Date:	4th August 2015



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PK15/2440/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the removal of an existing conservatory to facilitate the erection of a two-storey rear and single storey rear extension to provide additional living accommodation. Approval was given for the same description of development in April 2014 but, when inspected, the structure under construction did not conform to the approved plans. As a consequence this recent application was invited by Officers. The structure therefore for the most part has been erected and this application must be treated as being retrospective. In addition it is noted that the original plans submitted were inaccurate and showed a lower eaves height than was present. These newly submitted plans now reflect the correct situation.
- 1.2 The application site relates to a three bed two-storey semi-detached property situated in the established settlement boundary of Kingswood. The proposal would not result in an increase in the number of bedrooms.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS5 Location of Development

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

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

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

- 3.2 PK14/0507/F Removal of existing conservatory to facilitate the erection of two storey rear extension to provide additional living accommodation.
Approved 4.4.14

4. **CONSULTATION RESPONSES**

4.1 Parish/Town Council
The area is unparished

4.2 Other Consultees

Highway Drainage
No comment

Other Representations

- 4.3 Local Residents
Two letters of objection have been received. The points raised are summarised as:
- Accept lower roof line but still find proposed extension very intrusive. Such a large extension overlooking my garden fence will affect the value of my property
 - Would like hours of working to be as before
 - Extension is grave intrusion of my privacy and an eye sore
 - Have experienced littering in our garden with general rubbish such as cans, bottles and cigarette butts being thrown over by the builders
 - Concerned about noise of building during summer months which also disturbs our dogs

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development
The proposal stands to be assessed against the above listed policies and all other material considerations. Of note in this instance is the fact that permission has already been granted for very similar scheme and this current proposal was invited due to some discrepancies between what had been given permission and what was being constructed. Comments received have criticised the appearance of the extension. It is acknowledged that the proposal would be a large addition to the modest dwelling, but the principle of the two-storey and single storey extension accords with policy and is not unusual. Many examples of similar design or style can be found in the general area. What is of concern here is that this current proposal is larger than that previously given permission and this has repercussions in terms of its impact neighbours. This is discussed in more detail below.

5.2 Design and Visual Amenity
The existing dwellinghouse is a modest size modern property. The rear conservatory shown on the plans has been demolished to facilitate the development.

It must be noted that the conservatory did not benefit from planning permission (the permitted development rights for the property were removed under the original planning permission) and its removal and replacement by the new extension would therefore regularised the situation.

- 5.3 Comments from a neighbour have stated that the height of the structure has been reduced. This is incorrect; the submitted plans seem to show that the height has been reduced but in fact the drawing has merely been corrected to show the existing situation. There has therefore been no reduction in the overall height which remains at approximately 6 metres. The details do however, show an increase in the overall depth of the scheme as now constructed. Permission was granted for a two-storey and single storey structure with an overall depth of 4.7 metres, the two-storey structure extended 3.7 metres out from the rear building line. By contrast this proposal shows the structure that has been built as having an overall depth of 5.3 metres with the two-storey structure extending 4.3 metres from the rear line.
- 5.4 The width of the single and two-storey structure would be 4.2 metres and openings would be located in the south elevation comprising a bedroom window at first floor, full height windows/doors at ground floor level plus two rooflights. Under this application an additional ground floor window to the west elevation is also proposed.
- 5.5 It is Officer opinion that had the originally submitted application shown this degree of development then it would have been recommended for refusal due, in the first instance, to its scale, bulk and massing. As the structure has already been constructed, a balancing exercise is required to determine whether the harm to the appearance of the host dwelling and the area in general is sufficient to warrant a refusal at this stage. If this is the case then such a decision could result in the structure having to be, at least in part, taken down.
- 5.6 Several factors must be accepted in the balancing judgement. Firstly, the general design of the proposal has remained the same with the exception of an increase in depth by 0.6 metres and a new side window, secondly, extensions of similar design and scale are not uncommon in the general area and thirdly, the overriding aim of national policy is to encourage sustainable development, especially in urban areas. The increase in depth is acknowledged, but it is not considered that the harm resulting from this additional 0.6 metres would be unacceptable to the overall appearance of the structure.
- 5.7 Residential Amenity
The application site is part of a development of modern houses situated half way up this hill on the southern side of Chiphouse Road. To the rear the property is separated from neighbours on all three sides by fencing. As the land slopes from the west to the east, neighbours at No. 67 Chiphouse Road are situated some metres above the application site. It is therefore Officer opinion that the proposed ground floor side window would not impact adversely on these neighbours.

Given the topography of the site, the 1.8 metre high fencing between the application site and neighbours to the rear is on top of a raised flower bed resulting in the fence being above 2 metres in height when viewed from the application site.

- 5.8 Originally the first floor windows of properties to the rear at Nos. 3 and 4 Rudge Close were approximately 21 metres away from the rear first floor windows of the application site. As a result of the original proposal these windows would have been approximately 3.7 metres closer to each other making an overall approximate distance of 17.3 metres. At the time it was noted that in a built-up urban area this would not have been an unusual or an unacceptable distance. Under this application the situation has changed as the proposal is an additional 0.6 metres deep. This would therefore result in a distance of only 16.7 metres between the two. It is unfortunate that the proposal would be this close to neighbours to the south. There are no hard and fast rules in planning regarding distances between properties, merely guidelines and decisions are made on a case by case basis. Changes would occur to the residential amenity of these neighbours to the south and so a judgement needs to be made to determine whether the changes would be sufficiently harmful to warrant a refusal of this application and also whether that refusal could be supported in an appeal situation.
- 5.9 Impact on privacy from inter-visibility or overlooking is taken very seriously and considerable weight is given to this situation. In this case, given the structure is already in place, the options open to Officers to mitigate against any perceived harm are, however, limited: firstly to refuse the application where the consequence would be that the structure (or part of it) would need to be removed thereby, resulting in expense for the applicant and significant weight is given to this position. Or secondly, condition the first floor rear window to ensure it would be obscure glazed and non-opening above a certain level. As the only window serving this proposed bedroom this would have an unacceptable impact on the residential amenity of future occupiers, and as such considerable weight is given to the unsuitability of this option. It is acknowledged that examples of close proximity between dwellings can be found in the area although this particular case would be one which stretched the acceptability of the distance to the very limit. The weighting exercise has been used to arrive at a final decision and on balance the impact on the residential amenity of neighbours is not considered sufficiently unacceptable to justify a refusal.
- 5.10 It is acknowledged that the existing garden is quite a small space, but again this is not uncommon for the area or the style of house. In the future the Council may adopt residential amenity space standards which would mean for a 3 bedroom property such as this, an area of 60 sq metres usable space would be required. The space at approximately 49 sq metres falls significantly short, but as there currently no adopted standards, the small amenity space cannot be a reason for refusal. Sufficient space would remain to sit in and to hang out washing.

5.11 Sustainable Transport and Parking

The application has been assessed and it is considered that the proposed development would not have an adverse impact on the parking provision currently associated with the dwellinghouse where vehicles are parked on the area to the front of the property.

5.12 Other matters

Concern has been expressed that the proposal would have an adverse impact on the value of a neighbouring property. This is not a matter that can be discussed here where the proposal is assessed purely against planning policies and other planning material considerations. Other comments received have complained about rubbish being thrown over their fence and the noise of the build causing disturbance to their animals. It would be very regrettable if it were shown that rubbish is deliberately being thrown over neighbouring fences but unfortunately again this is not something that can be regulated under a planning report. Officers suggest in the first instance the matter should be raised between neighbours themselves and if this fails to resolve matters any anti-social behaviour should be reported to other parties such as the Police Authority to investigate. With regard to the noise during the construction, a certain amount of disturbance is to be expected. Should the degree of disturbance become unacceptable then again other authorities such as the Policy Authority or Environmental Health Officers should be contacted, but a condition will be placed on the decision notice to limit the times of working hours to help minimise disturbance.

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 written on 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).

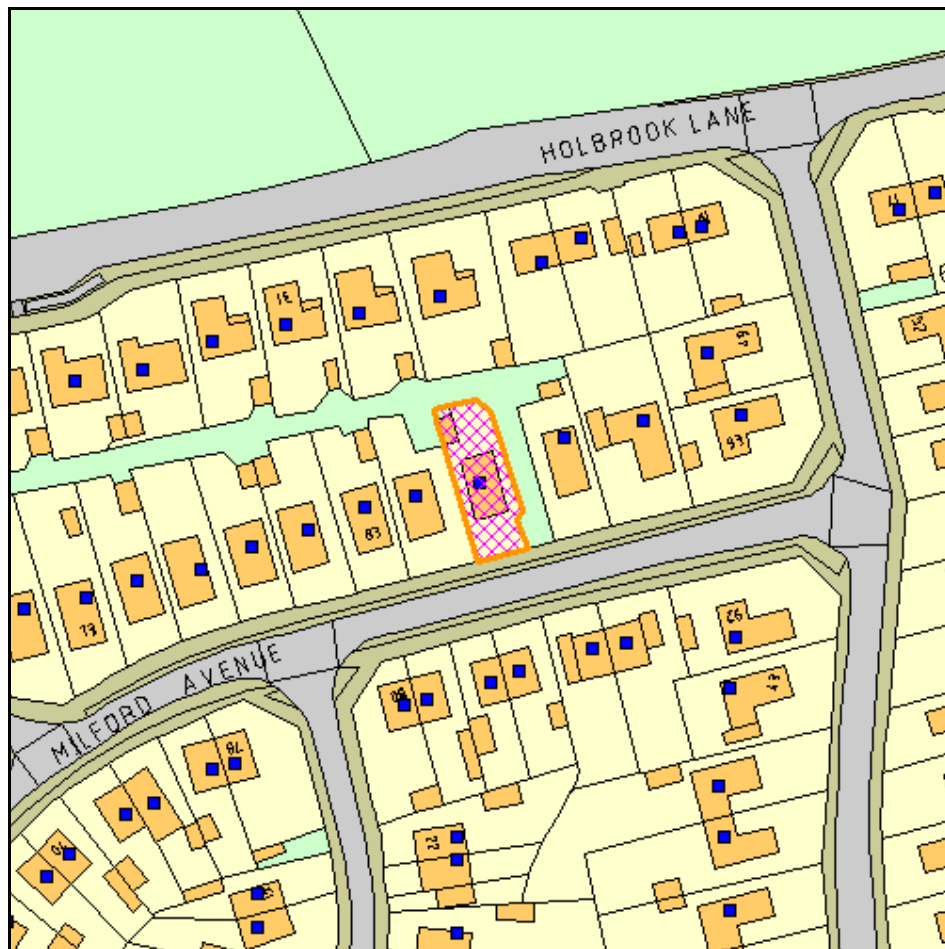
2. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 8:00 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays nor at any time on Sunday or Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 30/15 – 24 JULY 2015

App No.:	PK15/2489/CLP	Applicant:	Mr Simon Twose
Site:	87 Milford Avenue Wick Bristol South Gloucestershire BS30 5PP	Date Reg:	15th June 2015
Proposal:	Application for a certificate of lawfulness for the proposed installation of 2no. side dormers to facilitate loft conversion.	Parish:	Wick And Abson Parish Council
Map Ref:	370130 173375	Ward:	Boyd Valley
Application Category:		Target Date:	4th August 2015



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PK15/2489/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of two side dormers at 87 Milford Avenue, Wick, would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly, there is no consideration of planning merit; the decision is based solely on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192
Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 39
Town and Country Planning (General Permitted Development) (GPDO) (England) Order 2015
- 2.2 The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history for this site.

