

**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. 26/15

Date to Members: 26/06/15 Member's

Deadline: 02/07/15 (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.

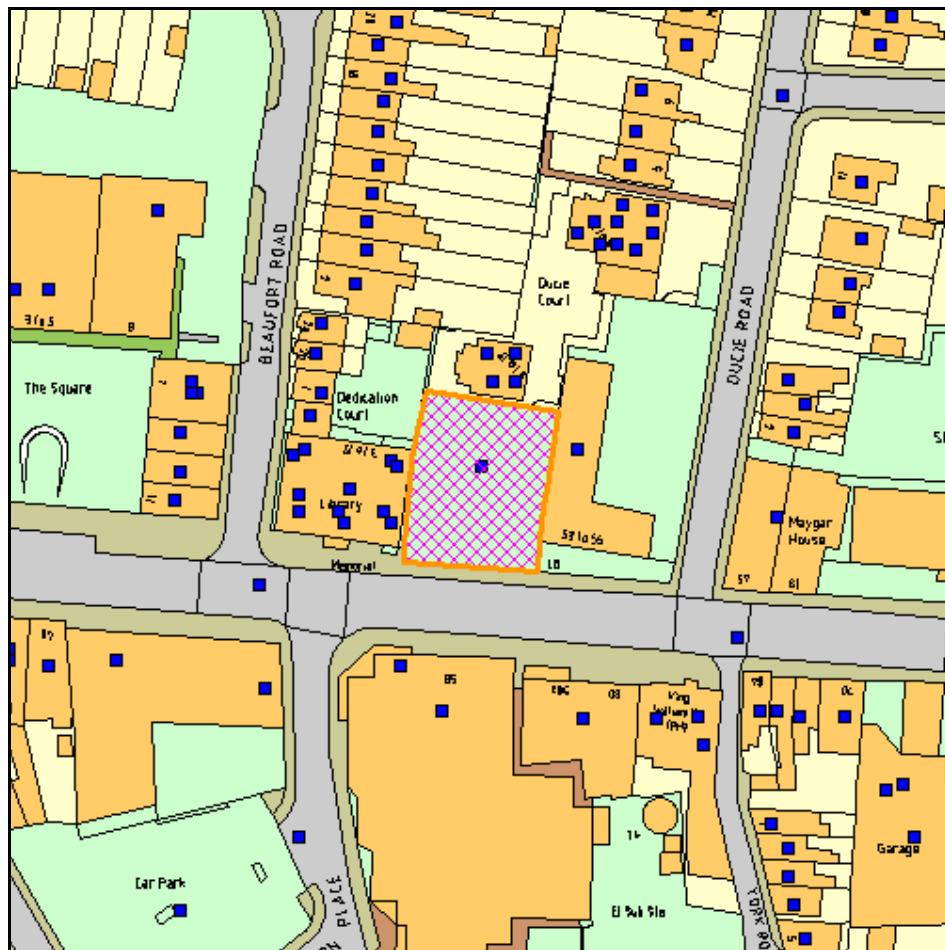
CIRCULATED SCHEDULE - 26 June 2015

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/0579/F	Approve with Conditions	47 Broad Street Staple Hill South Gloucestershire BS16 5LS	Staple Hill	None
2	PK15/0671/O	Approve with Conditions	Land South Of Broad Lane Yate South Gloucestershire BS37 7LD	Ladden Brook	Iron Acton Parish Council
3	PK15/1404/RM	Approve with Conditions	Commercial Land At Emersons Green Urban Village Emersons Green South Gloucestershire BS16 7FQ	Boyd Valley	Pucklechurch Parish Council
4	PK15/1527/F	Approve with Conditions	32 Westcourt Drive Oldland Common Bristol South Gloucestershire BS30 9RU	Oldland	Bitton Parish Council
5	PK15/1627/F	Refusal	70 Westerleigh Road Yate Bristol South Gloucestershire BS37 4BN	Yate Central	Yate Town
6	PK15/1891/CLE	Approve	Little Croft Bury Hill Lane Yate South Gloucestershire BS37 7QN	Ladden Brook	Wickwar Parish Council
7	PK15/1923/F	Approve without conditions	Camers Barn Badminton Road Old Sodbury Bristol South Gloucestershire BS37 6RG	Cotswold Edge	Sodbury Town Council
8	PK15/1930/F	Approve with Conditions	2 Peache Road Downend South Gloucestershire BS16 5RN	Downend	Downend And Bromley Heath Parish Council
9	PK15/1993/CLP	Approve with Conditions	1 Wapley Rank Besom Lane Westerleigh South Gloucestershire BS37 8RP	Westerleigh	Dodington Parish Council
10	PK15/2086/PD	Approve with Conditions	61 Dovecote Yate South Gloucestershire BS37 4PB	Dodington	Yate Town
11	PK15/2173/CLP	Approve with Conditions	16 Longden Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
12	PT13/1992/F	Approve with Conditions	Little Bridge Barn Pilning Street Pilning South Gloucestershire BS35 4HL	Severn	Olveston Parish Council
13	PT15/0870/RM	Approve with Conditions	Cheswick Village (Phase 5) Long Down Avenue Stoke Gifford South Gloucestershire	Frenchay And Stoke Park	Stoke Gifford Parish Council
14	PT15/1443/F	Approve with Conditions	Maple Leaf Guest House 221 Gloucester Road Patchway South Gloucestershire BS34 6ND	Patchway	Patchway Town Council
15	PT15/1547/F	Approve with Conditions	6 Coombe Avenue Thornbury South Gloucestershire	Thornbury North	Thornbury Town Council
16	PT15/1681/F	Approve with Conditions	71 The Bluebells Bradley Stoke South Gloucestershire BS32 8BD	Bradley Stoke South	Bradley Stoke Town Council
17	PT15/2153/TCA	No Objection	Orchard View Quarry Road Frenchay South Gloucestershire BS16 1LX	Frenchay And Stoke Park	Winterbourne Parish Council
18	PT15/2175/CLP	Approve with Conditions	30 Frampton End Road Frampton Cotterell South Gloucestershire BS36 2JZ	Frampton Cotterell	Frampton Cotterell Parish Council

CIRCULATED SCHEDULE NO. 26/15 – 26 JUNE 2015

App No.:	PK15/0579/F	Applicant:	Mr Simon Ellis, Crossman Land Ltd
Site:	47 Broad Street Staple Hill South Gloucestershire BS16 5LS	Date Reg:	26th February 2015
Proposal:	Erection of 3no. commercial units, 10no. 2 bed flats, parking, new access and associated works	Parish:	None
Map Ref:	365121 175928	Ward:	Staple Hill
Application Category:	Major	Target Date:	25th May 2015



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 100023410, 2008. N.T.S. PK15/0579/F

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application is to appear on the circulated schedule due to a number of objections from local residents.

1. THE PROPOSAL

- 1.1 The application relates to a former used car sales yard, which presents an open frontage to an otherwise densely developed street (Broad Street) within the Staple Hill local shopping centre. The buildings around the site exhibit a wide variety in purpose, age, scale and design. However the most important buildings in the site's context are the car servicing depot to the east and the library and flats development to the west. The former is a functional two-storey structure in buff brick with a flat roof behind a parapet whilst the library is a more imposing three-storey structure with a low-pitched roof; a supermarket lies directly opposite the site and a modern 2/3 storey apartment block to the rear. The total area of the application site is 0.07 hectares. A previous planning permission PK08/0953/F was granted for the erection on this site of a building to provide 14no. flats; this permission has however now lapsed.
- 1.2 The currently vacant site is enclosed to the front by a tall wire mesh fence. There is currently no formal vehicular access to the site and no dropped kerb on Broad Street. The entire site frontage has marked vehicular parking bays painted on the road
- 1.3 The application proposes the erection of a large, 'L' shaped, 3/4 storey building to provide 3no. (A1) retail units on the ground floor with 10no x 2 bed flats on the floors above. A new vehicular access would be created from Broad Street leading via an under-croft to 10no. car parking spaces, located to the rear. A cycle store and bin storage facility are also proposed.
- 1.4 The application is supported by the following documents:
 - Design and Access Statement
 - Coal Mining Risk Assessment
 - Transportation Statement
 - Swept Path Analysis Diagram

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

RT1 - Development in Town Centres
RT10 - Changes of Use of Retail Premises Within the Secondary Shopping Frontages.
RT12 - Use of Upper Floors in Town Centres
T7 - Cycle Parking
T8 - Parking Standards
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
CS14 - Town Centres and Retail
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.

2.4 Emerging Plan

Policies, Sites & Places Development Plan Document (Draft) June 2014

PSP1 - Local Distinctiveness
PSP2 - Landscape
PSP3 - Trees and Woodland
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
PSP28 - Town Centre Uses

PSP29 - Shopping Frontages
PSP39 - Private Amenity Space Standards

3. **RELEVANT PLANNING HISTORY**

There have been numerous applications relating to this site, mostly dating back to the 1970's when the site was used as a caravan display and sales area. The more recent applications are listed as follows:

- 3.1 K366/9 - Continued use of land for the display of Caravans for sale.
Approved 15 Nov 1985
- 3.2 K366/10 - Change of Use from Caravan Sales and Repairs to Car Sales plus Alteration to the external appearance of the premises.
Approved 22 March 1993
- 3.3 P96/4685/A - Erection of 2no. display panels and 2.4m high fence.
Refused 31 Jan 1997 on grounds of adverse impact on visual amenity.
- 3.4 P97/4791 - Erection of Social Club (Class D2) (outline)
Approved 29 April 1998
- 3.5 PK05/3603/F - Construction of Vehicular Access
Refused 23 Jan 2006 for the following two reasons:
 1. *The proposal would lead to the creation of an unsatisfactory access onto the public highway and if allowed would adversely impact on the current parking arrangement on Broad Street. Furthermore, without alteration to the existing Traffic Regulation Order (for parking on Broad Street), the proposal would lead to less desirable parking on Broad Street all to the detriment of the travelling public. The application is thus considered to be contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
 2. *By virtue of insufficient information, the proposal would lead to an increase in standing and manoeuvring of vehicles on the public highway. Furthermore, if allowed, the proposal would result in increased turning movements to and from Broad Street (a busy classified road) and would thereby interfere with the free flow of traffic to the detriment of highway safety. The application is thus considered to be contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
- 3.6 PK07/2461/F - Erection of 3no. office units, 14 self-contained flats, 9no. car parking spaces and associated works.
Refused 22 Feb 2008
Appeal APP/P0119/A/08/2073873 dismissed 12 August 2008 on grounds of:
 - Harm to character and appearance of the area.
 - Highway safety hazards.
 - Inadequate cycle storage facilities.
- 3.7 PK08/0953/F - Erection of 14no. self-contained flats with 7no. car parking spaces, bin stores, cycle sheds and associated works (Re-submission of PK07/2461/F).

Approved 14 July 2008

Adjacent Site

- 3.8 PK07/1210/R3F - Demolition of existing car showroom to facilitate the erection of Public Library and 14no. residential units comprising 12no. flats and 2no. houses with associated parking. Construction of new vehicular access from Beaufort Road.

Approved 22 Jan 2008.

4. CONSULTATION RESPONSES

4.1 Parish/Town Council

Not a parished area

4.2 Other Consultees

Wessex Water

No objection – standard comments regarding connection to Wessex Water System.

Lead Local Flood Authority

No objection. A mining report should be submitted.

Highway Structures

No comment

Police Community Safety Officer

Sections 58 and 69 of the National Planning Policy Framework March 2012 both require crime and disorder and fear of crime to be considered in the design stage of a development.

In view of this I therefore offer the below Comments:

1. All the fire escape doors from the retail units are located in vulnerable areas without any natural surveillance. In view of this these doors should be of a suitable security standard either PAS24:12 or LPS 1175 SR2. Without doors of this level the premises are very vulnerable to burglary.
2. Although the site is off the public road it still needs to have lighting to BS5489:13 levels and in particular plots 9-10 and the access to the bike store.
3. The access door to the flats is located within a recess which is in excess of 600m the advisable maximum recess. Due to this risk this door must be on an access control system and to PAS24:12 standards the minimum for security.
4. The construction of the roof and sides of the access tunnel must have adequate fire protection. It has been known for stolen vehicles to be parked in such access tunnels and set alight with obvious risks to the residents.
5. Each floor has marked a communal access/escape door. In order to segregate the floors and provide additional security these doors should be

on the access control system but with thumb turns on the inside to allow for fire exit.

Environmental Protection

No objections subject to standard informatives relating to construction sites and air quality measures.

Economic Development Officer

No comment.

The Coal Authority

No objection subject to a condition to secure the recommendations of the Coal Mining Risk Assessment.

Avon Fire and Rescue

No response

Transportation D.C.

No objection subject to:

- A S106 Agreement to secure £25,000 towards the cost of provision and/or improvement to any traffic measures (including the promotion, making and implementation of any associated traffic regulation, parking or other formal order or notice) in the vicinity of the development site.

Conditions to secure the following:

- The vehicular access to the site shall be constructed in accordance with the Council's standard of construction details and to the full satisfaction of the highway authority.
- Prior to occupation of the building, provide off-street parking in accordance with the submitted plan and thereafter maintain these satisfactorily.