4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish Council
No comment
- 4.2 Lead Local Flood Authority
No comment
- 4.3 Councillor
No comment

Other Representations

4.4 Local Residents

2 objections were received from neighbouring occupiers. Both neighbours commented that the proposal was not in keeping with the character of the area whilst one neighbour believed that the proposal would enable overlooking into their house and garden and would have an overbearing presence.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Received 9th June 2015:

- Site Location Plan
- Block/Roof Plan
- Sections
- Existing and Proposed Rear Elevation
- Existing and Proposed Front Elevation
- Existing Ground Floor
- Proposed Ground Floor
- Existing and Proposed East Side Elevation
- Existing and Proposed West Side Elevation
- Existing Loft Floor Plan
- Proposed Loft Floor Plan

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, of the GPDO 2015.

6.3 The proposed development consists of two side dormers on alternate sides of the existing roof. This development would fall under the criteria of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows for the installation of dormers subject to the following:

B.1 Development is not permitted by Class B 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 (change of uses);**

The use of the building as a dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule.

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

The proposed works do not exceed the maximum height of the existing roof.

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

The proposed dormers would extend from the two side roof slopes respectively, neither of which front a highway.

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

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

(ii) 50 cubic metres in any other case;

The house is detached and the proposed work would not result in a volume increase of more than 50 cubic metres.

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

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

The proposal does not include the construction of any of the above.

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

The proposal does not include any alterations to the chimney, or the installation of a flue or soil and vent pipe; or

- (f) The dwellinghouse is on article 2(3) land.**

The dwellinghouse is not on article 2(3) land.

Conditions

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

–

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

Plans received demonstrate that the materials of the dormer enlargement will match the existing dwellinghouse.

(b) The enlargement must be constructed so that –

- i. Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension-**

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measures along the roof slope from outside the edge of the eaves; and

The proposal leaves the original eaves of the dwellinghouse unaffected. The edge of the proposed dormer closest to the eaves is set back by approximately 0.25 metres from the existing eaves.

- ii. Other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The proposal does not extend beyond the outside face of any external wall of the original dwellinghouse.

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

(i) Obscure glazed; and

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

Correspondence from the agent confirms that the windows in both dormers will be obscure glazed and the section that opens will be above 1.7 metres from the floor of the room in which the window is installed.

6.4 Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits development that relates to any other alteration to the roof of the dwellinghouse, such as the replacement and repositioning of the roof window on the rear roof slope. This is considered below.

C.1 Development is not permitted by Class C 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 use of the building as a dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule.

(b) The alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

Correspondence from the agent confirms that the rear roof window would protrude by approximately 0.05 to 0.075 metres.

(c) It would result in the highest part of the alteration being higher than the highest part of the original roof; or

The proposed works do not exceed the maximum height of the existing roof.

(d) It would consist of or include –

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

(ii) The insulation, alteration or replacement of solar photovoltaics or solar thermal equipment

The work would not include any of the above.

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be –

(a) Obscure-glazed; and

(b) Non-opening unless 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.

The roof light would be positioned in the rear elevation and therefore the conditions do not apply.

7. RECOMMENDATION

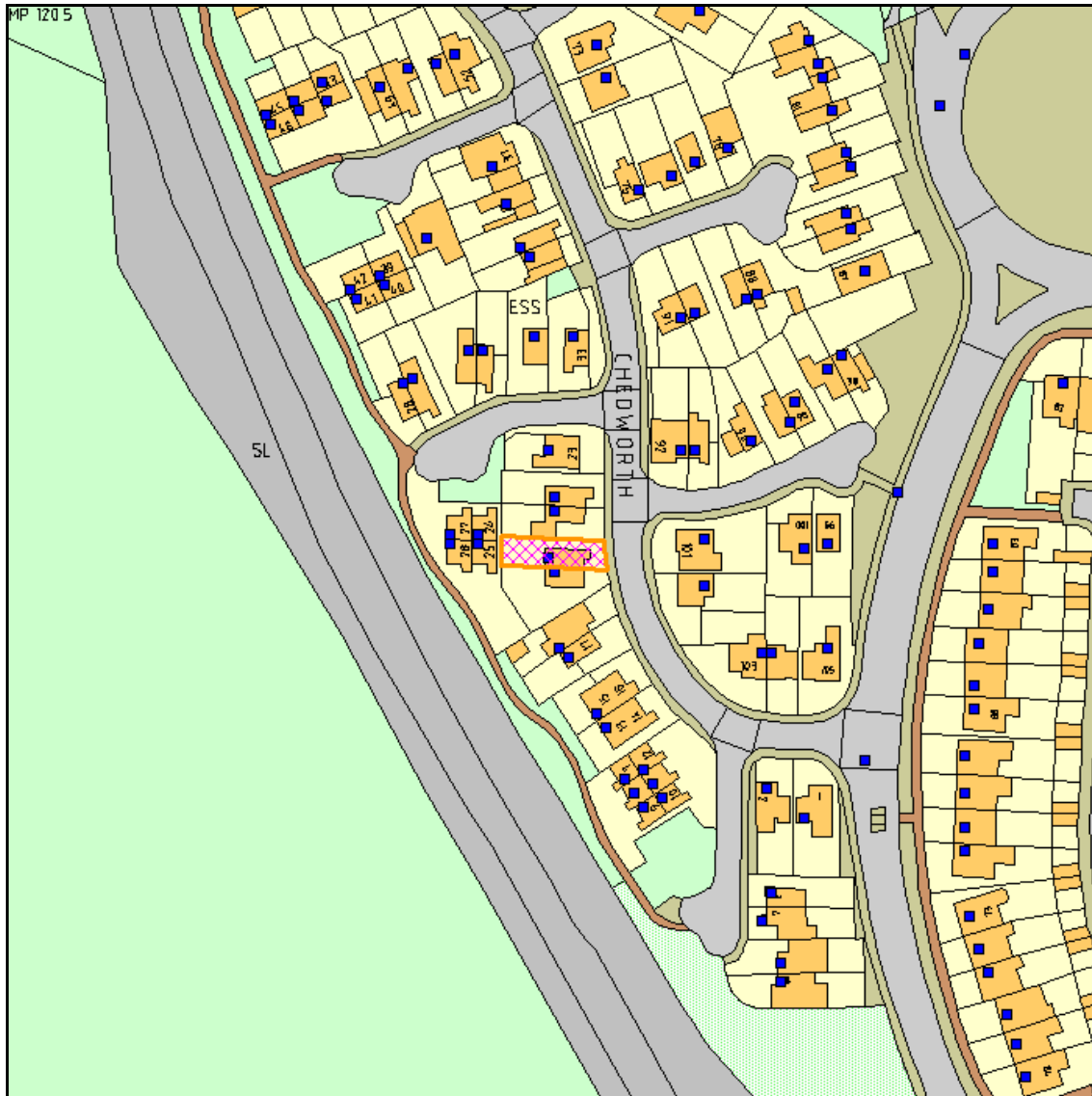
7.1 That a Certificate of Lawfulness for Proposed Development is **granted** for the following reason;

Evidence has been provided to demonstrate that 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: Helen Benjamin
Tel. No. (01454) 865119

CIRCULATED SCHEDULE NO. 30/15 – 24 JULY 2015

App No.:	PK15/2614/F	Applicant:	Ms A Keeble
Site:	20 Chedworth Yate Bristol South Gloucestershire BS37 8RX	Date Reg:	19th June 2015
Proposal:	Erection of single storey side and rear extension to form additional living accommodation	Parish:	Dodington Parish Council
Map Ref:	369950 181243	Ward:	Dodington
Application Category:	Householder	Target Date:	12th August 2015



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REASON FOR SUBMISSION TO THE 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.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey side and rear extension to form additional living accommodation.
- 1.2 The application site is no. 20 Chedworth which is a two storey semi-detached dwelling located within a residential area within Yate.
- 1.3 Over the course of the application the case officer requested a second front door was replaced/removed in order to respect the singular identity of the dwelling. The agent obliged as submitted a revised plan replacing the front door of the proposal with double garage-like doors.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation

H4 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013

South Gloucestershire Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 N8083/1 Approve with Conditions 16/01/1983
Construction of 97 dwelling units and associated garages, parking areas and estate roads.

4. CONSULTATION RESPONSES

- 4.1 Dodington Parish Council
None received.

- 4.2 Lead Local Flood Authority
No comment.
- 4.3 Archaeology
No comment.
- 4.4 Westerleigh Parish Council
None received.

Other Representations

- 4.5 Local Residents
One letter of objection was received from neighbouring resident. The neighbour resides at no. 21 Chedworth, the adjacent dwelling to the north, and made the following summarised comments of objection:
- The proximity of the proposal to no. 21 – it would present an overbearing, overcrowded feel to both houses;
 - Adverse impact on the appearance of the current row of semi-detached properties – it will give the impression of a terraced row;
 - Concerns regarding the maintenance of the two properties; also possible subsidence damage to the foundations and structures of no. 21 due to the proposal;
 - The proposal extends past no. 21s driveway – this would have an overwhelming adverse effect on our property, the proposal does not comply with the 45 degree rule and as a result would restrict daylight into our home and obstruct our view from our dining room;
 - The protruding extension would confine and limit the access space directly outside our front door, the front door would look directly onto the proposed side extension.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of a single storey side and rear extension to form addition living space.
- 5.2 Principle of Development
Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted if the highest possible standards of site planning and design are achieved. Meaning developments should demonstrate that they: enhance and respect the character, distinctiveness and amenity of the site and its context; have an appropriate density and well integrated layout connecting the development to wider transport networks; safeguard and enhance important existing features through incorporation into development; and contribute to strategic objectives.
- 5.3 Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) is supportive in principle of development within the curtilage of existing dwellings. This support is provided proposals respect the existing design; do not prejudice residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.

5.4 Design and Visual amenity

The proposal is composed of a single storey side extension with a mono-pitched roof which slopes away from the host dwelling, the proposal has an open-gable end. The single storey rear extension also has a mono-pitch roof and is largely similar to the side extension component, the two components meet at the rear with a hip. The proposal will not result in terraced character due to the single storey nature of the proposed extension and it being set back from the front elevation. Similarly, due to the scale and position of the proposal, if planning permission were granted, the side and rear extension would not result in an overcrowded or overbearing impact on the character of the area.

5.5 All of the materials used in the proposal will match those used in the existing dwelling, this aids the proposal in being congruent with the design features of both the existing dwelling and surrounding area.

5.6 Overall, the proposal has an acceptable scale and design, which is congruent with the surrounding area and respects the existing dwelling.

5.7 Residential Amenity

Saved policy H4 of the adopted Local Plan aims to ensure that residential development within established residential curtilage does not prejudice the residential amenity of any neighbouring occupiers.

5.8 The proposal would not materially harm the outlook of the residents of no. 21 Chedworth. The objection comments includes reference to the proposal failing the '45 degree test'. Such a test is used as guidance as to whether a proposal will impact upon both the outlook of a dwelling and also levels of natural light. The case officer undertook this test from the mid-point of the ground floor (dining room) window on the two storey side extension component of no. 21, and found that the proposal would actually just pass this test. Nonetheless, the existing host dwelling would actually cause this test to be failed by nature of the position of dwelling. Accordingly, the proposal is not expected to result in a proposal that materially harmed the levels of natural light or outlook of no. 21 Chedworth.

5.9 The front door of no. 21 opens from the side of the dwelling, meaning should the proposal be approved, between the main door of no. 21 and the side elevation of the proposal, there would be a gap of 3 metres. Although, such a distance is not a sought after arrangement, such distance is not considered to materially harm the residential amenity of the occupiers of no. 21 Chedworth.

5.10 Overall the proposal would not result in a significant loss of light to the neighbouring occupiers, and nor would it result in material loss of privacy to the occupiers of any surrounding occupiers. Accordingly, the proposal is found to have an acceptable impact on the residential amenity of the nearby occupiers.

5.11 Other Matters

The occupier of no. 21 expressed concerns regarding the impact of the proposal on the structural soundness of no. 21. This is not considered to constitute a material consideration that attracts weight in the determining of this planning application.

5.12 As stated within the introductory section to this report, the application originally intended to insert another front door to the front elevation of the proposal. The case officer thought this to be inappropriate due to the impact a second door would have on the identity of the existing dwelling – it would appear as if a secondary dwelling was inhabiting a side extension, this would harm the character of the existing dwelling and the wider area. In order to prevent a front door being inserted in this position in the future, a condition will be included with any planning permission granted to ensure that a front door cannot be inserted in this location.

5.13 Transport and Parking

The proposal does not result in a material increase in the number of bedrooms at the property, and the proposal would leave the dwelling with an adequate level of off-street parking at the site. Accordingly, there are not highway safety objections to this 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 It is recommended that planning permission is **GRANTED** subject to the conditions listed below.

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).

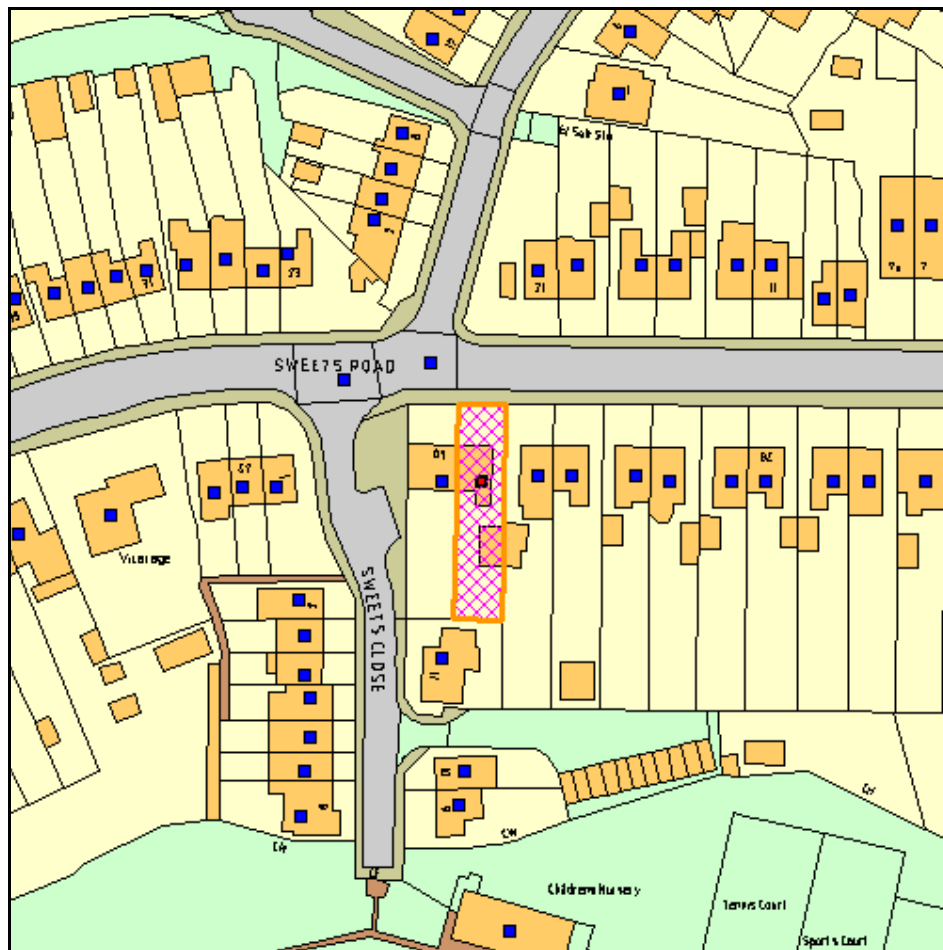
2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), at no point shall any alterations, insertions or extensions be made to the approved front elevation of the single storey side elevation of the dwelling, other than maintenance, without the prior written consent of the Local Planning Authority.

Reason

To ensure a satisfactory standard of external appearance that respects the singular identity of no. 20 Chedworth and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 30/15 – 24 JUNE 2015

App No.:	PK15/2653/CLP	Applicant:	Mr And Mrs I Maggs
Site:	38 Sweets Road Kingswood Bristol South Gloucestershire BS15 1XJ	Date Reg:	23rd June 2015
Proposal:	Application for a certificate of lawfulness for the proposed installation of a rear dormer and hip to gable roof alteration.	Parish:	None
Map Ref:	365297 174927	Ward:	Kings Chase
Application Category:		Target Date:	12th August 2015



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5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Received 18th June 2015:
Site Location Plan
Floor Plans and Section Plan (Drawing no. 2390/15)
Existing and Proposed Elevations

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015.

- 6.3 The proposed development consists of a rear dormer, a hip to gable roof alteration and the installation of a side elevation window and roof light on the principal roof slope. The dormer and the hip to gable enlargement would fall under the criteria of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows for the installation of dormers and hip to gable extensions subject to the following:

B.1 Development is not permitted by Class B 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 (change of uses);**

The use of the building as a dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule.

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

The proposed works do not exceed the maximum height of the existing roof.

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

The proposed dormer extends from the rear roof slope whilst the hip to gable alteration would not project further than the principal roof slope.

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

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

(ii) 50 cubic metres in any other case;

The house is semi detached and the proposed work would result in a volume increase of approximately 44 cubic metres.

(e) It would consist of or include-

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

The proposal does not include the construction of any of the above.

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

The proposal does not include any alterations to the chimney, or the installation of a flue or soil and vent pipe; or

(f) The dwellinghouse is on article 2(3) land.

The dwellinghouse is not on article 2(3) land.

Conditions

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

–

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

The plans demonstrate that the materials used to construct the extension will match the existing dwellinghouse.

(b) The enlargement must be constructed so that –

i. Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension-

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measures along the roof slope from outside the edge of the eaves; and

The proposal incorporates a hip-to-gable enlargement, therefore this condition does not apply. The proposed dormer would leave the original eaves of the dwellinghouse unaffected. The edge of the proposed dormer closest to the eaves is set back by more than 0.2 metres from the existing eaves.

ii. Other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of

the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

The proposal does not extend beyond the outside face of any external wall of the original dwellinghouse.

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

(i) Obscure glazed; and

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

The plans demonstrate that the window proposed for the side elevation will be obscure glazed and non opening.

6.4 Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits development that relates to any other alteration to the roof of the dwellinghouse, such as the proposed roof light on the forward facing slope of the original roof. This is considered below.

C.1 Development is not permitted by Class C 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 use of the building as a dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule.

(b) The alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

The roof light would not protrude more than 0.15 metres beyond the slope of the original roof.

(c) It would result in the highest part of the alteration being higher than the highest part of the original roof; or

The proposed works do not exceed the maximum height of the existing roof.

(d) It would consist of or include –

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

(ii) The insulation, alteration or replacement of solar photovoltaics or solar thermal equipment

The work would not include any of the above.