Urban Design

No objection subject to standard materials condition.

Trading Standards and Licensing

No objection. The applicant should be informed of the weight restrictions within the vicinity of the site.

Strategic Planning

No objection in-principle to a mixed-use development with retail uses at ground floor which is consistent with existing and emerging policy subject to any detailed design considerations which are relevant (including South Gloucestershire Local Plan (Adopted) 6th Jan 2006 Policy RT9, Core Strategy Policies CS1 and CS14 and Emerging PSP28 (part 4) and PSP29).

New Communities

The proposal for 10 dwellings within the Urban Area with a combined gross floor space of no more than 1000 sq.m. falls below the minimum threshold for S106 contributions to New Communities.

Housing Enabling

The proposal falls below the threshold for an affordable housing contribution.

Other Representations

4.3 Local Residents

5no. letters/e-mails of objection have been received from local residents; the concerns raised are summarised as follows:

- More commercial units are not necessary; there are already empty units available.
- Insufficient car parking provision will result in increased overspill parking.
- Loss of view from kitchen window of Flat 4 Dedication Court, Beaufort Rd.
- Loss of light to neighbouring flats and houses.
- Disruption to neighbours.
- Not in-keeping.
- The retail units will result in increased litter and anti-social behaviour already experienced due to the high volume of take-aways in the area.

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 The acceptance in principle of a residential development of flats (14no.) with access off Broad Street; has already been established with the grant of planning permission PK08/0953/F. The current proposal is similar to that previously approved in that it proposes 10no. 2 x bed flats, but with a retail element of 3no. units on the ground floor.
- 5.7 Core Strategy Policies CS14 and CS29 support development that protects and enhances the vitality and viability of existing Town Centres including Staple Hill, in recognition of their retail, service and social functions. The site lies within the Secondary Shopping Frontage of Staple Hill as defined by Local Plan Policy RT10, which permits the change of use of existing A1 retail units provided that the established character, vitality or civic role of the frontage is not undermined and the proposal would not result in unacceptable environmental or transportation effects or would prejudice residential amenity.
- 5.8 47 Broad Street, although previously in sui generis use, is shown in the PSP as Secondary Frontage and is clearly considered to be a Town Centre Site. The PSP Plan (Policy PSP29) shows it specifically as forming part of the Secondary Shopping Frontage of Staple Hill. The proposed policy is clearly supportive of providing and retaining retail uses at ground floor level in this location. The proposal for 136.6 sq.m. of retail floor-space would also contribute to delivery of a strategic allocation of around 500 sq.m. of comparison floor-space to Staple Hill in the period to 2021 (PSP 28).
- 5.9 Furthermore, Local Plan Policy RT12 supports the residential use of upper floors of new premises within town centres.
- 5.10 Having regard therefore to the above, there can be no in-principle policy objection to the proposed mixed use of this site for scheme of 3 (A1) retail units on the ground floor and 10no. flats (C3) above, subject to the criteria listed in Policy RT1, which permits retail and other development appropriate to a Town Centre location including Staple Hill, provided that:
- A. It would not detract from the overall vitality and viability of the Centre; and**
- 5.11 It has already been established that the proposed retail element conforms with the vision for Staple Hill and would positively contribute towards the viability and vitality of the Town Centre. Criterion A is therefore met.
- B. It would be consistent with the scale and function of the centre;**
- 5.12 Policy RT1 supports and promotes mixed use schemes of retail on the ground floor and residential above. The location is a densely developed street (Broad Street) within the Staple Hill local shopping centre. The buildings around the site exhibit a wide variety in purpose, age, scale and design. Officers consider

the proposal to be appropriate to the character of the area and complimentary to the surroundings.

Urban Design

- 5.13 The design has been informed by the Library building to the west, the 3-storey apartment block to the rear and to some extent the vehicle repair centre to the east. As such a 3/4-storey building is considered appropriate in scale. The 'L' shaped strategy of the previous consent has been replicated as this is considered to make the most efficient use of the site.
- 5.14 The street elevation has now been aligned with that of the library, this would allow the retail units to trade externally. The third floor would be provided with a large set-back which has the effect of stepping down to the two commercial storeys of the neighbouring building to the east.
- 5.15 The dwellings propose to reinterpret the familiar vernacular buildings with contemporary crisp design elements. The scheme has been re-designed to incorporate a number of elements requested by the Council's Urban Design Officer. Subject to conditions to secure the material details and security measures advised by the Crime Prevention Officer, there are no objections in design terms. Criterion B is therefore met.

C. It would be accessible to public transport users, pedestrians, cyclists and those with special mobility needs; and

- 5.16 The site lies within a highly sustainable Town Centre location with immediate access to shops, pubs, cafes, restaurants, public services and main bus routes. Page Park lies only 100m to the east and Kingswood Leisure Centre is a modest walk to the south. Several schools lie within the vicinity of the site. The Bristol/Bath Cycleway is a short distance away and a secure cycle store is proposed on the site. Building Regulations would ensure adequate access to the building. Criterion C is therefore met.

D. It would not have unacceptable environmental or transportation effects, and would not prejudice residential amenity; and

Transportation Issues

- 5.17 Staple Hill is a busy local shopping centre and parking on Broad Street comes at a premium. The surrounding streets to the application site are mainly residential and there are existing parking issues on some of these roads. The proposed new access onto Broad Street would require a break in the existing designated parking spaces which are protected by an existing TRO (Traffic Regulation Order).
- 5.18 In response to initial concerns raised by the Council's Transportation Officer, a Transportation Statement has now been submitted along with revised plans and a swept Path Analysis Diagram which demonstrates that vehicles can exit the site in forward gear. The applicant has also confirmed that he is prepared to pay the £25,000 towards the cost of provision and/or improvement to any traffic measures (including the promotion, making and implementation of any

associated traffic regulation, parking or other formal order or notice) in the vicinity of the development site. This would be secured by S106 Agreement

- 5.19 The development proposes 10no. off-street car parking spaces i.e. 1 space for each of the 10 x 2 bed flats. No spaces are proposed for visitors or for the retail units. The Council's parking standards however, would require this development to provide 21 spaces i.e. 15 for the residential element and 6 for the retail units.
- 5.20 The parking standards for the retail units are set within Local Plan Policy T8 and these are maximum standards. The policy allows the provision of up to 1 space per 20 sq.m. of retail floor space. Policy T8 however describes how provision below the maximum or car free development can be acceptable in locations that have good access to non-car modes of travel and where there is adequate public parking.
- 5.21 There are a total of 4 car parks in the area and parking is free. The closest public car park to the application site is in Byron Place approximately 100m away with a 2 hour waiting limit. There is a long stay car park in Page Road which is approximately 450m away from the site.
- 5.22 The site is considered to be highly accessible and there is public parking either in the public car parks or on the road, within dedicated bays. Providing no parking for the retail units is therefore wholly in accordance with Policy T8. Moreover, given that the retail units would form part of the overall retail offering within Staple Hill, it is expected that the majority of customers trips generated by the proposed units would be linked trips.
- 5.23 Moving to the parking provision for the proposed residential units i.e. 10 x 2 bed flats; the Council's Residential Parking Standards SPD does allow for flexibility when applying the standards. The SPD describes how there can be extenuating circumstances to justify a departure from the parking standards. In such cases a 'Transport Statement' is required.
- 5.24 In this case, consideration must be given to the planning history of the site. In 2008, the Council approved a scheme (PK08/0953/F) for the erection of 14no. self-contained flats with only 7no. car parking spaces. The consent was conditional on the applicant signing a S106 Agreement to secure a financial contribution toward traffic management and road safety to include a requirement to amend the existing legal TRO. The legal agreement was signed 14th July 2008 but the scheme was never implemented.
- 5.25 Having regard to the above, subject to a sum of £25,000 being secured by S106 Agreement towards the provision and/or improvement to any traffic measures (including the promotion, making and implementation of any associated traffic regulation, parking or other formal order or notice) in the vicinity of the site, there are no highway objections to the proposed scheme.

Environmental Issues

- 5.26 The submitted Coal Mining Risk Assessment has identified the possibility of shallow mine workings beneath the site. The report recommends that, prior to

development, intrusive site investigations are carried out to ascertain the exact situation. If coal workings are encountered, remedial works will be required to ensure the safety and stability of the proposed development. Subject to a condition to secure the above works and if necessary, remedial measures, the Coal Authority raises no objection.

- 5.27 The site does not 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. The roof of the proposed building would be constructed in such a way that solar panels could be erected on it at some time in the future.
- 5.28 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.
- 5.29 The proposed development is sited within the Staple Hill Air Quality Management Area (AQMA). As such, the development could introduce new receptors into an area of poor air quality, particularly in relation to the residential units fronting directly onto Broad Street.
- 5.30 However, as the proposal introduces residential receptors to the first, second and third floors, this presents less of an exposure risk to the new occupants because they will be further away (in terms of height) from the traffic and therefore, the source of pollution. Also when the nitrogen dioxide concentrations at the nearest SGC monitoring site (site 71) are considered, these show the levels of nitrogen dioxide have been below the target set to protect human health (annual mean objective $40 \mu\text{g}/\text{m}^3$) in recent years.
- 5.31 It is strongly recommended, however, that while the development itself is unlikely to contribute significantly to pollution levels within the AQMA, all due consideration should be given to minimising any potential adverse effects on air quality and lessening the cumulative impacts of small scale development in the AQMA. Such measures could include the installation of gas fired boilers to meet a minimum emission standard of $<40\text{mgNO}_x/\text{kWh}$ and the provision of electric vehicle charging points for the residential units. This information can be the subject of a further informative.

Impact on Residential Amenity

- 5.32 Officers have noted that the scale and position of the proposed building is similar to that approved under planning permission PK08/0953/F, when no objection was raised regarding overbearing impact or loss of light to neighbouring property. The building would sit between the existing library building and car service depot. Whilst acknowledging that some overlooking of neighbouring property is to be expected in a densely populated urban environment, a reasonable level of privacy should be maintained. The only residential properties likely to be affected by overlooking or inter-visibility lie to the north and west.

- 5.33 The building to the north has a facing gable end within which there do not appear to be any habitable room windows. To the west however, there are facing windows in the flats both above and to the rear of the Library. These windows would be in relatively close proximity to the windows proposed at first, second and third floor level in the western elevation. These windows serve bathrooms, stairwells and open plan dining/kitchen/living areas. The latter are also served by large windows in the east elevation which provide the principal source of light and main view to the room (this is consistent with the observations of the Inspector for the appeal against refusal of PK07/2461/F). Officers therefore consider that, any loss of privacy due to overlooking or inter-visibility with the existing windows to the west, can be adequately mitigated by imposing a condition to obscurely glaze the west facing windows on the top three floors of the proposed building. Adequate boundary treatments could be secured by condition to provide adequate screening at ground floor level.
- 5.34 An area of communal amenity space would be provided to the west and north of the building and it is noted that this space is larger than that previously approved for a scheme of 14 flats. The Inspector for the appeal relating to PK07/2461/F noted that the site lay in a densely developed urban area and that the one/two bedroom flats would be unlikely to be occupied by families with children; as such no objection was raised on amenity space grounds.
- 5.35 The current proposal is for only 10 x 2 bed flats and the scheme incorporates open balconies and Juliet balconies along with a terrace to the front of flat 10. Such amenity space provision is in line with the standards quoted in the emerging PSP policy 39. On balance therefore the amenity space provision is acceptable.
- 5.36 Given that the residential element would be situated above shops, officers consider it justified to impose a condition to restrict the opening hours of the shops. The applicant has not indicated any proposed opening hours but officers consider that a condition to limit opening to 07.30 to 18.00hrs Mon to Sat with no opening on Sundays or Bank Holidays to be reasonable. Any future proposed extension of these hours could be assessed on there individual merits. Having regard to the above, Criterion D is met.

E. It would, include residential accommodation or other non-retail uses appropriate to a town centre on upper floors.

- 5.37 The top three floors above the retail units would comprise 2 bedroom flats so criterion E is met.

Landscape Issues

- 5.38 The site is previously developed and contains no vegetation or landscape features of note. There are no boundary treatments or proposed landscaping indicated on the submitted plans but these matters can be secured by condition.

Ecology

5.39 The site lies in an urbanised area and being previously developed land is entirely laid to hard-standing. The proposal is not therefore considered to have any ecological implications.

Affordable Housing

This application seeks planning permission for the development of 10 no. 2 bed flats and 3 no. commercial units, 10 car parking spaces and associated works. The site measuring 0.07 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.

5.41 Regards should be given for recent government policy amendments to the National Planning Policy Framework (NPPG) 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 670.50m².

5.42 With regards to Core Strategy Policy CS18 and in light of this new government policy (Nov 2014) there is not a requirement for affordable housing.

Education Service and New Communities

Following the recent amendments to the NPPG this proposal for 10 units on a site measuring 0.07 ha within the urban area and a combined gross floor space of less than 1000sq.m, falls below the threshold for contributions to education or new communities.

S106 and CIL Matters

5.44 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.

5.45 In this instance the proposal falls below the threshold for affordable housing or tariff style contributions.

5.46 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 by 1st August 2015. To date CIL charging has not commenced.