7. RECOMMENDATION

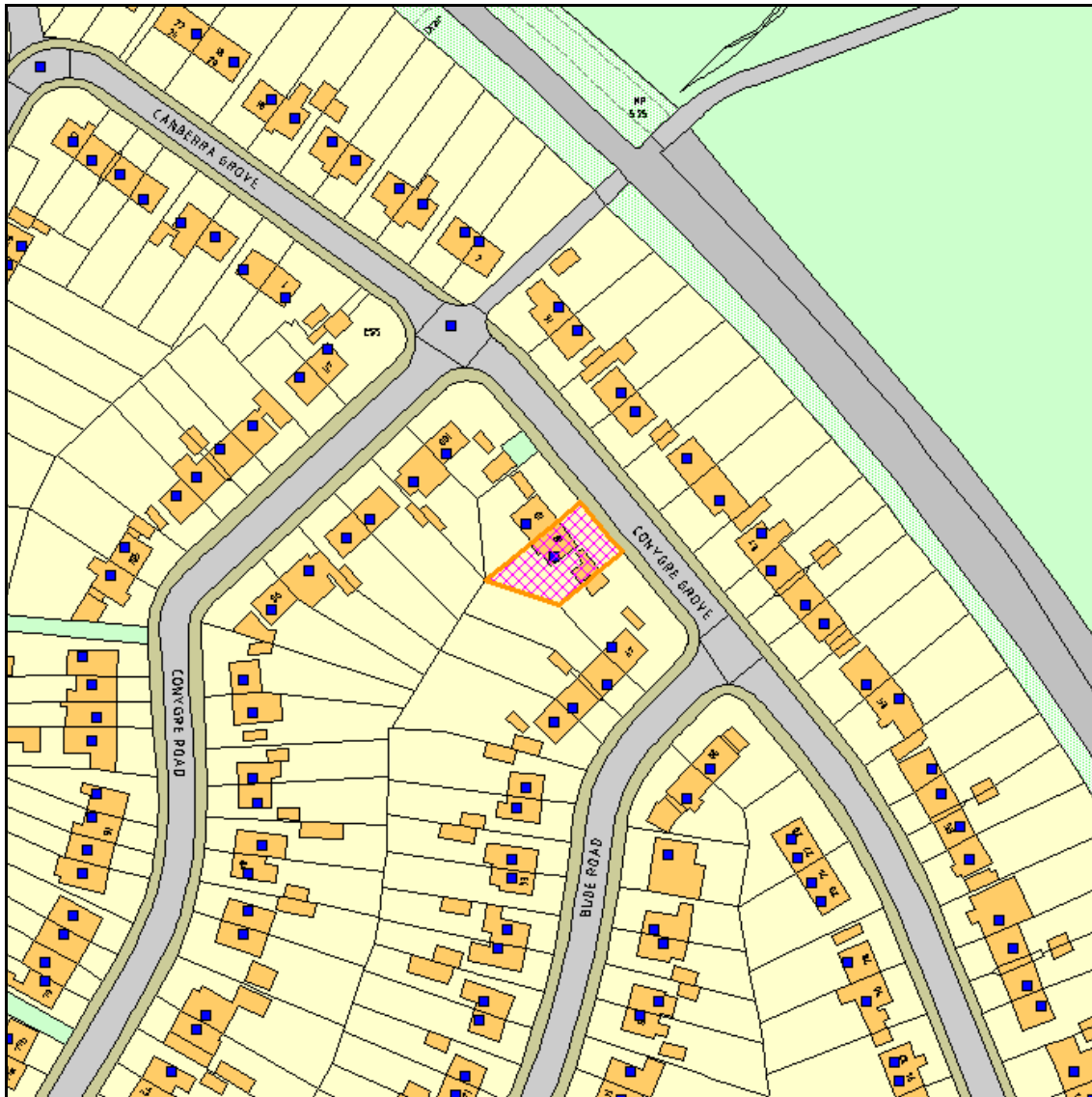
7.1 That a Certificate of Lawfulness for Proposed Development is **granted** for the following reason;

Evidence has been provided to demonstrate that 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: Helen Benjamin
Tel. No. 01454 865119

CIRCULATED SCHEDULE NO. 30/15 – 24 JULY 2015

App No.:	PT15/0583/F	Applicant:	Mr T Singh
Site:	18 Conygre Grove Filton Bristol South Gloucestershire BS34 7DN	Date Reg:	6th March 2015
Proposal:	Demolition of existing garage and erection of two storey side extension.	Parish:	Filton Town Council
Map Ref:	360921 179622	Ward:	Filton
Application Category:	Householder	Target Date:	28th April 2015



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PT15/0583/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

THE PROPOSAL

- 1.1 The application is for a two storey side extension to provide additional living accommodation. Revised plans have been received and fully reconsulted.
- 1.2 The property is a semi detached dwelling located within the residential area of Filton, set amongst similar properties.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
Object. It would appear this is not an application for an extension but a new 1 bedroom house.

Officer Note: Upon receipt of revised plans full reconsultation was carried out. No further comments were received from the Town Council and the objection therefore remains.

Sustainable Transportation

Planning permission is sought to demolish an existing detached garage to facilitate the erection of a one-bedroom residential annexe. It is proposed to use the existing driveway for one parking space and create a new vehicular access to provide two additional parking spaces in front of the existing dwelling.

Subject to the following conditions, there is no transportation objection to the proposed development.

CONDITIONS

1. The vehicular parking to be provided prior to commencement of the development.
2. The residential annexe not to be sub-let or sub-divided from the existing dwelling.
3. The proposed parking areas to have a permeable bound surface and be satisfactorily maintained as such.

Lead Local Flood Authority

No objection as we believe that there will be no significant change to the existing surface.

Other Representations

4.2 Local Residents

One letter of objection has been received, as follows:

‘Having looked at the plans I feel that this extension would invade our privacy by its overbearing of our garden and back windows and also we would be affected by a loss of outlook. We bought our property based on its spacious back outdoor area and the view that we have and feel that this additional building which will come right up to our garage will affect this.’

Officer Note: Upon receipt of revised plans full reconsultation was carried out. No further neighbour comments were received, and the objection therefore remains.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Original design submissions illustrated a link annex style extension, which essentially, apart from the single storey link, appeared as a separate building and small version of the original dwelling. This has subsequently been amended, upon officer advice and revised plans now illustrate essentially a subservient two storey side extension.

5.3 Design

The revised proposed extension is considered to be of an appropriate standard in design and is not out of keeping with the character of the main dwelling house and surrounding properties. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials would match those of the existing dwelling.

5.4 Residential Amenity

The original proposals showed the side wall of the proposed annex extension right up to the shared boundary in this direction. The revised proposals, now attached to the side of the existing dwelling have pulled the development away from the shared boundary by around 2 metres. It is considered in this respect that they are sufficiently far from the neighbouring property in this direction such as there would not be a significant or material amenity impact in terms of overbearing effect upon the garden or dwelling. No windows are proposed in this elevation. The length, size, location and orientation of the revised proposals are not considered to give rise to any significant or material overbearing impact on adjacent properties such as to warrant refusal of the application. Further to this sufficient garden space remains to serve the property.

5.3 Transportation

Subject to conditions, securing car parking that will meet the Councils current parking standards, there are no transportation objections to the proposals. Further to this, given that the revised proposals now appear as an extension of the original building, with no separate entrance or kitchen facilities, it is not considered that a separate condition regarding subletting or subdividing is necessary or suitable in this instance. Creation of a separate residential unit would require further permission in its own right.

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 proposals are of an appropriate standard in design and are not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Adequate parking can be provided on the site As such the proposal accords with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

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

7. RECOMMENDATION

7.1 That planning permission is granted, subject to the conditions recommended.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

3. The hours of working on site during the period of construction shall be restricted to 08.00 - 18.00 Mondays to Fridays; 08.00 - 13.00 on Sundays 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.

4. Prior to the first occupation of the extension hereby approved, the off-street parking provision illustrated on plan ref. PL03A, shall be provided with a permeable, bound surface, and thereafter retained as such.

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 Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (adopted) December 2013.

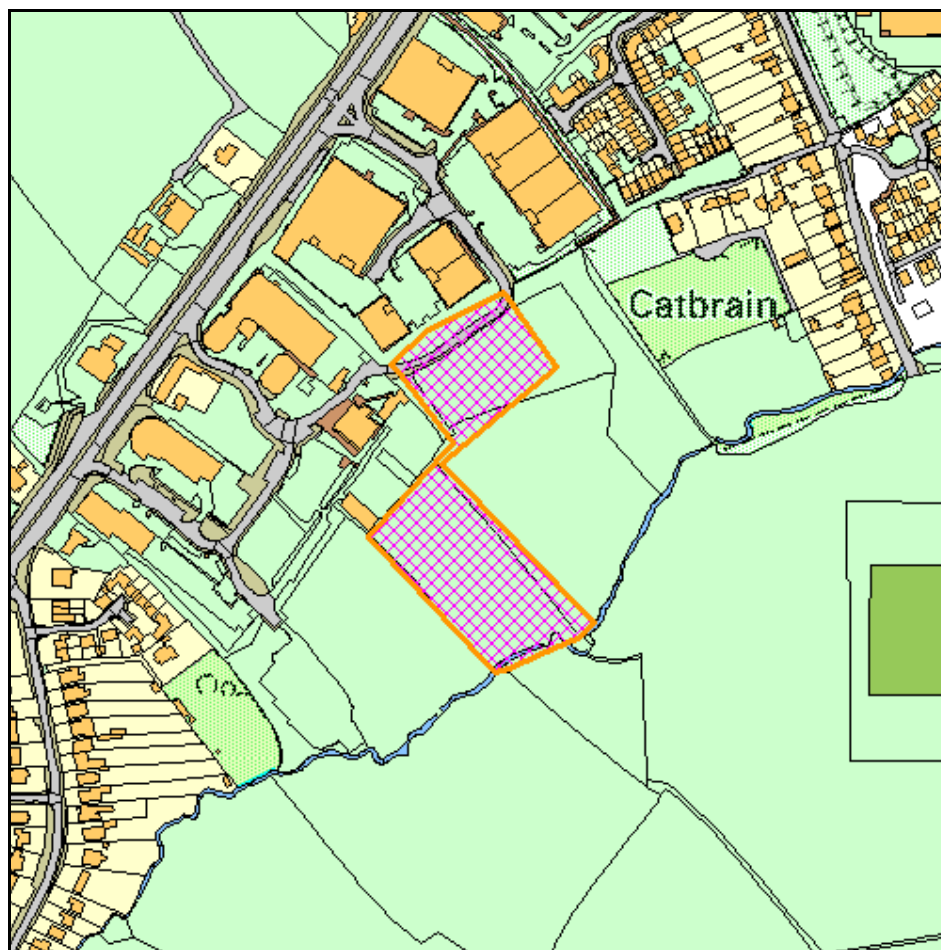
5. No new windows shall be inserted at any time in the first floor south-east elevation of the property.

Reason

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

CIRCULATED SCHEDULE NO. 30/15 – 24 JULY 2015

App No.:	PT15/1415/RM	Applicant:	Dick Lovett Companies Ltd
Site:	Land At Laurel Hill Cribbs Causeway Bristol South Gloucestershire	Date Reg:	9th April 2015
Proposal:	Erection of a new car dealership including workshop, compound and a new car park including appearance, landscaping, layout and scale. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT14/2646/O).	Parish:	Almondsbury Parish Council
Map Ref:	357051 180172	Ward:	Patchway
Application Category:	Major	Target Date:	30th June 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This reserved matters has been forwarded to the Council's Circulated Schedule of applications as a representation has been received from Bristol Beekeepers raising material matters contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 This reserved matters relates to a parcel of land forming part of the outline application site for mixed use development on 3.15ha of land comprising offices (Use Class B2), Storage (Use Class B8), car showrooms (sui generis) and all associated ancillary facilities.

This reserved matters provides the details for erection of a new car dealership including workshop, compound and a new car park comprising appearance, landscaping, layout and scale.

- 1.2 The application site is situated on the south east side of Cribbs Causeway (the A4018) at the rear of the Dick Lovett commercial site. The site which is broadly L shaped is bounded by the existing Dick Lovett development to the north and south west, the Henbury Trym to the South East and open grassed pasture to the east. The site comprises undeveloped pasture land with few landscape features. The site slopes from north to south.
- 1.3 The site is situated within the urban area of Bristol as defined in the adopted Development Plan. A Public Right of Way (OAY/87) runs North West to south east parallel with the east boundary of the site approximately 45m from the site.
- 1.4 The site is situated within the urban area as defined in the adopted Development Plan. The adjacent site to the north (Dick Lovett) to which this site relates, is a safeguarded employment site in the development plan.

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)

L1	Landscape Protection and Enhancement
L4	Forest of Avon
L7	Sites of National Nature Conservation Interest
L8	Sites of Regional and Local Nature Conservation Interest
L9	Species Protection
EP2	Flood Risk and Development
T12	Transportation Development Control Policy for New Development
E3	Employment Development within the Urban Area
LC12	Recreational Routes
L16	Protecting the best agricultural land

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
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS12	Safeguarded Areas for Economic Development
CS13	Non Safeguarded Economic Development Sites
CS14	Town Centres and Retail
CS23	Community Infrastructure and Cultural Activity
CS25	Communities of the North Fringe of Bristol Urban Area
CS26	Cribbs Patchway New Neighbourhood

2.3 Supplementary Planning Guidance

Cribbs Patchway New Neighbourhood Development Framework SPD
Revised Landscape Character Assessment SPD

3. RELEVANT PLANNING HISTORY

- 3.1 P95/0051/145 Development of 2.52 hectares of land (6.2 acres) for the erection of used car sales office, workshops, canopy and car parking. Construction of new vehicular and pedestrian access.
Approved 14.07.1995
- 3.2 PT12/0593/F Erection of BMW Motorrad showroom including sales and service areas and associated works (Sui Generis). (Re-submission of PT11/3298/F)
Approved 18.04.2012
- 3.3 PT14/029/SCR Mixed use development on 3.15ha of land comprising offices (Use Class B2) Storage (Use Class B8) car showrooms (sui generis) and all associated ancillary facilities. Outline application including access with all other matters reserved. Screening Opinion for PT14/2646/O
EIA not required 11.09.2014
- 3.4 PT14/2646/O Mixed use development on 3.15ha of land comprising offices (Use Class B2) Storage (Use Class B8) car showrooms (sui generis) and all associated ancillary facilities. Outline application including access with all other matters reserved.
Approved 20.01.2015

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

No objection, providing Highways are satisfied with the access and egress from site will not cause undue strain on the current highways.

4.2 Other Consultees

Crime Prevention Design Advisor -

No objection. Having viewed the information as submitted we find the design to be in order and complies appropriately with the crime prevention through environmental design principles.

Ecological Officer – No objection subject to conditions

Highway Structures – No comment

Conservation Officer – No comment

Environmental Protection – No adverse comments. Standard informative related to construction sites to be added as an informative to the decision notice.

Wessex Water - "Proposed Drainage Design, Main Showroom, Aston Martin, Cribbs Causeway" 3840-GDL-MS-D-DR-C-103 P2 suggests existing drainage apparatus crossing the site. Once full details of these apparatus are known check should be made with Wessex Water to determine the status of these assets and easements / diversions as appropriate.

Environment Agency – No objection. Condition 19 of the original outline consent should be discharged before this reserved matters drainage scheme can be approved.

Drainage Engineer – Concur with the EA that the drainage condition on the outline consent should be discharged before this scheme is agreed.

Sustainable Transport – No objection subject to conditions requiring a signage scheme to be provided to prevent large HGVs from entering the service yard for the dealership; a condition requiring the layby to the north of the proposed car park to be laid out for loading and unloading only; and a condition requiring a census to be undertaken after 2 years following occupation to ascertain if customers cycle to the site and if demand is demonstrated through the census, a cycle store be provided for customer cycle parking.

Landscape Officer – Additional planting has been included on a revised landscape plan. However there is still a clear requirement for a level of planting which is equivalent to the tree loss within the Dick Lovett site (inc the adj residential site) as mitigation. A revised landscape plan should therefore be sought post decision.

Other Representations

4.3 Third party representations

Objection received from the Bristol Beekeepers raising the following concerns:

- Ground water conditions at the southern end of the site are worse recently due to increased flow and water level in the River Trym.

- Not able to establish the exact method for dealing with surface water from the car park and roof of the building other than as attenuated flow into the river.
- How controlled will run off be and how will the development affect flood risk and ground water levels on the beekeepers site.
- The river has propensity to flood. The beekeepers land being downstream will be more sensitive to potential flooding which is a concern.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of commercial development on this site is established through the outline planning approval related to this reserved matters, PT14/2646/O.

Core strategy (CS):

In terms of the adopted Development Plan, Policy CS26 of the adopted CS relates specifically to development proposals within the Cribbs/Patchway New Neighbourhood (CPNN). The application site is situated within CPNN and as such the development proposal must comply with Policy CS26. Policy CS26 requires all development within CPNN to be comprehensively planned and for proposals to demonstrate that they accord with the CPNN SPD (referred to below). Development should also positively facilitate and not prejudice the development of surrounding areas of the CPNN, including high quality employment opportunities.

Economic development in particular is covered by policies CS11-CS13 of the Core Strategy Dec 2013 (CS). Policy CS11 is an overarching strategic policy identifying the economic development land safeguarded or allocated within the district. The proposal would provide additional economic development land outside this recognised quantum, as the land within the application site is not designated as safeguarded employment land within the Development Plan. The existing Dick Lovett site is located within a safeguarded employment area and although the application site is not, the outline approval has effectively resulted in an extension to a safeguarded employment site. Policy CS12 seeks to safeguard economic development land through retention of the identified safeguarded employment sites which includes the Dick Lovett site. The policy seeks to control changes of use within these areas to non B Class uses. The proposal proposes workshop, compound and a new car park within Classes B2 and B8 but also Car Showroom which falls outside B Classes (*sui Generis*). However, although the proposal would involve partial provision of non B Class development, this would not impact on the existing provision of B Class development within the safeguarded land. As such beyond this, the proposal should not be considered further against Policy CS12, although in the sub text of policy CS12, par.9.15 states, *'Opportunities to redevelop existing employment sites, through intensification or remodelling, will be encouraged.'*

Policy CS13 related to non safeguarded economic development sites seeks to control the loss of employment sites which are not designated as safeguarded

in the Development Plan. This proposal would not result in the loss of any employment land, conversely it proposes an increase in economic development land. Policy CS13 is not relevant.

Overall, there is little guidance within the Core Strategy to assist consideration of this application. The NPPF is clear in the need to promote this type of economic development generating scheme. The proposal is not discordant with the aims of the CS in terms of economic development.

Local Plan (2006):

Unlike the CS, the Local Plan (LP) does provide specific guidance for provision of new unallocated economic development land within Policy E3. The LP was adopted in 2006, prior to the NPPF and PPG, and as such the weight that can be afforded to E3 is significantly diluted other than where there is direct accord with the NPPF. However, economic development proposals can be accepted subject to specific criteria as listed which are, environmental effects, no unacceptable additional traffic and highway safety concerns, impact on residential amenity, character and appearance of the area, maximum density is achieved. Other than related to achieving maximum density, it is considered that the other criteria of Policy E3 are accordant with the NPPF. Additionally, large scale B8 uses must be located within 3 specific areas including Cribbs Causeway. In principle the proposal is not discordant with the aims of Policy E3, subject

Supplementary Guidance:-

The Cribbs Patchway New Neighbourhood SPD:

One of the central criteria in the SPD is to provide high quality employment opportunities. However, commercial as well as residential uses should be focused around strategic walking, cycling and public transport routes and be within walking distance of local services and facilities. Therefore considering the sustainable location of the development adjacent and as an extension to the existing Dick Lovett commercial site, proposal accords in principle with the SPD.

5.2 Visual amenity

This reserved matters proposes erection of a single car dealership building at the front (north) of the site. The site slopes from north to south and the building is set within the slope with a single storey front aspect and two storey rear. The building is of a typical commercial style being a flat roofed block, but the building does incorporate smart materials which give a crisp and modern high quality appearance to the building. The dealership also includes associated parking at the front of the site and a secure compound at the rear. A 223 space staff car park for the whole Dick Lovett site is also proposed within this reserved matters parcel. The car park would be finished in tarmac.