5.47 Planning Obligations

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

In this instance, it is considered that the planning obligation relating to a transportation contribution is required to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122).

5.48 Regulation 123 also limits to 5 (back dated to April 2010) the number of S106 agreements that can be used to fund a project or type of infrastructure, from the point at which the Council commences charging the CIL or after April 2015. CIL charging has not commenced and officers have confirmed that the contributions sought would not exceed the threshold of 5 S106 Agreements for the off-site provisions i.e. the transportation contribution.

5.49 Other Issues

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

- Whilst it is not unusual to find some vacant retail units in Town Centres the current number of vacant units in Staple Hill is most likely a result of the recent economic recession. In all likelihood these units will be taken up as the country comes out of recession. The proposed retail units make a positive contribution to the additional retail space planned for Staple Hill (see para. 5.8 above) and are therefore considered to be necessary.
- There is no right to a view across land in private ownership, so loss of view is not a material consideration in the determination of this application. In terms of outlook, in the context of the existing street scene, the building is not considered to be unsightly and would compliment the street scene.
- The retail units are restricted to A1 use only and as such are unlikely to result in increased litter or anti-social behaviour. Hot food take-aways now fall under a different use class (A5) so any proposed change of use would require planning permission in its own right during which the issues of litter and anti-social behaviour would be assessed.

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 (1) That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:

- (i) To pay the Council the sum of £25,000 towards the cost of the provision and/or improvement to, any traffic measures (including the promotion, making and implementation of any associated traffic regulation, parking or other formal order or notice) in the vicinity of the site

The reasons for this Agreement are:

- (i) To meet the costs associated with any new or variation in the Traffic Regulation Order relating to Broad Street in the interests of highway safety on Broad Street in accordance with Policy T12 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.

- (2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.

7.2 Should the agreement not be completed within 6 months of the date of the decision notice, that delegated authority be given to the Director of Environment and Community Services to refuse the application.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. Prior to the commencement of the development hereby approved, site investigation works shall be carried out to identify if any shallow mining works are present beneath the site. In the event that the site investigations confirm the need for remedial works to

treat any mine entries and/or areas of shallow mine workings these works shall be carried out prior to the commencement of the development.

Reason

To ensure the safety and stability of the proposed development having regard to past Coal Mining within the area and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013. This is a prior commencement condition to ensure that the site is safe for development before works commence.

3. Details of all boundary treatments (walls, railings or fences) to be erected/retained on the site shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the development commences and the development shall only be carried out in accordance with the details so approved. The boundary treatments as approved shall be erected prior to the first occupation of the building.

Reason

To protect the character and appearance of the area and to protect neighbouring residential amenity, to accord with Policies L1 and RT1 respectively of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013.

4. Prior to the first use or occupation of the relevant flats hereby permitted, and at all times thereafter, the proposed first, second and third floor windows on the west elevation of the building hereby approved shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the requirements of the NPPF and Policy RT1 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5. The hours of working on site during the periods of demolition and construction shall be restricted to 07.30hrs to 18.00hrs Mondays to Fridays inclusive, 08.00hrs to 13.00hrs Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: deliveries of construction materials, the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the requirements of the NPPF and Policy RT1 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

6. Prior to the commencement of the development hereby approved, drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts within the

development shall be submitted for approval in writing to the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. This is a pre-commencement condition because any prior development could sterilise the ability to implement the drainage scheme.

7. The approved car parking, cycle parking and turning arrangements (shown on the Proposed Site Plan no. PJ SH P02 Rev D) shall be provided prior to the first occupation of the building for the purposes hereby approved and shall be permanently retained as such thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and The South Gloucestershire Council Parking Standards SPD (Adopted) 2014.

8. The development hereby permitted shall not be occupied nor the use commenced until the means of vehicular, pedestrian, and cyclist access (shown on Proposed Site Plan Drawing No. PJ SH P02 Rev D) has been constructed in accordance with the Council's standard of construction details and to the full written satisfaction of the highway authority and is available for use in accordance with the approved plans. There shall be no obstructions to visibility exceeding 0.9 metres in height within the splayed areas.

Reason

In the interests of highway safety, to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

9. Notwithstanding the details shown on the approved plans, prior to the commencement of the relevant sections of the development hereby approved, details or samples of the roofing and external facing materials proposed to be used, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

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

10. Notwithstanding the details shown on the plans hereby approved. the development shall incorporate all of the safety features recommended by the Avon and Somerset Police Crime Prevention Design Officer dated 24/3/2015, a copy of which is available to view on the Council's Website.

Reason

In the interests of crime prevention and to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and paras. 58 and 59 of the NPPF.

11. The retail use/units hereby permitted shall not be open to customers outside the following times : 07.30hrs to 18.00hrs Mon to Sat with no opening on Sundays or Bank Holidays

Reason

To protect the privacy and amenity of occupiers of the associated flats, and to accord with the requirements of the NPPF and Policy RT1 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

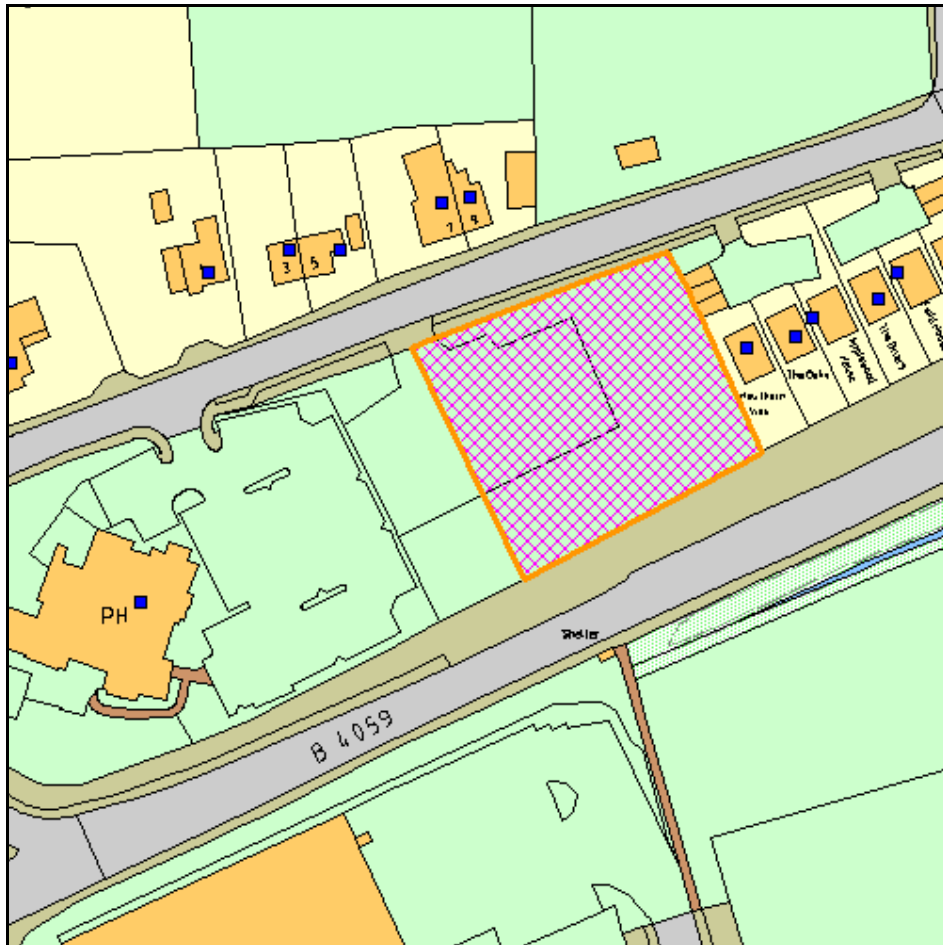
12. Prior to the commencement of development a scheme of landscaping, which shall include proposed planting (and times of planting) and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013. This is a pre-commencement condition to ensure a satisfactory scheme of landscaping can be secured prior any works commencing that may affect the scheme.

CIRCULATED SCHEDULE NO. 26/15 – 26 JUNE 2015

App No.:	PK15/0671/O	Applicant:	Elson HomesChatford Properties
Site:	Land South Of Broad Lane Yate Bristol South Gloucestershire BS37 7LD	Date Reg:	25th February 2015
Proposal:	Erection of 9no. dwellings (Outline). All matters reserved.	Parish:	Iron Acton Parish Council
Map Ref:	369955 183496	Ward:	Ladden Brook
Application Category:	Major	Target Date:	22nd May 2015



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 100023410, 2008. **N.T.S.** **PK15/0671/O**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is to appear on circulated schedule due to a number of objections from local residents.

1. THE PROPOSAL

- 1.1 The application relates to a 0.21 hectare plot of land, located between Yate and Engine Common. The site is enclosed by Goose Green Way to the south and Broad Lane to the north and was formerly a garden centre. To the west of the site is The Fox public house and ancillary car park and to the immediate east is a small recent development of 14no. detached houses.
- 1.2 The application site vacant, with extensive hardstanding. The embankment alongside Goose Green Way is partly vegetated. The site is accessed via Broad Lane. A strip of land to the east is proposed to belong to The Fox public house to potentially extend their car park in the future; this proposal is not included in this application and an application has not been submitted to date.
- 1.3 The application site is situated within the settlement boundary of Yate.
- 1.4 The original proposal sought permission for 10.no dwellings (outline) with all matters reserved. The Officer advised the agent of concerns about the number of dwellings proposed was too high; subsequently the agent reduced the scheme to 9no. dwellings. The indicative proposed site layout shows 9no. 3-bedroom dwellings are to be erected in semi-detached pairs with a single detached dwelling on the eastern end on the site with all matters reserved. The proposed density would be 42 per hectare.

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 Presumption in Favour of Sustainable Development

CS5 Location of Development

CS9 Managing the Environment and Heritage

CS13 Non-safeguarded Economic Development Sites

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

CS18 Affordable Housing

CS30 Yate and Chipping Sodbury

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

L1 Landscape Protection and Enhancement

- L5 Open Areas within the Existing Urban Areas and Defined Settlement Boundaries
- L9 Species Protection
- EP2 Flood Risk and Development
- EP4 Noise Sensitive Developments
- T7 Cycle Parking
- T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

- South Gloucestershire Design Checklist SPD (Adopted) 2007
- Trees on Development Sites SPG (Adopted) 2005
- Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|-------------|--|
| 3.1 | PK12/0397/F | Site to the east, on Broad Lane:
Erection of 14no. dwellings with access, landscaping and associated works
Approved 27.06.12 (S106) |
| 3.2 | PK10/0006/F | Erection of 2no. two storey office blocks for B1a Office Use as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with access parking and associated works. (Resubmission of PK09/0891/F)
Approved 23.03.11 |
| 3.3 | PK05/1503/F | Site to the west, on the corner of Goose Green Way/North Road junction:
Erection of public house/restaurant (Class A4) (as defined in the Town and Country Planning (Use Classes) Order 2005) with managers living accommodation and associated car parking.
Approved 31.05.06 |
| 3.4 | PK04/1077/F | Erection of Nursing home with associated car parking and landscaping
Refused 09.07.04 |
| 3.5 | PK02/2636/F | Erection of 3 No. office units. Creation of new road junction (Broad Lane/North Road) and associated works.
Refused 27.06.03 |

4. CONSULTATION RESPONSES

4.1 Iron Acton Parish Council

OBJECT - Over development of site, too dense with associated concerns of traffic / parking & movement at the junction with North Road which conflicts with the traffic lights at Iron Acton Way also to add buffer between the pub and the car park

4.2 Lead Local Flood Authority

No objection in principle to this application subject to the following comment and advice. The proposed method for foul sewage disposal for the proposed buildings is queried. The preferred method for foul sewage disposal is to connect to a public foul sewer. If this is not economically viable by gravity or pumping, a Package Sewage Treatment Plant is required.

Flooding from mining drainage levels: This site is within the former Bristol coalfields. No mine shaft or adit must be filled or grouted in such a manner that underground mining drainage levels or culverts are likely to become blocked or sealed in order to avoid flooding or water emergence. A mining report should be provided for assessment.

4.3 Landscape Officer

The proposed development is acceptable with regards to Policy L1 and CS1. A detailed landscape plan should be submitted, which should include buffer planting on the western boundary, and a detailed management plan for the hedgerow to ensure it continues to provide an effective screen in the future.

4.4 Sustainable Transport

The site has a long planning history including planning consent for an office development on the same site. Although this may have lapsed, it is considered to be a 'material' consideration when assessing this application for housing development.

In view of this therefore, there is no 'in-principle' highway objection to this subject to the following:

- Details of visibility splays from the new site accesses onto the public highway must be submitted for written approval of the Council;
- Adequate provision must be made for parking on site;
- According to the South Gloucestershire Council Residential Parking Standards SPD parking requirement for 3 and 4 bed dwelling are 2 spaces each. For five bed dwelling, 3 spaces are required. Additional to allocated parking for each dwelling on site, visitors' parking are also required.
- Suitable turning and manoeuvring area is needed on site to ensure that vehicles can access and egress the site access in forward gear. Auto-track details may have to be submitted to prove suitable space on site for turning and manoeuvring;
- Any new garage on site must have minimum internal dimension of 3m (wide) by 6m (long).