The proposed development within this reserved matters parcel would be in keeping with the character of the area which is of mixed use with other commercial and industrial buildings in the immediate area. The proposal would preserve the character, distinctiveness and amenity of the area and is therefore

in accordance with Policies CS1 and CS26 of the CS and the CPNN SPD in this respect.

5.3 Landscape

The application included an Indicative Landscape Proposals plan and also a brief site assessment within the supporting documents. The reserved matters layout shows a revised building layout, with the car showroom and secure compound occupying a smaller floor space, which in turn allows an increase in area potentially for landscaping.

The site is covered by the CPNN SPD which sets out the key principles required to achieve a sustainable development in compliance with the NPPF and our Core Strategy policies. The SPD key principles with regard to landscape are:-

- The requirement for Green and Blue Infrastructure GI and BI throughout the CPNN site should be well designed and connected, creating a robust, multifunctional landscape in accordance with CS2 and the Forest of Avon objectives.
- Well designed, integrated SuDS provision throughout the development.
- Creation of an ecological buffer along the Henbury Trym, a minimum of 50m wide. This area is to be sensitively designed to ensure the ecological corridor is protected and enhanced
- High quality public and private landscape to provide an attractive and functional setting to development
- Existing landscape features (such as trees, hedgerows, watercourses etc) retained and enhanced throughout the development to inform the layout and provide a basis for a strong landscape framework

The outline approval requested a good level of landscaping to be provided, in order to accord with the adopted Core Strategy policies and the CPNN SPD. In view of the amount of woodland and hedgerow removed throughout the whole site prior to planning, a good level of planting is expected to compensate for this loss of vegetation.

The development layout indicates that vegetation along the Trym and the hedgerow between the two car showroom sites (H1) is retained within the layout.

The landscape buffer along the Henbury Trym is confirmed as being a minimum of 10m on this western bank adjacent to the site, which is considered acceptable. This will allow provision to be made for the EA to have access to the watercourse for maintenance operations on this side of the watercourse to relieve the need for it on the eastern bank, within the main CPNN area, as this eastern side has been prioritised as the main ecological corridor and requires access to the watercourse to be limited and preserved for wildlife, including Great Crested Newts.

A new hedgerow is proposed along the western boundary of the Laurel Hill housing development site, alongside the diverted PROW and this will help to

visually divide the two sites, so that although there will still be 2 roads running parallel, the hedgerow will separate the roads.

A tree survey has been submitted together with a tree protection plan, which confirms the retention of all the vegetation along the Henbury Trym corridor. The tree protection plan shows fencing to be erected to protect all this streamside vegetation and the existing hedgerow which runs along the south western site boundary. The recommendation in the tree survey regarding the veteran Oak 3009, states; *'Attention is drawn to the importance of the root protection area (RPA) of veteran oak 3009 (alert hatch). This area must not be subject to any changes, excavations or incursions of any kind (see C.6. at right). Furthermore there must be no change of surface treatment and at most only very limited planting undertaken although in preference none, with simple low intensity periodic grass cutting within this sensitive zone'*.

Previously an attenuation pond was shown, however the layout plan now shows an underground cellular crate storage system beneath the staff car-park. The engineer's drainage layout (Gemma Design Ltd. Dwg.no.3840-GDL-CP-D-DR-C_103 Rev P2) will conflict with both proposed tree planting and existing streamside vegetation. The tree protection plan shows a corridor, between the two runs of tree protection fencing, presumably to allow the installation of the drainage connection and outfall into the Trym; an arboricultural method statement will be required in order to ensure the works are undertaken without damage to the existing trees retained along the stream corridor. A condition is recommended to secure this.

The planting shown on the external works plan will need to respect the drainage easement requirements with regard to the type of planting acceptable over drainage runs. Wessex Water will insist that no trees are planted within the easement, through their own controls.

The limited planting scheme remains lacking in sufficient mitigation in view of the scale of vegetation previously removed and is disproportionate to the scale of built development. Planting proposals should tie into the proposed landscaping for the adjacent site to the southwest (PT10/1949/F) where a good level of landscape was secured through this application. The landscape scheme therefore requires further attention but can be accepted in principle subject to a condition requiring a revised plan to be submitted which should show increased planting within the site of appropriate species and scale.

The proposal is therefore considered to be acceptable in landscape terms subject to submission of a satisfactory landscape plan to ensure an acceptable level of landscape mitigation. This plan will take the form of a 1:200 scale detailed planting plan, detailing size, type and specification, mixes and quantities of all proposed planting. Planting should consist of native species where possible of local provenance, notably adjacent to the stream corridor and comply with the recommendations of the ecological management plan.

A landscape & ecological management plan should also be submitted through condition to include hedgerow and tree management proposals, for all new and existing hedgerows on the site.

5.4 Transportation and highway safety

The proposed development within this reserved matters parcel is in accord with the outline consent in terms of the parameters shown in the DAS. The principle of this commercial development is therefore accepted. Additionally, the means of access is also accepted through the outline consent. This reserved matters submission will require consideration of the detailed design and layout only.

The proposal would provide 13 customer spaces at the car dealership, secure compound and a further 223 spaces for staff in the lower car park. The parking proposed is considered to be acceptable and is proportionate to the development proposal. Provision for turning and manoeuvring within the site is considered to be acceptable for service vehicles, HGV's and private cars. There are unlikely to be many HGV movements generated by this development however.

The applicant is to provide cycle storage for staff. Policy saved T7 of the Local Plan requires customer cycle parking to be [provided for commercial development. However, considering the nature of this business, it is very unlikely that customers would cycle to the site to view and collect cars. So, a condition is recommended to require a census to be carried out after 2 years of the dealership being brought into use to establish whether there is a demand for cycle parking. If so, then cycle parking will be required within the site.

The proposal is considered to be acceptable in highway safety and transportation terms, subject to confirmation of the following information by condition,

1. Before occupancy of the showroom, a scheme for signage within the site to prevent large vehicles (e.g. 7.5 Tons) from entering the secure compound.
2. Before occupancy of the showrooms, the layby shown on the service road to the north of the car park will need to be marked for loading and unloading only.
3. 2 years after occupancy a census (details to be agreed by the Council) will need to be carried out to determine whether or not customers use bicycles to reach the showroom. If this indicates a material demand for cycle use, then covered cycle parking for 10 bicycles will be provided in or adjacent to the customer parking area.

5.5 Ecology

An Ecology Appraisal has been provided (Ethos, dated April 2014), and a Protected Species Survey (Ethos, dated June 2014) with findings as follows:-

- semi-natural habitat - species rich hedgerow (classified as 'Important' under the Hedgerow Regulations 1997) and vegetation with trees and dense scrub along bankside of the Henbury Trym river. Species-poor hedgerows on and bounding the site in part.

- Bats – foraging, particularly along the Henbury Trym corridor and other site hedgerows. Bats are protected under the Conservation Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).
- Reptiles – 21 slowworms were translocated in 2013 to a purpose-built hibernaculum in the south-east of the site, protected by reptile exclusion fencing. A further two were translocated in 2014 by Ethos. Reptiles are protected under the Wildlife and Countryside Act 1981.
- Nesting birds - protected under the Wildlife and Countryside Act 1981 (as amended).
- European hedgehog – one was found in the north-east of the site – not currently protected but a UK and South Gloucestershire Biodiversity Action Plan Priority Species.

The reserved matters details submitted are considered to be acceptable and the proposal would result in no significant ecological impact, subject to conditions.

5.6 Other issues

The detailed drainage proposal for this reserved matters parcel accords with that shown in the outline proposals set out in Cole Easdon Consultants Ltd Flood Risk Assessment.

It is proposed to discharge the run-off from the development to the Henbury Trym watercourse and attenuate the flow using cellular crate storage and a hydrobrake (or a similar flow control device) located in the staff car park. This system will ensure no significant increase in surface water rate of drainage into the Trym. A matter which was of concern to the Bristol Beekeepers in their objection letter.

The EA raised concern that condition 14 (SuDS) attached to the original outline consent would need to be discharged before the drainage scheme within any reserved matters parcel could be accepted. A discharge of conditions application was submitted by the applicant and the EA have subsequently accepted the details submitted to discharge condition 14. As such the EA issue has been resolved.

The drainage scheme is considered to be acceptable although the drainage scheme relates only to this parcel rather than providing a comprehensive scheme for the whole outline site. The proposal is therefore considered to accord with Policy CS9 of the adopted CS.

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 reserved matters consent 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 Reserved Matters submitted in accordance with Conditions 1 and 2 associated with Outline Planning Permission PT14/2646/O dated 20th January 2015 be APPROVED, subject to the following conditions:

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

1. No development shall commence including any site clearance until an Arboricultural Method Statement has been first submitted to and approved in writing by the Local Planning Authority.

Reason:

To prevent conflict with both proposed tree planting and existing streamside vegetation within the site in the interest of visual amenity and the protection of landscape features, to accord with Policies CS1, CS2, CS9, CS26 of the adopted South Gloucestershire Local Plan Core Strategy (2013)

2. Notwithstanding the approved drawings, the use of the car dealership shall not commence until a scheme of landscaping, which shall include details of proposed planting (and times of planting); boundary treatments and areas of hardsurfacing has been first submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason:

In the interest of visual amenity and for mitigation for the loss of landscape features, to accord with Policies CS1, CS2, CS9, CS26 of the adopted South Gloucestershire Local Plan Core Strategy (2013)

3. No development shall commence until an Ecological Mitigation and Enhancement Plan as been first submitted to and approval in writing by the Local Planning Authority, based on the Recommendations in the Protected Species Assessment (Ethos, dated June 2014) Part IV. The planting recommendations will include native species in the open space and will include native planting in the formal areas. The development shall be implemented in strict accordance with the approved plan.