As this is in form of 'outline' application with all matters except for access as reserved then, we require the applicant to submit details of visibility splays from site access on to public highway in line with visibility standards as required under 'Manual for Streets' document. This must be submitted before final recommendation on this application.

4.5 Wessex Water
Bristol Water responsible for water supply in this area.
Separate systems of drainage will be required to serve the proposed development.
No surface water connections will be permitted to the foul sewer system.

4.6 Avon Fire and Rescue
No comments received.

4.7 Tree Officer
In order to fully assess this site, Officer's require a tree survey, Arboricultural Implications Assessment, Arboricultural Method Statement and a tree protection plan.

FINAL COMMENTS – A tree survey to BS5837:2012 has been submitted with proposals for a 'no-dig' type of construction within the RPA of T01. Given the proximity of the existing highway it would be necessary to receive a detailed method statement showing the proposed depth of cellular confinement to be used and the existing/proposed levels in proximity to the site entrance from Broad Lane to show the viability of tying the no-dig driveway into the existing highway.

Additional information to assess the viability of the no dig parking area adjacent to T01 is required in the form of a method statement and existing/proposed levels in proximity to the site entrance.

4.8 Ecology Officer
An Ecology Appraisal has not been provided. However, other than the fringing vegetation, which will be retained, there is likely to be little ecological interest at the site. It is proposed that the southern boundary along Goose Green will be enhanced with further tree planting, which is welcomed.

4.9 Children and Young People
No comments received.

4.10 Community Services
This application for the erection of 10 dwellings now falls below the threshold for Community Services S106 requirements in accordance with Paragraph 012 of the National Planning Practice Guidance, the application site falls with the Yate boundary and is therefore not 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. Please find below design guidance for the storage and collection of domestic waste and street lighting.

4.11 Environmental Protection
The applicant will need to provide an acoustic report detailing how noise from the B4059 Goose Green Way, Broad Lane and from the Fox Inn will affect the proposed development.

- 4.12 Avon Wildlife Trust
No comments received.
- 4.13 Housing Enabling
With regards to Core Strategy Policy CS18 and in light of this new government policy (Nov 2014) there is not a requirement for affordable housing.
- 4.14 Spatial Planning Team
No comments received.
- 4.15 Bristol Water Plc
No comments received.
- 4.16 Police Community Safety
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.
- 4.17 Highway Structures
The land south of Broad Lane is located inside of the 7.5 tonnes heavy commercial vehicle 'except for loading' environmental weight restriction on Broad Lane, Yate. This in itself will not cause any driver of a LGV associated with site development any problems.
However, there is a 7.5 tonnes heavy commercial vehicle 'except for loading' environmental weight restriction on North Road, which is only a few metres from the junction of both roads.
There are a variety of other vehicle weight restrictions that may have an indirect impact for operators and drivers of large goods vehicles attending the site.
- 4.18 The Coal Authority
The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

Other Representations

- 4.19 Local Residents
Five objections have been received from local residents:
- Vehicle congestion on Broad Lane, already busy due to Council depot, HGVs, large car park that serves The Fox and North Road primary school and Yate Town football club;
 - Could cause accidents;
 - Site should be developed to be in keeping with the existing properties, i.e. 3-4 bedroom detached houses or bungalows;
 - 10no. houses too many to squeeze in;
 - Over-development of the site will result in more on-road parking, a danger to children on school route and nuisance to residents;

- Surrounding site generally rural and spacious nature, proposal is out of character;
- Only one practical access route for traffic from North Road;
- Junction is already very busy “rat run”, substandard and too close to North Road/B4059 junction;
- Additional cars will exacerbate access situation;
- Site adjacent to a large public house and outside children’s play area potential noise issue to new houses;
- Object to current proposal, not principle of development of small site into housing;
- Inadequate off-street parking;
- The Fox car park already overflows onto Broad Lane;
- Newlands site of 14no. houses more in-keeping with the area;
- Too many small properties in a small area for families would be better smaller accommodation for older people.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks outline planning permission for the erection of 9no. dwellings, with all matters reserved. The application site lies within the defined settlement boundary for Yate. Therefore policies CS5, CS15, CS17 and saved policy H4 establish that residential development may be acceptable in principle subject to a detailed analysis of the proposal.

5.2 Policy CS5 of the adopted Core Strategy sets out that outside the Green Belt, small scale development may be permitted within the settlement boundaries of villages defined on the Policies Map. The application site is brownfield land that would provide additional housing provision that would boost local housing supply. To boost the supply of housing is afforded significant weight in favour by the National Planning Policy Framework (2012). As such, the proposed residential development is considered to be acceptable in principle.

5.3 Policy CS13 of the Core Strategy (adopted 2013) states that proposals for change of use on economic development sites not safeguarded in Policy CS12, within settlement boundaries of the urban areas and villages defined on the Proposals Map, will not be allowed unless it can be clearly demonstrated that all reasonable attempts have failed to secure a suitable economic development re-use. Where these circumstances occur, then priority will be given to alternative uses in the following sequence: 1) a mixed-use scheme; 2) a residential only scheme. In some cases a mixed use or residential scheme may be the most sustainable and appropriate solution for a site.

5.4 The agent has advised that planning permission for a wider scheme for two office (B1 use) blocks were permitted in 2010 (Ref. PK10/0006/F). However, this permission was never implemented and the land to the east has since been redeveloped for residential development with 14no. new houses (Ref. PK12/0397/F) and to the west is the public house and car park on the junction of Goose Green Way and North Road (Ref. PK05/1503/F). This has left the central area for re-development and is currently only being used for temporary

commercial activities, such as selling Christmas trees. The land is largely vacant and according to the Council's aerial photographs it does not appear to have been occupied since before July 2008. Given the recent economic climate, no occupiers were found to implement the 2010 office development. Furthermore, the site is previously developed land. As the land has remained largely empty and under-used since approximately 2008, it is in the interests of the local community to redevelop this parcel of urban land. The use of the land for residential purposes is considered more in-keeping with the immediate context of the site, with existing older houses on the north side of Broad Lane and nearby North Road and the newer development of 14no. houses immediately neighbouring site. There are eight much larger and more established economic development sites in the Yate and Chipping Sodbury area that have been safeguarded under Policy CS12. The Officer considers that Policy CS13 has been satisfied, it supports the re-use of the site for residential development providing two dwellings to the benefit of the neighbouring occupiers and local area.

- 5.5 Change of use to residential will only be allowed where appropriate in terms of flood risk in accordance with Policy CS9. Policy CS9 of the Core Strategy seeks to protect and manage the environment and its resources in a sustainable way, new development will be expected to be located away from areas of flood risk. New development has a significant role to play in managing flood risk by minimising its own surface water run-off through use of Sustainable Drainage Systems (SuDS). The site is not located within any flood risk zone.
- 5.6 The National Planning Policy Framework (2012) makes it clear that permission should be refused for poor design that fails to take opportunities available for improving the character and quality of an area. Policy CS1 of the Core Strategy seeks to ensure that development proposals demonstrate that siting, form, scale, height, massing, detailing, colour and materials are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.7 Saved Policy T12 identifies factors relating to parking, access and highway safety that must be taken into consideration. Residential Parking Standards SPD (Adopted) December 2013 advises on the minimum parking standards.
- 5.8 The proposal is considered acceptable and complies with local and national planning policies.
- 5.9 Density and Efficient Use of Land
The site area is approximately 0.21 hectares and the number of dwellings proposed is 9no.' therefore, the proposal falls under the affordable housing threshold following the changes to national policy in November 2014. The original proposal for 10no. dwellings results in a dwellings per hectare of 47.6; the revised proposal proposes 42.8 dwellings per hectare. The revised figure is only slightly more than the neighbouring Newland development site (38 dwellings per hectare). The indicative site layout will retain the existing landscaping, which will be further enhanced, provide adequate access and a

sufficient level of parking. The proposal is considered to make the most efficient use of the land that is compatible with the site given the location.

5.10 Design and Visual Amenity

Only development that meets the highest possible standards of design and site planning are permitted under policy CS1. This policy requires development proposals to demonstrate that the siting, form, scale, height and massing respect and enhance the character of the site.

5.11 The locality is characterised by Goose Green Way and the trading estate to the south and linear settlement of Engine Common extending along North Road to the north-west. To the west of the application site is a public house located on the junction. Along Broad Lane to the north-east is the Council's depot. Engine Common is characterised by a range of dwelling types and styles of varying plot size. The application site is square, with the embankment along Goose Green Way is vegetated and slopes up.

5.12 The indicative site layout of the application site generally consists of four pairs of semi-detached dwellings with a single detached dwelling on the eastern end. Parking would be to the rear of the properties off Broad Lane and gardens along the front facing south. The original proposal was for three rows of terraced dwellings (10no. dwellings in total) which appeared cramped and incongruous. Although the proposal has only been reduced by 1no. dwelling, given the area is characterised by pairs of semi-detached houses of varying styles and sizes, the site appears more akin to the surrounding pattern of development. In terms of the scale of the dwellings, these would be significantly smaller than the office blocks previously approved on this site and the overall amount of development is also significantly less. The proposed scheme is not considered to be wildly different in terms of scale, siting and overall layout of the neighbouring Newland Homes development.

5.13 It is therefore considered that the illustrative layout of development respects the character of the locality and complements the existing larger development on the neighbouring site, providing a variety of housing types and styles with smaller dwellings. The proposed development would integrate into the surrounding area, and with additional soft and hard landscaping would achieve the highest possible standard in site planning and design. On this basis, the application is considered acceptable.

5.14 Residential Development

Development will not be permitted that has a prejudicial impact on residential amenity of nearby occupiers or on the application site itself. New dwellings need to demonstrate that they would be subject to a satisfactory level of residential amenity in their own right.

5.15 The nearest neighbouring dwellings lie to the east and on the north side of Broad Lane. It is not considered, given the scale of the proposed buildings comprising two-storey dwellings, the distance to the nearest residential properties and the proposed boundary treatment and landscaping, that there will be any significant detriment to the amenity of neighbouring occupiers by reason of loss of privacy or overbearing or oppressive impact.

- 5.16 Concerns have been raised by a local resident about the neighbouring public house and outside children's play area causing a potential noise impact on the new houses. The proposed development would be approximately 16 metres from the existing car park, 55 metres from the public house and approximately 80+ metres from the children's play area. The Environmental Protection Officer has advised that it is acceptable to provide an acoustic report detailing how noise from Goose Green Way, Broad Lane and The Fox Inn will affect the proposed development at Reserve Matters stage and as such, there is no objection to the proposal. A planning condition will be attached to ensure an acoustic report is provided at the Reserved Matters stage.
- 5.17 In addition, the Officer considers there to be physical mitigating measures within the vicinity of the site. There is potential to have a buffer along the west side of the development, with additional planting and acoustic fencing, if necessary. There are neighbouring properties to the north along Broad Lane which lie a similar distance away; therefore it is considered that any impact from the existing public house could be mitigated at the Reserved Matters stage on agreement of acoustic boundary treatments, additional landscaping and the design of the dwellings.
- 5.18 In terms of the relationship between the buildings themselves, each new dwelling would have a small area of amenity space at the front and a larger, private rear garden. This is considered to be sufficient private amenity space to serve a 3-bedroom dwelling.
- 5.19 It is also recommended that a condition is attached to restrict the hours of working during the construction of the development to protect the amenity of the existing neighbouring occupiers. Overall it is considered that the scheme ensures the protection of the amenity of the existing neighbouring occupiers and the amenity of the future occupiers of the site.
- 5.20 Transport, Access and Off-street Parking Provision
Development must provide a safe means of access that is capable of supporting all vehicular, pedestrian, and other forms of movement generated by the proposal. Development must also ensure that adequate levels of off-street parking are provided on site and that the proposal is not harmful to highway or pedestrian safety.
- 5.21 The planning history for the site includes two recent permissions, including 2no. office buildings on the site and the neighbouring site on which 14no. dwellings have been constructed. With the current proposal, the applicant is seeking to redevelop part of the original site for residential purposes. It is considered that traffic associated with the proposed residential use would be significantly less than the traffic generation from the previous office development (Ref. PK10/0006/F).
- 5.22 There is currently one existing access to the site. The illustrative site layout proposes two new accesses off Broad Lane, to serve the two separate parking areas for the new dwellings. The Transportation Development Control Officer is satisfied that the proposal is acceptable in principle, subject to conditions

requiring details of visibility splays, suitable turning and manoeuvring areas on site, and adequate parking provision being provided within the application site. The Transportation Officer has confirmed that there are no concerns about the use of the existing junction Goose Green Way/North Road or the use of Broad Lane as an access to the development site.