Reason:

To ensure the development is carried out in an appropriate manner and in the interests of preserving the character and appearance of the area and landscape features therein and to protect local nature conservation and geological interests and to accord with saved Policy L1 and L9 of the South Gloucestershire Local Plan

(Adopted) January 2006 and policy CS9 and CS26 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

4. The car dealership building shall not be occupied for business purposes until a scheme to provide signage within the car dealership site to prevent large vehicles (e.g. 7.5 Tons) from entering the secure compound has been first submitted to and approved in writing by the Local Planning Authority. The signage scheme shall be implemented in full prior to first occupation of the car dealership for business purposes.

Reason:

To prevent large vehicles from entering the compound site in the interest of highway safety and to accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS1 and CS26 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

5. The car dealership building shall not be occupied for business purposes until the layby (as shown on the approved Site Plan) on the service road to the north of the car park has been clearly marked for loading and unloading purposes only.

Reason:

To prevent large vehicles from entering the compound site in the interest of highway safety and to accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS1 and CS26 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

6. No less than 24 months and no more than 30 months following the car dealership being first occupied for business purposes a census shall be carried out of all customers to determine whether customers use bicycles to reach the showroom. The details of the census including the questions to be asked and the timeframe for carrying out the census shall be agreed in writing with the Local Planning Authority prior to the census being undertaken. The census shall be submitted to the Local Planning Authority for consideration within 30 months following the car dealership being first occupied for business purposes. If the Local Planning Authority consider the census to indicate that there is demand for cycle use by customers, then a covered cycle storage area shall be provided by the applicant for customer cycle storage within 3 months following submission of the census in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The cycle storage area shall be retained for cycle storage purposes thereafter.

Reason:

To promote other modes of travel than the private car in the interest of sustainable development and to accord with saved Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS1 and CS26 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

7. The car dealership and 223 space car park hereby approved shall not be brought into commercial use until a lighting strategy, to assess light spill onto the buffered Henbury Trym corridor, has been first submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full in accordance with the approved strategy.

Reason:

To demonstrate that there will be no additional light spill onto the buffered Henbury Trym corridor in the interests of preserving the character and appearance of the area and landscape features therein and to protect local nature conservation and geological interests and to accord with saved Policy L1 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 and CS26 of the South Gloucestershire Local Plan Core Strategy adopted December 2013.

CIRCULATED SCHEDULE NO. 30/15 – 24 JULY 2014

App No.:	PT15/1687/F	Applicant:	Mrs K Green
Site:	Land Rear Of 137 Watleys End Road Winterbourne Bristol South Gloucestershire BS36 1QQ	Date Reg:	24th April 2015
Proposal:	Demolition of existing garage to facilitate the erection of 1no. single storey detached dwelling with access and associated works. (Resubmission of PT13/3973/F)	Parish:	Winterbourne Parish Council
Map Ref:	365951 181459	Ward:	Winterbourne
Application Category:	Minor	Target Date:	16th June 2015



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 100023410, 2008. N.T.S. PT15/1687/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of an objection from Winterbourne Parish Council, the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 No. 137 Watleys End Road is a traditional 2-storey cottage, probably C19th in age, with front and rear garden. A conservatory is attached to the rear elevation. The front garden is enclosed by an historic Pennant Sandstone wall. Vehicular access is from Watleys End Road via an access driveway that runs between No.137 and the neighbouring property no.139. The driveway terminates at a detached single garage, beyond which is another elongate garden at the end of which is a rudimentary single-storey building constructed of brick and rubble stone; this building has apparently been used in the past as a pig sty. The secondary garden is currently accessed from the garden to the rear of the cottage.
- 1.2 It is proposed to demolish the existing garage and pig sty and erect a two-bedroom dwelling. Two parking spaces for the new dwelling would be provided to the front of where the existing garage stands whilst 2 spaces would be retained for the existing house, within the front garden area.
- 1.3 The property lies within the Established Settlement Boundary for Winterbourne. The site does not lie within the Green Belt.
- 1.4 Members may recall that following a visit by the SISC (West) on 4th July 2014, a similar proposal for a one bedroom property was approved at DC. (West) Committee on 17th July 2014. This current application differs only from that previously approved as follows:-
 - The proposed dwelling would now have 2 bedrooms as opposed to the previously approved one bedroom; with an associated increase in length of approx. 2.2 metres
 - A resultant increase in the footprint area from 58 to 69 sq.m.
 - Relocation of the boiler and its flue to the south-eastern end of the building i.e. further away from no.8 York Gardens.
 - An increase in parking provision from 1 to 2 spaces.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
The National Planning Practice Guidance 2014

- 2.2 Development Plans

The South Gloucestershire Local Plan (Adopted) 6th January 2006 – saved policies

- L1 - Landscape Protection and Enhancement
- L9 - Species Protection

EP2 - Flood Risk and Development
T7 - Cycle Parking
T12 - Highway Safety
LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)

The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013

CS1 - High Quality Design
CS4A – Presumption in Favour of Sustainable Development
CS5 - Location of Development
CS6 - Infrastructure and Developer Contributions
CS8 - Improving Accessibility
CS9 - Managing the Environment and Heritage
CS16 - Housing Density
CS17 - Housing Diversity
CS18 - Affordable Housing
CS23 - Community Infrastructure and Cultural Activity
CS24 - Green Infrastructure, Sport and Recreation Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.
The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.
Affordable Housing SPD Adopted Sept. 2008.
South Gloucestershire Council Residential Parking Standards (SPD) Adopted.
Trees on Development Sites SPD Adopted Nov. 2005

Other Relevant Documents

Watley's End Village Design Statement 27th March 2013

2.4 Emerging Plan

Proposed Submission : Policies, Sites & Places Plan March 2015

PSP1 - Local Distinctiveness
PSP2 - Landscape
PSP3 - Trees and Woodland
PSP6 - Onsite Renewable & Low Carbon Energy
PSP8A - Settlement Boundaries
PSP8B - Residential Amenity
PSP11 - Development Related Transport Impact Management
PSP16 - Parking Standards
PSP19 - Wider Biodiversity
PSP20 - Flood Risk, Surface Water and Watercourses
PSP21 - Environmental Pollution and Impacts
PSP39 - Private Amenity Space Standards

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/3973/F - Demolition of existing garage to facilitate the erection of 1no. single-storey detached dwelling and associated works.
Approved 21 July 2014

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection; this is overdevelopment of the site in a back-land location.

- 4.2 Other Consultees

Highways Structures

No comment

Sustainable Transport

No objection.

Highway Drainage

No objection. Soakaways should be located at least 5 metres away from any building, boundary wall or public highway.

Tree Officer

No objection

Environmental Protection

No objection subject to standard informatives relating to construction sites and asbestos removal.

Officers previously stated in relation to application PT13/3973/F

Any new boiler should be installed to comply with Building Regulations Approved Document J which contains the minimum separation distances for flues from certain openings to allow safe and adequate dilution and dispersal of flue gasses.

We would not be in a position to object to any boiler that was installed in compliance with the above requirements. The applicant should be aware that notwithstanding compliance with the above document, if the discharge were to cause a Nuisance to the occupiers of neighbouring properties (Environmental Protection Act 1990) the Council would still have powers to take action to require them to abate the nuisance. I would therefore suggest that it is in the applicants own interest to ensure that the new flue discharge complies with Building Regulations, and is not positioned in such a way that it could cause an nuisance to neighbours.

Other Representations

4.3 Local Residents

1no. response was received from the occupier of neighbouring no. 6 York Gardens who made the following comment:

As far as I can see, the only material change is the increase in length of the proposed new dwelling. Provided that there is no observable increase in the height, we have no objection to this change.

NB Taking the opportunity to move the boiler flue further away from No 8 is to be applauded.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2012 (NPPF). The “saved” policies of the South Gloucestershire Local Plan (adopted 2006) also form part of the extant Development Plan.

5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only very limited weight can currently be given to the policies therein.

5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible. Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities and this policy stance is replicated in Policy CS17 of the Core Strategy.

5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.

5.6 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning

for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments. The proposal would provide a small starter home and therefore complies with this policy.

- 5.7 Policy CS17 goes on to say that building on gardens will be allowed where this would not adversely affect the character of an area and where, cumulatively, it would not lead to unacceptable localised traffic congestion and pressure on parking. Such development will be allowed where each home has adequate private/semi-private and/or communal outdoor space and where occupiers have access to adequate open and play space within the immediate vicinity.
- 5.8 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.*
- 5.9 The Watley's End Village Design Statement was endorsed by South Gloucestershire Council on 27th March 2013 as reflecting the local community's aspirations for the treatment of design issues in the village. As non-statutory planning guidance it will be taken into account in the preparation of the Council's Local Plan documents and as a material consideration in the determination of planning applications. The Council's adopted Development Plan and emerging planning policy do however retain primacy in planning decisions.
- 5.10 Local Plan Policy H2 is not a saved policy; there is no prescribed minimum density requirement for housing development. The NPPF however seeks to make efficient use of land in the Urban Area for housing. Having regard to the site constraints and character of the locality, officers consider that the proposed density of development makes the most efficient use of the site and in this respect alone the scheme does not represent over development.
- 5.11 Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits development within existing residential curtilages, including extensions to existing dwellings and new dwellings subject to criteria that are discussed below. Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.
- 5.12 The acceptance in principle of a small dwelling of similar scale and design on much the same site was previously established with the grant of PT13/3973/F. Officers need only consider the proposed changes to the scheme as listed at para. 1.4 above in the light of any policy changes that may have occurred in the interim.