- 5.23 There is concern from local residents that Broad Lane already experiences vehicular congestion due to the Council depot, HGVs accessing the road, the Fox Inn public house and associated car park, and nearby Yate Town Football Club and North Road Primary School. There is concern that the development will result in additional on-street parking as a result, exacerbating the access/junction situation. Officers do not consider the proposal would have a significantly negative impact on Broad Lane in terms of access in parking, in comparison to the previous office buildings permission. The Residential Parking Standard SPD requires development to provide off-street parking facilities commensurate with the size (in terms of the number of bedrooms) of the dwelling. The Transportation Officer has indicated that sufficient parking for visitors within the site would be preferable, at Reserved Matters stage, in order to counter-act any potential on-street parking issues.
- 5.24 It should also be noted that the applicant has indicated that a small parcel of the site is ear marked for The Fox Inn to enlarge their existing customer car park. However, there is no current application for extending the car park at this stage. This expansion could potentially alleviate some of the issues local residents have with the existing Fox Inn public house.
- 5.25 Overall, the proposal is considered acceptable from a transportation and highway safety perspective, subject to conditions relating to details on the visibility splays, suitable turning and manoeuvring areas on site and adequate parking provision for occupants and visitors.
- 5.26 Ecology, Landscaping and Trees
Saved policy L9 of the adopted Local Plan considers the impact of development upon protected species. Development that would directly or indirectly have an adverse impact on nationally or internationally protected species of flora or fauna will not be permitted unless any damaging effects are capable of being avoided, overcome or offset by mitigation measures.
- 5.27 The application site is dominated by hard-standing, with a narrow band of scrub trees along the southern and northern boundaries. To the north-east of the site is an Oak tree covered by a TPO. The application site is located between the more rural Engine Common to the north and the edge of Yate and its main road Goose Green Way to the south. The site is surrounded by built development, with Broad Lane giving access to a Safeguarded Employment Area to the north-east of the site. Furthermore, the site is previously development land. Since the site lies within the Urban Area, it is acknowledged that the site forms a visual break between Yate and Engine Common.
- 5.28 An Ecology Appraisal has not been provided, however than the fringing vegetation, which will be retained, there is likely to be little ecological interest at the site. The southern boundary along Goose Green Way will be enhanced with

further tree planting. The Ecology Officer has recommended a condition is attached at Reserved Matters stage for additional tree planting of native species.

- 5.29 The indicative site layout suggests the proposed parking would be in close proximity to the existing TPO Oak tree. Apart from the access points to the site, the existing hedgerow on the frontage of Broad Lane would be retained. A tree survey has been submitted on the request of the Tree Officer with proposals for a 'no-dig' type of construction. Given the proximity of the existing highway it would be necessary to receive a detailed method statement showing the proposed depth of cellular confinement to be used and the existing/proposed levels in proximity to the site entrance from Broad Lane to show the viability of tying the no-dig driveway into the existing highway. As this application is for outline only with all matters reserved, it is considered appropriate to attach a condition that a detailed method statement and existing/proposed levels in proximity to the site entrance to show the viability of the no-dig driveway into the existing highway would be required by the Tree Officer.
- 5.30 As the existing trees are proposed to be retained and enhanced planting will take place around the site, the proposal will suitably retain and conserve the amenity and existing features of the application site. The proposed development is considered acceptable with regards to saved policy L1 and Policy CS1. The Landscape Officer has recommended the submission of a detailed landscape plan, which should include buffer planting on the western boundary, and a detailed management plan for the hedgerow to ensure it continues to provide an effective screen in the future.
- 5.31 Environmental Issues
The site itself is not currently subject to excessive levels of noise, pollution, smell, dust or contamination as it is a vacant, redundant site. The site has been left as hard-standing. Given the historic use of the site and the recent neighbouring residential development to the east, it is not considered that the residential use of the land would be unacceptable or would be subject to a negative environmental situation.
- 5.32 As covered in paragraph 5.16, the Environmental Protection Officer has advised that an acoustic report is provided detailing how noise from Goose Green Way, Broad Lane and The Fox Inn will affect the proposed development. The Environmental Protection Officer has suggested a condition that information should be provided at the Reserved Matters stage, with particular reference to the Council's planning and noise document and that consideration is given to noise during the design phase, not just the insertion of an acoustic fence/mechanical ventilation at the end. There are no objections in principle from the Environmental Protection Officer, subject to the suggested condition.
- 5.33 Housing Enabling
In respect of Policy CS18 of the adopted Core Strategy and in light of the new government policy (adopted in November 2014), there is no requirement for affordable housing as the scheme falls below the threshold of 11no. dwellings for an affordable housing contribution. In the spirit of Affordable Housing policy, the Council will seek to ensure that the site has not been artificially sub-divided

resulting. In this respect, the Officer has recommended the reduction of the number of units from 10no. to 9no. maximum and therefore, it is not advised that the application site density should reach 11no. dwellings.

5.34 New Communities

This application for the erection of 9no. dwellings now falls below the threshold for Community Services S106 requirements in accordance with Paragraph 012 of the National Planning Practice Guidance, the application site falls within the Yate boundary and is therefore not 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.

5.35 Lead Local Flood Authority

Drainage should be considered as part of the outline planning application. The proposed development has been assessed by the Council's drainage engineers. No objection is raised to development on this site subject to the imposition of a condition requiring a sustainable urban drainage system. The proposed method for foul sewage disposal for the proposed dwellings is queried. The preferred method for foul sewage disposal is to connect to a public foul sewer. If this is not economically viable by gravity or pumping, a Package Sewage Treatment Plant is required. Greater detail of the proposed drainage layout would be required at Reserved Matters stage.

5.36 Coal Mining

The Council's Lead Local Flooding Authority has commented on flooding from mining drainage levels in their drainage comments. However, the Coal Authority has confirmed that the application site does not fall within the defined Development High Risk Area and is located within the defined Development Low Risk Area. As such, there is no requirement for a Coal Mining Risk Assessment to be submitted.

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 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 outline planning permission is **APPROVED**, subject to the attached conditions.

Contact Officer: Katie Warrington
Tel. No. 01454 863436

CONDITIONS

1. Approval of the details of the access, layout, scale and appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority 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).

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

5. Application for the approval of the reserved matters shall be in accordance with the parameters described in the revised Planning Statement (received by the Council on 23rd June 2015) hereby approved.

Reason

In the interests of the residential amenity of neighbouring occupiers and to achieve an adequate standard of design in-keeping with the character of the area. To accord with Policy CS1 of the South Gloucestershire Local Plan: Core SStrategy (Adopted) December 2013.

6. Prior to commencement of development, full details of the accesses, visibility splays onto the public highway, suitable turning and manoeuvring areas within the site (to ensure vehicles can access and egress the site in forward gear. Auto-track details may have to be submitted to prove suitable space on site for turning and manoeuvring), and off-street parking facilities (for all vehicles, including visitors), shall

be provided for approval and agreed in writing with the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason

This is a pre-commencement condition so as to avoid any unnecessary remedial action in the future. To ensure the satisfactory provision of parking facilities, and in the interests of highway safety and the amenity of the area. To accord with Saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), the Council's Residential Parking Standard SPD (Adopted) 2013, and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

7. The reserved matters application shall include details of the following: a scheme of landscaping, which shall include details of all existing trees and hedgerows (including species) on the land and details of any to be retained, together with measures for their protection during the course of the development (including a detailed method statement showing the proposed depth of cellular confinement to be used and existing/proposed levels in proximity to the site entrance from Broad Lane to show the viability of tying the no-dig driveway into the existing highway; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing, shall be submitted to the Local Planning Authority for approval. Development shall be carried out strictly in accordance with the agreed details.

Reason

To protect the character and appearance of the area, to ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the existing trees on site. To accord with Saved Policies L1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

8. The reserved matters application shall include an acoustic report, detailing how noise from the B4059 Goose Green Way, Broad Lane and from the Fox Inn will affect the proposed development, shall be submitted in writing to the Local Planning Authority for written approval. Noise should be assessed against the Council's adopted Planning and Noise Specific Guidance Note 1 (March 2015) and any mitigating measures should be included to show how noise levels have been minimised to an acceptable level, through design, layout and mitigation.

Reason

In the interests of the residential amenity of the occupiers of the development and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Saved Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), and the Council's adopted Planning and Noise Specific Guidance Note 1 (March 2015).

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

Monday to Friday - 07:30 - 18:00

Saturday - 08:00 - 13:00

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 the site.

Reason

In the interests of the residential amenity of neighbouring occupants and to accord with Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

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

Reason

This is a pre-commencement condition so as to avoid unnecessary remedial action in the future and to ensure that a satisfactory means of drainage is provided. To accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 15 – 26/15 – 26 JUNE 2015

App No.:	PK15/1404/RM	Applicant:	Stoford Properties Ltd And ALD Automotive Ltd
Site:	Commercial Land At Emersons Green Urban Village Emersons Green South Gloucestershire BS16 7FQ	Date Reg:	10th April 2015
Proposal:	Erection of a three storey office building with appearance, landscaping, layout, scale and associated development including road infrastructure. (Approval of reserved matters to be read in conjunction with Outline planning permission PK04/1965/O).	Parish:	Pucklechurch Parish Council
Map Ref:	366872 178509	Ward:	Boyd Valley
Application Category:	Major	Target Date:	1st July 2015



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 100023410, 2008. N.T.S. PK15/1404/RM

REASON FOR GOING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because a consultation response has been received which raises concerns contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks reserved matters consent for the erection of a three storey office building and associated development including road infrastructure. The reserved matters, which comprise appearance, landscaping, layout, scale should be read in conjunction with outline planning permission PK04/1965/O for an urban extension on 99 hectares of land including residential development of up to 2550 dwellings and up to 100,000m² of B1, B2, B8 and C1 employment floorspace. This outline consent included details of access to the site as a whole off the Rosary roundabout. The site has the benefit of an approved Detailed Masterplan and approved Design Code.
- 1.2 The proposal relates to 1.58 hectares of land in the allocated employment parcel in the north end of the Emersons Green East (EGE) urban extension. The M4 motorway is located immediately opposite the northern boundary, open space comprising new and existing woodland and a tributary corridor is located on the western boundary, and parcel 15 and a parcel for extra care housing are located immediately opposite the southern boundary. Applications for these neighbouring parcels have not been approved at this point and no other applications for employment development in the remainder of the parcel have been received.
- 1.3 The proposal will provide a total of 3826 square metres of office space over three floors. 125 staff car parking spaces are located to the south of the building, and 131 car storage spaces are located to the north of the building. A new access road is to be formed off the main spine road to serve the proposed development, as well as future employment development in neighbouring employment plots.
- 1.4 The applicant has submitted a statement of compliance, a transport report and occupier travel plan and noise report in support of the application.
- 1.5 The proposed development will allow the business, which employs some 245 staff, to relocate to South Gloucestershire from their existing site in Bristol. According to the applicant, it is predicted that over 100 additional jobs will be created through future expansion.
- 1.6 The site lies within the Emersons Green Enterprise Area.

2. POLICY CONTEXT

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

2.2 Development Plans

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

L1 Landscape Protection and Enhancement

L9 Species Protection

L11 Archaeology

T7 Cycle Parking

T8 Parking Standards

T12 Transportation Development Control Policy

M2 Site 5 Major Mixed use Development at Emersons Green East

EP2 Flood Risk and Development

E3 Proposals for Employment Development within the Urban Area and Defined Settlement Boundaries

South Gloucestershire Local Plan Core Strategy Adopted December 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

CS29 Communities of the East Fringe of Bristol Urban Area

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

Waste Collection: Guidance for New Developers SPD (adopted)

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK04/1965/O - Urban extension on 99 hectares of land comprising of :- Residential development of up to 2550 dwellings; up to 100,000m² of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m² of small scale A1, A2, A3, A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavillion (Class D1) and health centre. Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined.
Approved 14th June 2013.
- 3.2 Development Control East Committee on 15th February 2013 approved the Detailed Masterplan associated with outline planning permission PK04/1965/O at Emersons Green East.

- 3.3 PK10/0473/F Construction of Multi Modal Interchange, Green Road and access to the A4174 Ring Road from Rosary Roundabout. Full planning permission granted 7th January 2013.
- 3.4 Environmental Impact Assessment was carried out for the Outline planning permission for this development and officers can confirm that the current RM application does not raise any issues that would call into question the EIA conclusions.
- 3.5 PK14/0727/RM - Construction of roads 4 and 5 (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK04/1965/O), approval, 11/09/14.
- 3.6 PK15/0681/F (Parcel 11), Erection of 96no. dwellings with associated roads, drainage, landscaping, garages and parking. (Approval of reserved matters to be read in conjunction with Outline planning permission PK04/1965/O), approval, 02/06/15.
- 3.7 PK14/4110/F (Parcel 12), Erection of 99 dwellings with garaging, parking, landscaping and associated works. (Reserved Matters to be read in conjunction with outline planning permission PK04/1965/O, approval, 31/03/15.

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No comments received

Pucklechurch Parish Council
No comments received

- 4.2 Transportation DC Officer
No objection subject to conditions to ensure car/vehicle parking facilities are provided prior to the first use of the building; further details of the access road are submitted and agreed prior to the first use of the building; and an occupier travel plan is submitted and agreed in writing.

- 4.3 Wessex Water
Emersons Green development is subject to an application for an inset arrangement by SSE. If granted by Ofwat, this would result in SSE being the statutory water & sewerage undertaker for the development. Whilst our agreement for bulk supply of sewerage services would dictate connection points for their foul & surface water network to ours, we have no further detailed comments to make on the reserved matters applications.

- 4.4 Archaeological Officer
No objection

- 4.5 Drainage Officer
Objection – the application submission does not refer to, or provide any evidence of compliance with the Emersons Green East Drainage Strategy. Evidence of compliance is required.

Subsequent Comment on Additional Information Submitted

I can now withdraw my objection. I would still apply a SUDS condition, or refer to condition 41 of PK04/1965/O. In order to discharge the condition I would need to see: detailed drainage design; drainage calculations to show there is no flooding on site in any 1in30 year rainfall event and no flooding of buildings in any 1in100year rainfall event; overland flood flow route plan-showing the flood flow routes if the system should block or fail for any reason.

4.6 Tree Officer

The planting within the parking looks acceptable although there is no tree pit detail other than the written version on the Detailed Planting Proposals. A higher establishment rate would result from the use of a proprietary system such as Silva Cell and the site would be appropriate for this. The greater volume of rooting medium allows the trees' root systems more room to develop and, consequently, stronger trees to establish. I would agree with the comments of our Landscape Architect that substantial planting should be specified for the buffer areas.

4.7 Environment Agency

The Environment Agency has no objections to the proposed development. The site of the building is above the 1in100 year flood level as stated in the Halcrow Drainage Strategy. We advise that the applicant leaves an 8m margin to the Folly Brook unchanged in levels. There is little detail on how surface water drainage will be managed on the site or if SUDS are being applied. The applicant should liaise with the Council's Drainage Officers and follow the principles set out in the EGE drainage strategy.

4.8 Economic Development Officer

No objection, the Lyde Green area is the beneficiary of a large housing development, and this will provide a large employment pool to draw from and help localise the economy. B1 Office employment space is a valuable asset to the local economy as it offers a dense employment area in an area designated as employment land. The site also falls in the Emersons Green enterprise area, which is recognised as an area where we expect to see significant growth; the proposal will support this vision.

4.9 Highways England

We are content that the proposal will not have any detrimental effect on the Strategic Road Network. On this basis we offer no objections to the application.

4.10 Coal Authority

Based on the information above, The Coal Authority considers that the content and conclusions of the information submitted for planning application: PK14/3540/RM is sufficient for the purposes of the planning system. Provided the LPA are happy for the information submitted for PK14/3540/RM to be considered as part of this planning application, The Coal Authority would have no objection. However, the LPA must ensure that the remedial works to address coal mining legacy issues relevant to the application site have been complied with.

- 4.11 Ecological Officer
No objection but all previous responses relevant to the relevant outline approvals to continue to apply.
- 4.12 Urban Design Officer
Further consideration is required of landscaping, surface treatments, appearance and sustainability objectives.
- 4.13 Environmental Health Officer
No objections in principle. Any planning approval should ensure that the recommendations of the Noise Consultant's report are implemented.
- 4.14 Highway Structures
No comment
- 4.15 Conservation
No comments
- 4.16 Landscape Officer
The revised landscape plans are now acceptable

Other Representations

- 4.17 Local Residents
One letter of objection has been received from CSJ Planning on behalf of a local resident. The following is a summary of the reasons given for objecting:
- Concerns over the proposed and expected growth of the business and the effect on available parking spaces in the development. This may result in vehicles parking on the surrounding road network to the detriment of highway safety;
 - Agree with the Urban Design Officer's view on the lack of richness proposed by the proposed palette of materials and feel that brick would be wholly appropriate;
 - We further agree with the Urban Design Officer with regards to the lack of provision of PV.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The principle of the development has been established with the approval of outline planning permission under application PK04/1965/O, which covers a substantial part of the Emersons Green East (EGE) development, allocated by saved policy M2 in the South Gloucestershire Local Plan (adopted) January 2006. The outline planning permission reserved all matters for future consideration, except the means of access off the Rosary roundabout, which has been approved in detail.

5.2 The DC East Committee, in February 2013, approved the site wide detailed masterplan, and subsequently officers approved the design code under delegated powers for the whole of the outline application site. The proposed office building constitutes an appropriate employment use (Use Class B1) within the area designated as an employment area within the masterplan and design code. The Council's Economic Development Officer has raised no objections to the development and has stated that B1 Office employment space is a valuable asset to the local economy and the proposal will provide local employment opportunities for residential development in the Lyde Green area. It is therefore, considered that the proposal is acceptable in principle.

5.3 Urban Design

In accordance with the Design and Access Statement approved at outline stage, the approved design code seeks to deliver a series of three distinct character areas – southern, northern and central. The idea is to provide continuity and consistency in some elements within the character areas and within the sub areas, with the aim of creating a development that is harmonious yet legible and varied.

5.4 Parameter Plans

The approved parameter plans show the parcel falling within an area of employment development where up to four storey buildings is permitted. The proposed office building, which is three storeys in height, complies with this parameter.

Architectural Style

The design code specifies that the style of employment buildings should be contemporary and respond to the residential buildings to the south. It is considered that the proposal complies with the design code in this respect and proposes a crisp, clean contemporary architectural style with curtain wall glazing and cladding to the elevations. Although brick is not proposed, the terracotta colour of the cladding and contemporary style will respond to the residential development proposed to the south.

Scale

The proposal is three storeys in scale, which complies with the requirements of the design code. A recessed main entrance and secondary rear entrance, projecting corners and canopy, terracotta cladding and brise soleil will help break up the perceived bulk and mass of the building and provide depth to the elevations. The building incorporates roof mounted plant which is set back from main facades of the building and screened by louvred panels to break up the roof form. The requirements of the design code are considered to be met in terms of scale.

Colours and Materials

Officers consider that the use of brick would add richness to the appearance of the building; it is also noted that brick weathers better than composite cladding; however, the applicant has not acceded to requests to incorporate brick into the elevations of the building. Notwithstanding this, there are no objections to the terracotta rainscreen cladding, metal cladding and curtain wall glazing proposed. This is because the design code recognises that future employment

occupiers will have bespoke requirements for expressing their individual identity and does not define a prescriptive palette of colours or materials. It instead encourages the use of various materials such as brick, render, terracotta and metal rain screen panels to respond to the contemporary housing within the area. Although brick is encouraged, it is not a mandatory requirement; and instead, proposals must be assessed on their own merits. It is considered that, subject to samples of materials being submitted and agreed with the Local Planning Authority, the proposed materials are acceptable, and will provide a sufficiently contemporary and high quality standard of appearance and relate to residential development proposed to the south. Therefore, subject to a condition, there is no objection with regards to colours and materials.

Details

The curtain wall glazing, and prominent entrance and canopy will ensure that the elevations of the building appear active. The central location of the access will also provide balance and symmetry to the southern elevation and will enhance its appearance. Other detailing such as the brise soleil will provide shading to glazed areas on the southern elevation and provide layering and contrast to the other materials and finishes. The requirements of the design code are therefore, met in terms of details.

Separate consent will be required for any advertisement sign displayed at the site. An informative note is attached to notify the applicant of this.

Sustainability

The concerns of the Urban Design Officer and the member of public in respect of a lack of information regarding sustainability are noted. However, conditions in the original outline application require reserved matters development to achieve a minimum 'Very Good' rating under the relevant Building Research Establishment Environmental Assessment Method (BREEAM) for all building types other than dwellings. The applicant has confirmed that it is anticipated that the proposal will achieve BREEAM 'Very Good' standards as required by the condition. A plan has also been submitted to identify a possible location for the implementation of photovoltaic panels should they be required to meet the standard or at any stage in the future.

Waste

A waste and recycling compound is proposed adjacent to the western boundary of the site measuring approximately 5 metres in length and 10 metres in width, which will provide a large capacity for the storage of commercial bins. Swept path plans have been submitted which indicate that a refuse vehicle will be able to adequately access the refuse store for collection.

5.5 Landscape

Planting

The building will be prominent from views from the M4 corridor and from adjoining development plots and there is also potential for the building to be prominent in views from the wider landscape of the Green Belt to the north and east where higher land provides views towards the site. Officers originally considered that the planting framework proposed for the site was too narrow to

provide a robust and long term landscape framework; therefore, revised plans have been received which have increased the amount of planting around the boundaries of the site, which will aid the integration of the development with the adjoining POS to the west and future residential development to the south.

Native shrub mix and native woodland planting are proposed to the north, south, east and west, along with proposed tree planting. Details have been submitted in respect of the planting method and management. This has clarified that tree pits within car parking areas will be connected together under the tarmac surface with a trench consisting of urban soil. This will provide sufficient space for roots to grow into. The management plan provides details on procedures to be carried out by the developer for the first 12 months to ensure that the planting establishes acceptably.

There is no requirement in the design code for street trees to be provided for secondary and tertiary roads; however, it does specify build outs and local road narrowing to be provided by trees. In this instance, given the fact that the roads will serve various types of commercial premises, and the types of vehicles associated with such uses, officers consider that the provision of road narrowing and build outs would bring about highway safety issues. Therefore, there is no objection to the absence of planting along these roads.

Boundary Treatments and Hard Surfaces

Post and rail timber fencing 1.2 metres high is proposed along the southern and southwestern boundaries, which is acceptable. Paladin security fencing 1.8 metres high in anthracite grey is proposed to the boundaries of the vehicular storage area to the north of the site. The height, colour and style of the proposed security fencing are such that it will not be significantly prominent to the detriment of the character and appearance of the area.

The External Finishes Plan submitted specifies Mistral Textured Granite Aggregate Paving or similar block paving for the surfaces around the building and on the access and circulation road to the south of the building. Tarmac is proposed in the northern area and the applicant has not acceded to officer's requests to include block paving due to the operational nature of the business. Notwithstanding this, there are no objections in respect of the hard surfaces proposed.

5.6 Residential Amenity

There are no existing residential properties that will be significantly adversely affected by the proposal in terms of loss of natural light or privacy given the level of separation. Although not approved at this point, residential properties associated with parcel 15 will be located south of, and abut the southern boundary, of the application site. However, there is a separation distance of approximately 40 metres between the proposed building and the southern boundary; therefore, given the topography of the site, the level of separation is considered sufficient to ensure that residential occupiers will not be significantly adversely affected through loss of natural light or privacy.

The lighting plan submitted demonstrates that there will be a small level of light spill into rear gardens of residential properties proposed to the south of the site.

Subject to a condition requiring times of illumination to be agreed with the Local Planning Authority, it is not considered that illumination associated with the proposed development will have a significant adverse effect on the residential amenity of neighbouring occupiers.

5.7 Noise

A noise survey has been submitted which assesses the impact of the adjacent motorway on the proposed development, and the impact of the proposed development on future residential development to the south of the site. The report recommends that windows to office areas on the northern elevation facing the motorway should have a minimum manufacturers rating of Rw35, whilst all windows to other elevations of the building should have a minimum rating of Rw33. The report also recommends that all plant installations (other than the emergency stand-by generator) be selected and specified to achieve a total level no greater than 61dB during daytime and no greater than 51dB during night time. The report concludes that the use of vehicle car parks associated with the building is unlikely to have any noticeable noise impacts upon proposed residential development to the south of the site and that noise levels from the nearest car park are calculated to be more than 20dB below the lowest night time background sound level.

The master plan shows a care home immediately to the southeast of the site adjacent to the access road to be accessed off the same tertiary road as the proposed development. There is likely to be an impact on the care home from noise associated with vehicles accessing the proposed development; therefore, appropriate noise mitigation measures would likely need to be provided for any future care home development to ensure that it would not be adversely affected by noise. Conditions are attached to restrict working hours and deliveries between the hours of 6am – 9pm on Monday – Friday and 7am – 5pm at weekends to reduce the impact on neighbouring residential properties.

The Council's Environmental Health Officer has stated that the proposed development will not bring about any significant environmental effects subject to the recommendations in the noise report being implemented and a condition is attached on this basis.

5.8 Transportation

Parking

Concerns have been raised by a member of the public with regards to the proposed and expected growth of the business from the current 246 employees to the projected 350 and how this will impact on highway safety in the locality due to vehicles being forced to park on the highway. Parking to the south of the building, which comprises 125 spaces, will be for staff; parking to the north of the building, which comprises 131 spaces, is primarily for car storage associated with the operation of the business for car hire. This area is to be secured by gates and fences. Parking standards for commercial buildings are specified in policy T8 of the South Gloucestershire Local Plan (adopted) January 2006, and these are based on maximum standards. The purpose of the policy is to encourage non-private car modes of travel in sustainable locations. The level of parking proposed is higher than the policy compliant number of 110 spaces and 6 disabled parking spaces; however, the parking to

the north of the building will function for vehicular storage purposes ancillary to the car hire business and will be secured by fencing and gates. The applicant has agreed to a suitably worded condition to restrict staff day to day parking in this area. A condition is attached on this basis.

A total of 58 cycle parking spaces are proposed, which is in excess of the minimum policy requirement set out in policy T7 of the Local Plan. Staff cycle parking is to be provided via five cycle shelters, whilst visitor cycle parking is to be provided via four Sheffield cycle stands. The applicant has submitted a detailed occupier travel plan which sets out a strategy for encouraging the use of sustainable modes of transport, as well as setting targets, a monitoring period for five years and a process of review. The Council's Transportation Officer is satisfied with the contents of the Occupier Travel Plan submitted and has stated that there is no longer any requirement for a condition requiring the applicant to submit an 'Occupier Travel Plan'. Bus stops approved on the main spine road are conveniently located in relation to the proposed development and will provide bus services to the surrounding area.