A. Respect the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area; and

- 5.13 The existing garage has no architectural merit and its demolition is not resisted. The pig sty clearly has some age but is a rather ramshackle building with a corrugated sheet roof. The building is not considered to be a heritage asset of any significance.
- 5.14 The proposed location of the dwelling would be at the very end of the secondary garden, where there is an existing building i.e. the former pig sty; the property immediately to the rear i.e. no.8 York Gardens is a substantial, detached, modern, two-storey dwelling house. As such, the proposed dwelling, being modest in scale and built in part on the footings of the old pig sty, would not adversely affect the character of the street scene, indeed it would be hardly visible from the public domain. Although now extended some 2.2m in length, the relationship of the building now proposed to no.8 York Gardens, in terms of scale and location, remains the same. The increase in length to the south-east is a modest one which would be barely perceptible within the location. The height, eaves level and width remains the same as previously approved.
- 5.15 The building has been designed having the site constraints in mind. As such the building has a somewhat contemporary appearance with a mono-pitch roof. The stone from the demolished pig sty would however been retained and used for the south-eastern elevation, which might be visible in glimpsed views from Whatleys End Road; the other elevations would be timber clad with the roof being covered with synthetic mineral slates. The Village Design Statement states that new buildings should make the maximum possible use of local materials and sustainable timber. Officers consider that such a design would adequately integrate within the surrounding area, which is characterised by a mix of old and modern dwellings.
- 5.16 In order to provide access to the parking spaces for the existing dwelling, a section of the natural pennant sandstone wall enclosing the front garden to no.137 would need to be demolished and part of the lawn made over to hard-standing. This is unfortunate, as by doing so, the character of the street scene would be adversely affected. The Village Design Statement seeks to retain these traditional pennant sandstone walls which provide closure to the street frontage. This wall however has no statutory protection and no.137 is not even locally listed. The wall can be demolished and the hard-standing introduced under permitted development rights, as has been done at neighbouring no.139. This same arrangement was previously approved under PT13/3973/F. On this basis officers consider that they cannot reasonably refuse the application on this issue.

B. Would not prejudice the amenities of nearby occupiers; and

- 5.17 With regard to impact on residential amenity, officers noted during their site visit that there are no significant habitable room windows in the side elevations of no.137 or the neighbouring property no.139, or for that matter the property immediately to the rear of the pig sty (no. 8 York Gardens) although there is a

large conservatory to the rear of no.8. The garden to the neighbouring property to the north-east (no.139) is relatively well enclosed and the house sufficiently distant such that the now three (previously two) high level windows in the proposed south-east elevation would not result in loss of privacy. The site is bounded by a mix of fences and walls that would be retained to provide sufficient enclosure and this would be secured by condition.

- 5.18 The wall on the boundary with no.8 is fairly low but additional screening is provided by the vegetation growing in the garden of no.8. This however is cut back every winter and this would allow some overlooking from the proposed rear bedroom window into the conservatory of no.8, from a relatively short distance. As such officers consider it appropriate that, in addition to the wall, a 1.8m high fence be erected on this boundary; this can be secured by condition. With the now proposed second bedroom located in the north-western end of the building, an additional bedroom window is introduced, but this faces north-east and does not result in any significant additional issues of overlooking or inter-visibility.
- 5.19 The existing pig-sty lies hard on the boundary wall with no.8 York Gardens. The proposed dwelling however would be set in part, some 2.5m off the wall. The proposed dwelling would be larger than the pig sty, now being some being approx. 15.4m long (previously 13.237m long) and 4.804m at its widest point, with eaves at 2.255 to the west and 3.419m to the east where the mono-pitch roof reaches its highest point, i.e. the same as previously approved. A building of this modest scale is not considered to have an overbearing impact on the neighbouring properties. Although the building would be some 2.2m nearer the properties to the south-east, there remains adequate distance between the respective dwellings.
- 5.20 Regarding noise and disturbance; as previously it is noted that traffic would not penetrate any further into the site than at present, the proposed driveway would be as existing and the parking spaces sited on the driveway to the front of the garage to be demolished. The old pig sty is used for storage purposes and there are already pedestrian movements associated with the building and throughout the site. Given that the proposal is for a two bedroom dwelling only, there would be no significant increase in disturbance for neighbours.

C. Would not prejudice highway safety or the retention of an acceptable level of parking provision, and an acceptable level of parking provision is provided for any new separately occupied dwelling; and

- 5.21 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe. The proposal is now for a 2 bedroom dwelling as opposed to the 1 bedroom dwelling previously approved. The additional bedroom would be small, so any increased traffic generation would be insignificant.

5.22 As regards car parking, the new South Gloucestershire Residential Parking Standards require 2 off street spaces for a three bedroom property and one space for a two bedroom property. It is proposed to utilise the existing access for the new dwelling with two tandem parking spaces provided in the area to the front of where the existing garage is located, this represents an increase of one space over what was previously approved. For the existing cottage it is proposed to introduce a new access through the front boundary wall, with two parking spaces provided in what is currently the front garden. Given that Watleys End Road is not classified, the new access can be introduced using permitted development rights. Even if permitted development rights were removed from the existing dwelling through the imposition of a condition attached to any consent if forthcoming; the applicant could merely construct the new access and parking area prior to implementing the permission using existing pd. rights. This would however prevent the need for on-street parking. Adequate bin storage facilities would be provided within the site. There are therefore no objections on highway safety grounds.

D. Would not prejudice the retention of adequate private amenity space, and adequate private amenity space is provided for any new separately occupied dwelling;

5.23 The configuration and scale of the garden areas associated with no.137, lends itself well to a sub-division of the plot and in terms of amenity space, even with the increased size of the proposed dwelling, there would still be sufficient space to serve the existing and proposed dwellings; the south-east boundary having been moved to compensate for the increase in size. With the loss of the existing garage and pig sty, the overall foot print of built development would not significantly alter and as such the scheme is not considered to be an overdevelopment of the site. Having regard however to the limited size of the plot, officers again consider it justified to impose a condition to remove normal permitted development rights from the proposed new dwelling. Officers consider that there is no justification to remove permitted development rights from the existing dwelling, this property being relatively divorced from the proposed dwelling.

5.24 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. Any increase in noise levels or anti-social behaviour, would be the subject of normal environmental health controls. If asbestos is present in the garage to be demolished, its disposal is covered by legislation other than the Planning Act. An appropriate informative would advise the applicant as to his/her responsibilities regarding asbestos disposal. There are therefore no objections on environmental grounds. In terms of drainage, the Council's Drainage Engineer has raised no objection and a SUDS Drainage Scheme would be secured by condition. It is proposed to utilise the existing mains sewer and drainage system. Any connections to the main sewers would need to be agreed with Wessex Water.

- 5.25 In relation to the originally approved scheme PT13/3973/F, concerns were raised by the occupant of neighbouring no.8 York Gardens about the proximity of the then proposed flue projecting from the roof of the proposed dwelling. The position of the flue would, in any event, be adequately controlled by Building Regulations. Such flues often project from the side elevations of houses and are often located in very close proximity to neighbouring dwellings without problems occurring. Any resultant statutory nuisance would however be controlled under normal Environmental Health Legislation.
- 5.26 In the scheme as now proposed however, the bathroom would be more conveniently re-located, and also the boiler and its flue moved further away from no.8 York Gardens. This revision is to be welcomed and weighs in favour of the revised scheme.
- 5.27 Under permitted development rights (see GPDO Part 1 Class G) a similar flue to that proposed could be inserted in the existing building. In the event of planning permission being granted, Condition 7 would prevent the insertion of any additional flues without planning permission first being granted.
- 5.28 On balance therefore, officers are satisfied that the proposal would have no significant adverse impact on neighbouring residential amenity and is a superior scheme to that previously approved.

5.29 Landscape Issues

The garden areas to no.137 are already laid to lawn with flower/shrub borders. There are no trees of any great significance within the site that need to be protected. In landscape terms therefore the scheme is acceptable.

S106 and CIL Issues

- 5.30 As a result of the 28th Nov. 2014 update to the NPPG, the following amendments to National Policy came into force:
- Developments of 10 units or less **and** with a combined gross floorspace of no more than 1000sq.m. **will not be** required to make S106 contributions.
 - In designated rural areas a lower threshold of 5 units or less applies, where no affordable housing or tariff style contributions can be sought.
 - In designated rural areas, for developments of 6-10 units, only a cash payment is payable upon completion of units.
- 5.31 In this instance the proposal falls below the threshold for affordable housing or tariff style contributions.
- 5.32 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. The introduction of CIL charging has however been delegated to the Director of ECS with charging to commence on 1st August 2015. To date CIL charging has not commenced but if the decision for this scheme is issued after the 31st July 2015, the scheme would be liable to CIL.

5.33 5 – year land supply.

A recent appeal decision APP/P0119/A/14/2220291 – Land South of Wotton Road, Charfield, established (para. 146) that the Council can currently only demonstrate a 5-year housing land supply sufficient for 4.64 years. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which would make a contribution, albeit a very small one, to the badly needed housing supply within South Gloucestershire.

6. CONCLUSION

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

6.3 Despite being for a slightly larger dwelling, the scheme is considered superior to that previously approved; most notably by re-locating the boiler flue much further away from no.8 York Gardens. Furthermore, since the last approval, a recent appeal decision has established a shortfall in the 5-year land supply for housing.

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

7. RECOMMENDATION

7.1 That planning permission be GRANTED subject to the conditions listed on the Decision Notice.

Contact Officer: Roger Hemming

Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

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

3. Prior to the commencement of the development hereby approved, surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the details so approved.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013. This is a prior commencement condition to ensure that the drainage scheme can be implemented in accordance with the approved details.

4. The approved vehicular access and car parking facilities, shown on the Proposed Site Plan No. GREEN070415PS hereby approved, shall be provided and surfaced in a permeable bound material, before the first occupation of the dwelling so approved, and thereafter maintained as such and used only in conjunction with the occupation of the buildings' purpose.

Reason

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

5. No windows, other those shown on the plans hereby approved, shall be inserted at any time in the dwelling house hereby approved.

Reason

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

6. Prior to the first occupation of the development hereby approved, the refuse storage facilities shall be implemented in accordance with the details shown on the Proposed Site Plan No. GREEN070415PS hereby approved and shall be retained as such thereafter.

Reason

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

7. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, C, D, E, F and G) 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

Having regard to the character of the area, the limited size of the plot and proximity of the neighbouring residential dwellings; to ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013.

8. Notwithstanding the details shown on the plans hereby approved; prior to the first occupation of the dwelling hereby approved, whilst retaining the boundary wall, a 1.8m close board fence shall also be erected on the boundary with no.8 York Gardens and retained as such thereafter.

Reason

To screen the development and ,maintain privacy in the interests of residential amenity and to accord with Policy H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

9. Prior to the first occupation of the dwelling hereby approved, a plan indicating the positions, design, materials and type of boundary treatment(s) to be erected or retained shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the building is first occupied for the purpose hereby approved. Development shall be carried out in accordance with the approved details.

Reason

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