Subject to conditions to control and restrict staff parking within the vehicle storage area, and for the development to be carried out in accordance with the submitted occupier travel plan, it is considered that the proposal is consistent with the overall aims of policy T8 in terms of encouraging sustainable modes of travel and there is no objection in terms of on-street parking generation or highway safety. A condition is attached requiring the measures set out in the travel plan to be implemented.

Highway Safety

A secondary road is to provide access into the employment site off the main spine road, from which a tertiary road will provide access into the application site. Visibility for both roads is 25 metres in either direction with a 2.4 metre set back, and officers consider that this visibility is acceptable to serve the development.

Vehicle swept path plans have been submitted for a range of large vehicles that are likely to require access to the site such as car transporters. The plans demonstrate that these vehicles will be able to adequately access and manoeuvre within the site. A 2.5 metre wide footway is proposed on the southern side of the tertiary access, a 2 metre wide footway is proposed on the northern side, whilst 3 metre wide footways are proposed for the secondary road. The footpaths will link to existing footways along the spine road. Accordingly, there are no objections in terms of highway safety.

The Transportation Officer has requested a condition to ensure the construction of roads to adoptable standards; however, this condition is considered to be unnecessary and does not meet the tests for applying conditions in the NPPF, as this issue is covered by separate highway legislation.

Ground Stability

Records indicate that the application site has been subject to past coal mining activities, which is a material consideration when considering the proposal. Although no Coal Mining Risk Assessment has been submitted as part of this

proposal, as part of application PK14/3540/RM a Supplementary Investigation of Historic Coal Mining Legacy Report (July 2014) and letter dated 11th July 2014 prepared by Hydrock were submitted in support of the application, which include the application site. The Coal Authority have raised no objection to the application but have stated that the Local Planning Authority must ensure that the remedial works to address coal mining legacy issues relevant to the specific application site have been fully complied with. They have also commented that no completion report for any remedial work undertaken has been received by the Coal Authority. On this basis, a condition is attached to ensure that the required remedial work is carried out.

Drainage

The plans demonstrate that an 8 metre wide buffer will be retained to the top bank of the Folly Brook watercourse to the west of the site, which accords with condition 42 of the original consent. Officer's original concerns regarding compliance with the Emersons Green East Drainage Strategy have now been addressed and the Council's Drainage Officer has raised no objections in principle. The Environment Agency has commented on the lack of information regarding SUDs, and the applicant has not acceded to the officers request to introduce paving into the northern tarmac parking area to provide a more permeable surface; however, there is no objection on this basis given that the proposal meets the requirements of the EGE Drainage Strategy. The Drainage Officer has requested drainage calculations to show there will be no flooding in any 1in30 and 1in100 year rainfall event, and an overland flood flow route plan if the system should block or fail for any reason. A condition is attached on this basis.

Ecology

The site has already been cleared, apart from trees and hedges to be retained, none of which are within the application site, and earthworks carried out. In terms of ecology, the following activities and surveys have been undertaken:

Badgers

A pre-construction badger survey was undertaken on 6th June 2013. The survey showed that some of the setts were still in use. A 20m protection zone was set up around Sett K earlier in the year and marked with poles and bunting. The poles and bunting was replaced by Herras fencing later in the year. A subsequent inspection on 09 Sept 13 suggested that the sett is no longer in use although plans are being formulated to improve the sett to encourage repopulation when a badger sett on the Gateway site is closed under licence.

A further sett was also in current use. The sett is now protected by tree protection heras fencing and the earthworks to housing parcels 6,7 and 8 is now complete. Works were carried out to form the artificial setts in 2013. Further improvement works to the artificial setts, which include improving the drainage at sett B, is scheduled to be undertaken in October 2013.

Slow-worm and other reptiles

A presence/absence reptile survey was undertaken in July 2013 in the area which was urgently required for the balancing pond C3 extension.

One common lizard was found during the survey and therefore it was recommended that measures were undertaken to avoid harm and disturbance to reptiles. This included strimming the vegetation by hand to 6 inches prior to the soil stripping to discourage reptiles from the working areas. The strimming of vegetation was subsequently undertaken by commencing the balancing pond works.

Great Crested Newt

A watching brief, which included a hand-search and destructive search whilst the topsoil was stripped, was undertaken on 1st and 2nd July 2013 in parts of the site that fell within 500m of the great crested newt ponds at Shortwood Quarry. No great crested newts or other amphibians were found during the watching brief.

Breeding birds

Checks for active nests were undertaken in potential bird nesting habitats prior to the topsoil stripping along the Folly Brook tributary on 1st July 2013. No active nests were found. Checks for active nests were also undertaken in the area of trees and scrub which needed to be cleared for the balancing pond extension between 4th – 9th July 2013. During the checks, a number of active nests were noted in some of the shrubs and therefore these areas were not cleared.

Officers are satisfied therefore that there is no further ecology works required to be included as part of this Reserved Matters application.

Conclusion

The comments made by the Urban Design Officer have been carefully considered; however, it is considered that the proposal will provide a high quality, contemporary design, which will achieve BREEAM 'very good' standards. Significant improvements have been made to the scheme to provide a stronger landscape framework, which address the comments made by the Urban Design Officer. Although the applicant has not acceded to officers requests to introduce block paving to the large tarmac area to the north of the building, this is due to the operational requirements of the business, and weight is given to the fact that the drainage design accords with the Emersons Green East Drainage Strategy. Significant weight is also given to the fact that the proposed development will allow the business to expand and this will bring about significant economic benefits. According to the applicant, the business, which employs some 245 staff, is planned to expand to provide over 100 additional jobs.

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 Reserved matters consent is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

1. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

In the interests of the amenities of the area and highway safety 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) December 2013.

2. The bin storage shown on the drawings hereby approved shall be provided before the buildings are first occupied, and thereafter retained for that purpose.

Reason

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

3. The development shall be carried out in accordance with the recommendations of the approved "Report on Existing Noise Climate" received on 8th April 2015.

Reason

To ensure the development is not adversely affected by noise and to protect the amenities of occupiers of nearby dwellings and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

4. The use hereby permitted shall not be open to customers and no deliveries shall be taken at or despatched from the site outside of the following times:

Mondays - Fridays.....6:00am - 9:00pm
Saturdays and Sundays.....7:00am - 5:00pm

Reason

To protect the amenities of occupiers of nearby dwellings and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

5. The development shall be carried out in accordance with the approved Occupier Travel Plan received on 8th April 2015.

Reason

In order to promote more sustainable methods of travel to accord with policy T8, T12 of the South Gloucestershire Local Plan (adopted) January 2006; and policy CS8 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

6. The development shall be carried out in accordance with the Remediation Strategy as detailed in the letter dated 18th July 2014, prepared by Hydrock Ltd approved as part of application PK14/3540/RM.

Reason

In the interests of safety and the stability of the proposed development and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

7. The area to the north of the building hereby approved shall only be used for the storage of rental vehicles and other such ancillary operations associated with the vehicle rental business on site. For the avoidance of doubt this area shall not be used for day-to-day parking by staff that work at the building.

Reason

To comply with maximum parking standards in order to promote more sustainable methods of travel and to accord with policy T8 of the South Gloucestershire Local Plan (adopted) January 2006 and policy CS8 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

8. Prior to the completion of buildings above Damp Proof Course Level samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

9. Prior to the erection of any external lighting details of the times of illumination shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

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

10. Prior to the commencement of development (apart from site enabling works) drainage calculations to show there is no flooding on site in any 1in30 year rainfall event and no flooding of buildings in any 1in100 year rainfall event; and overland flood flow route

plan showing flood routes if the system should block or fail). Development shall be carried out in accordance with the approved details.

Reason 1

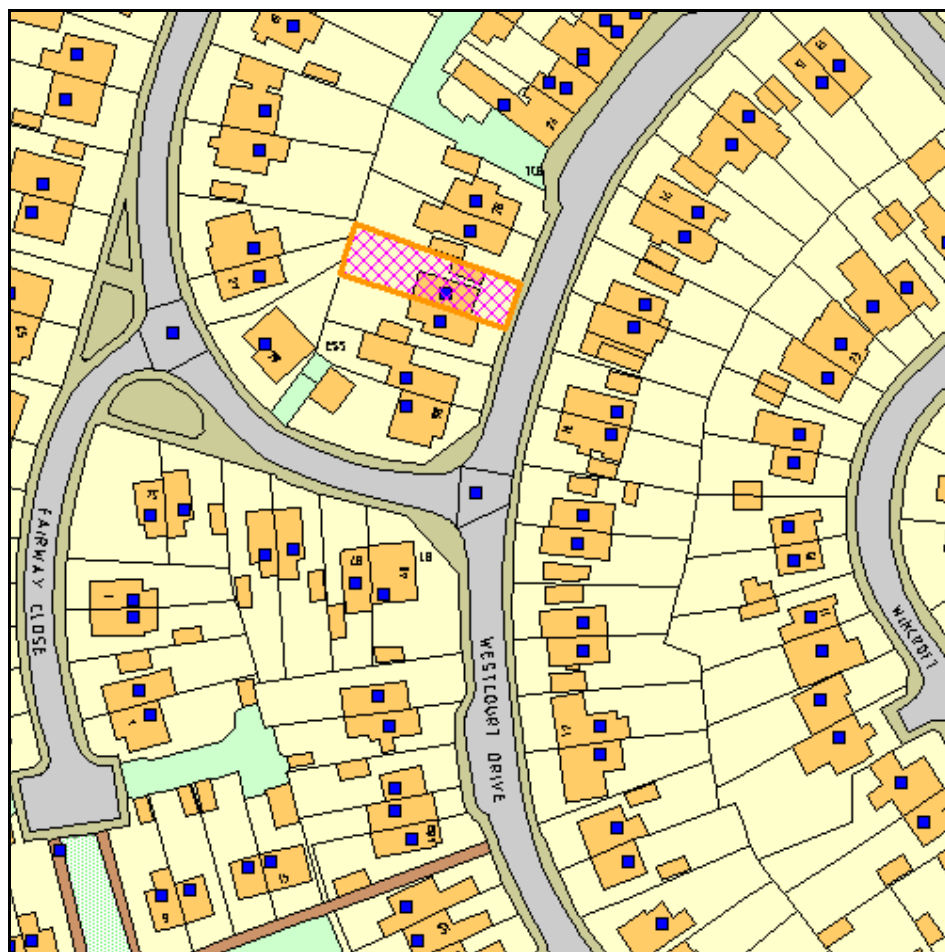
This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

Reason 2

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

CIRCULATED SCHEDULE NO. 26/15 – 26 JUNE 2015

App No.:	PK15/1527/F	Applicant:	Mr Mark Dopson
Site:	32 Westcourt Drive Oldland Common Bristol South Gloucestershire BS30 9RU	Date Reg:	20th April 2015
Proposal:	Erection of single storey front and two storey side and rear extension to form additional living accommodation and integral garage.	Parish:	Bitton Parish Council
Map Ref:	366948 171680	Ward:	Oldland Common
Application Category:	Householder	Target Date:	12th June 2015



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N.T.S.

PK15/1527/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is to appear on circulated schedule due to two objections from neighbouring residents, contrary to the Officer's opinion.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a single storey front and two storey side and rear extension to form additional living accommodation and integral garage.
- 1.2 The application site relates to a semi-detached two storey property located within an established residential area of Oldland Common. The site is not covered by any statutory or non-statutory designations.

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Development within Existing Residential Curtilages
T12 Transportation Development Control Policy
- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK11/2549/F Erection of single storey front extension to provide additional living accommodation.
Approved 20th October 2011
- 3.2 K7178 Conversion of flat roof to pitched roof over rear extension (Previous ID: K7178).
Approved 29th May 1992

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No comment received.
- 4.2 Highway Drainage
No objection.

4.3 Open Spaces Society

No comment received.

4.4 Public Rights of Way

This development is unlikely to affect the nearest public footpath, ref. PBN11 which runs in front of the property, alongside Westcourt Drive. I therefore have no objection.

4.5 Sustainable Transport

Part of the development also involves alterations to the existing garage. It is difficult to ascertain the internal dimensions of the existing and proposed garages to confirm whether alterations to the width are proposed as part of this development.

The site currently has two parking spaces to the front of the site but due to a proposed front extension one of the parking spaces shown on the block plan is parallel to the public highway, which is generally not accepted.

A revised block plan showing the internal dimensions of the existing and proposed garages is requested before final comments can be made.

FINAL COMMENTS FOLLOWING REVISED PLAN:

The proposed garage reduces the internal dimensions from what is currently available. The Council's Residential Parking Standards state that a garage should have internal dimensions of 3m wide by 6m deep. The proposed garage is considered unsuitable for the storage of a standard size motor vehicle.

A four-bed dwelling would require a minimum of two parking spaces, each measuring 2.4m by 4.8m. Due to the proposed front extension, one of the parking spaces to the front of the site falls short of the requirements which would result in vehicles overhanging onto the public highway causing obstruction.

In light of the above, the development is recommended for refusal.

Other Representations

4.6 Local Residents

Two comments of objection have been received from neighbouring residents:

- The proposed roof on the rear extension (existing and proposed) will require the existing roof on our extension (No. 34) to be extensively worked on;
- Proposed flat roof will look strange against existing pitched roof on neighbouring property (no. 34);
- Risk of water leaks due to design;
- Balcony on back bedroom will directly overlook garden (No. 25 Glenwood Drive) and invade privacy.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Saved policy H4 of the Local Plan (adopted) 2006 allows for the principle of the proposed development. The main issues to consider are the design of the proposed extensions and the impact on the character of the area (policies H4 of the Local Plan and CS1 of the Core Strategy); the impact on the residential amenity of neighbouring occupiers (saved policy H4 of the Local Plan); and the transportation effects (saved policies H4 and T12 of the Local Plan).

5.2 Design

Policy CS1 of the adopted Core Strategy considers the design of proposed development. Proposals should be informed by, respect and enhance the character and distinctiveness of the locality. The application site consists of a semi-detached dwelling with a pitched roof. The proposal seeks to erect a double storey side and rear extension with a hipped roof and single storey front lean-to extension. The existing single detached garage would be demolished and replaced by the side extension.

5.3 The side extension appears suitably subservient, being set back from the front elevation on the ground and first floor. The existing flat roof on the rear extension is being replaced with a hipped roof, an improvement in terms of the rear extension although a pitched roof would have been more in-keeping. However, there is an adjacent property (No. 27) which has a very similar side extension. The front extension was approved under application Ref. PK11/2549/F and was considered acceptable; this permission has now expired. The front extension now extends across the front elevation of the dwelling and side extension, which remains in-keeping.

5.4 A neighbouring resident has raised concern about the proposed roof design and the replacement roof on the rear extension. There will be a short section of flat roof to accommodate the hipped roof and on the proposed side and rear extensions. As there are other examples of side extension in the vicinity, it is not considered that the proposed roof design is particularly unusual or would cause any significant harm to visual amenity as a result. The neighbouring resident has also queried the build of the proposed roof. The central flat roof will have roof drains at the rear in two locations with an overflow on the side and a central access roof light to allow for maintenance and cleaning. The proposed plans also indicate a part gable will be formed in timber frame with vertical hanging tiles and new abutment gutter formed on the side elevation of the rear extension. The Party Wall Act 1996 covers the proposed construction works to an existing party wall or structure; as such, this is a civil matter to be resolved by the respective landowners.

5.5 Overall, the proposal is considered to acceptable in terms of design and complies with Policy CS1.

5.6 Residential Amenity

Saved policy H4 of the adopted Local Plan ensures that development does not prejudice the residential amenity of neighbouring occupiers. The proposal is to erect a double storey side and rear extension and a single storey front

extension. The existing plans and planning history show that the property already has a double storey rear extension. The proposal seeks to extend the depth of the existing rear extension with a maximum ridge height to match the host dwelling.

- 5.7 In terms of the impact on neighbouring occupiers, the proposal would be assessed with particular regard to the impact on the nearest neighbouring properties No's 30 and 34 Westcourt Drive, situated either side of the application site. Given that the host dwelling already has a double storey rear extension adjacent to no.34 it is considered unlikely that the proposed double storey rear extension would be visible and as such would not prejudice the amenities of this neighbour. In terms of the impact on no.30, from the plans submitted it appears that the rear elevation of the extension would be in line with the existing rear elevation of no.30 and No. 32. In this respect, the proposed side and rear extension is considered unlikely to have a significant overbearing impact on the occupiers of No.30, and would not result in a significant loss of light to the neighbouring occupiers. There are no proposed side elevation windows in the proposed side and rear extensions.
- 5.8 The double storey rear extension would include a Juliet balcony. Concern has been raised by a neighbouring occupier to the rear of the property that the balcony will cause overlooking to their garden and impact on privacy as a result. Juliet balconies do not permit external access, as such they are considered more akin to a window than a balcony. The objecting neighbouring occupier's garden (No. 25 Glenwood Drive) is located over 12 metres away and located slightly further to the north of the direct line of sight of the proposed Juliet balcony. It is considered that there would be no perceived loss of privacy or no significant overlooking impact as a result of the proposed Juliet balcony. Overall, the proposal is not considered to negatively impact on the existing level of residential amenity afforded to the neighbouring occupiers.
- 5.9 Transportation
The proposal would add a further bedroom to the property. The Council's adopted Residential Parking Standards SPD requires a minimum of 2no. off-street parking spaces to be provided for 3-4 bedroom dwellings measuring a minimum of 2.4 metres wide by 4.8 metres in length. The original proposed block plan shows two off-street parking spaces at the front of the property, with one directly in front of the proposed garage and one space parallel to the highway.
- 5.10 The Transportation Development Control Officer has requested a revised proposed parking plan confirming the internal measurements of the proposed integral garage; the agent has submitted a revised plan accordingly. The proposed garage would measure 2.1 metres wide by 6.9 metres in length; this falls below the Council's standard minimum garage size of 3 metres by 6 metres. Due to the single storey front extension one of the parking spaces falls short of the minimum parking space measurement being only 4.4 metres in length and would therefore potentially overhang onto the public highway. As the proposed garage is considered unsuitable for the storage of a standard sized motor vehicle and one of the parking spaces to be provided would be parallel to the highway, the Transportation Officer has raised an objection.

5.11 The Officer has considered the immediate vicinity in terms of existing parking arrangements. There are numerous local examples of a similar parking situation at the front of the property with one parking space being parallel to the highway. The existing driveway is partially fenced across the front boundary and there is considered to be adequate room to park one vehicle in front of the garage and manoeuvre a second vehicle to park parallel to the highway. On this basis, it is considered that the proposed off-street parking facilities are considered acceptable. A condition will be attached to the decision notice requiring the provision of two off-street parking spaces within the curtilage.

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. The two off-street parking spaces, as shown on the block plan hereby approved (Ref. 234 - 04 Rev A, received by the Council on 9th April 2015), shall be provided before the extension is first occupied, and thereafter permanently retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 26/15 – 26 JUNE 2015

App No.: PK15/1627/F
Site: 70 Westerleigh Road Yate Bristol
 South Gloucestershire BS37 4BN
Proposal: Demolition of existing garage and
 erection of 1no. detached dwelling with
 access and associated works.
 (Resubmission of PK14/1400/F).
Map Ref: 370852 182219
Application Minor
Category:

Applicant: Mr Mark Fisher
Date Reg: 15th May 2015
Parish: Yate Town Council
Ward: Yate Central
Target 7th July 2015
Date:



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following a support comment received from a local resident contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of an existing garage and the erection of a one bed detached dwelling with new access and associated works. The application site relates to the garden of a semi-detached two-storey dwellinghouse situated within the established residential area of Yate. The house is rubble stone with brick quoin detailing of Victorian type and faces in a south-easterly direction. To the north-west of the dwelling is the property's garden which contains a large detached garage to be demolished to facilitate this proposed development. Access to this garage is off Eggshill Lane which runs along the north-eastern edge of the site. The proposed new dwelling would therefore face in a north-easterly direction.
- 1.2 The application is a resubmission of PK14/14000/F which was refused for reasons given below. The plans submitted under this application show the proposed structure to be essentially the same: the structure occupies the same footprint in the same position on the site and has the same 'L' shape design with the same openings as before. It has however, been sunk into the ground in an attempt to reduce the overall height, and visibility splays have been added to the drawing to illustrate its position in relation to the next door neighbour. Planning application PK14/1400/F was refused for the following:

Reason 1. The proposed new dwelling by reason of its overall bulk, size, massing and position would result in a cramped form of development that would not reflect the character of the immediate surrounding area to the detriment of visual amenity and would represent over development of the site. The proposal is therefore contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

Reason 2. The proposed dwellinghouse by reason of its position, proximity, mass and height would have an overbearing and overshadowing effect on the occupiers of the adjoining property No. 40 Eggshill Road which would be to the detriment of residential amenity. Furthermore the contrived and cramped design means the primary window serving the kitchen of the proposed dwelling positioned very close to the fence would also be to the detriment of future occupiers and both would be contrary to saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2006.

Reason 3. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically in an area of surface coal resources. The applicant has submitted

some coal mining information to accompany the planning application; however, The Coal Authority does not consider this adequately addresses the impact of coal mining legacy on the proposed development. As such the proposal fails to accord with the principles set out in Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

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

CS9 Environmental Resources and Built Heritage

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

CS18 Affordable Housing

CS24 Open Space Standards

CS30 Yate and Chipping Sodbury

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 | PK04/0127/O | Erection of 1 No. detached 2 bed dwelling (Outline) with siting and design to be determined. All other matters are reserved. |
| | Refused | 24.2.04 |
| 3.2 | PK04/2880/F | Erection of 1 no. detached 2 bed dwelling. |
| | Refused | 29.9.04 |
| 3.3 | PK07/0457/F | Erection of detached double garage. |
| | Refused | 4.4.07 |

- | | | |
|-----|-------------|--|
| 3.4 | PK07/2234/F | Erection of detached double garage.
(Resubmission of PK07/0457/F). |
| | Approved | 14.8.07 |
| 3.5 | PK13/1928/F | Erection of extension to detached garage to
facilitate conversion to 1no. dwelling with associated
works. |
| | Withdrawn | 14.8.13 |
| 3.6 | PK14/1400/F | Demolition of existing garage and erection of 1no.
detached dwelling with access and associated works
(resubmission of PK13/1928/F). |
| | Refused | 11.7.14 |

4. **CONSULTATION RESPONSES**

4.1 Yate Town Council
No objection

4.2 Other Consultees

Sustainable Transport

No objection subject to conditions should the development be approved

Highway Structures

No objection

Lead Local Flood Authority

No objection subject to a SUDS condition should the proposal be approved

Coal Authority

Objection:

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically a thick coal seam outcrop (named seam - EIGHTEEN INCH) through the site that may have been worked in the past

The applicant has submitted some coal mining information (Coal Mining Report) to accompany the planning application; however, The Coal Authority does not consider this adequately addresses the impact of coal mining legacy on the proposed development. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically a thick coal seam outcrop (named seam - EIGHTEEN INCH) through the site that may have been worked in the past.

Updated comments:

Following the above initial comments additional information has been submitted by the applicant which the Coal Authority considers broadly sufficient for the

purposes of the planning system and meets the requirements of the NPPF in demonstrating the application site is safe and stable for the proposed development.

The Coal Authority therefore withdraws its objection on the basis of the submitted information.

Other Representations

4.3 Local Residents

Objection:

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

- The proposal will be very close and block out light to my living room and hallway
- Loss of amenity to adjacent property
- Concerns regarding height
- Overlooking by rear aspect
- Position of proposed kitchen window to fence will render it useless to future occupants
- Overshadow garden
- Impact on character of original long garden of the Victorian house and area in general
- One bed bungalow will be incongruous and out of keeping
- No changes from previous application and proposal is poorly matched to surroundings
- Large tree within site has not been identified
- Will add to traffic problems on Eggshill Lane
- Loss of garage will increase parking on extremely dangerous corner
- Substantial amount of stone wall will need to be removed and new dropped kerb installed which will limit on street parking
- Failure to provide dimensions of proposed parking means true extent and feasibility of parking is unknown
- Area already has more than adequate housing stock of all types
- Note Coal Authority comments and as a close neighbour have concerns
- Merlin Housing Society has not been contacted by the Council although we own property close to the site.

Support:

One letter of support has been received. The points raised are as follows:

- Parking on Westerleigh Road will not be affected as we all have our own spaces outside our houses
- Will not affect the scenery

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The above proposal stands to be assessed against the above listed policies and all other material considerations which include the previous refusal for a

similar submission. Of particular importance in the assessment is the overall design and its impact on the character of the existing building and that of the immediate and surrounding area (CS1; CS5); the impact on the residential amenity of existing and future occupiers and that of neighbouring dwellings (CS1; CS23, saved H4); the impact on highway safety and the provision of off-street parking (T12; SPD: Residential Parking Standards).

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

5.2 Design and Visual Amenity

The existing dwellinghouse is a modest semi-detached two-storey cottage occupying a prominent corner position. This host property fronts the busy Westerleigh Road in Yate, but as the proposed dwelling would be within the rear garden, it would be more readily associated with Eggshill Lane. Roads in this area of Yate show examples of many different aged properties and those along Eggshill Lane are particularly varied with examples of 1970 style houses immediately opposite the proposed site entrance and a row of much older historic cottages further to the north east. Closest properties to the north west on the same side of Eggshill Lane as the application area are of the post war semi-detached type. Typically these have large front gardens and are set back from the highway by some distance.

5.3 It is acknowledged that in terms of design the immediate area lacks an homogenous style, however, it is very clear that what exists is two-storey. The proposed dwelling would in its external appearance have a much lower ridge height and given that it would provide accommodation in the roof space to serve as a bedroom, it would be neither single storey nor truly two-storey but somewhere in between. To achieve this one bedroom property, it would be necessary to have different levels on the ground floor as well as up to the mezzanine level and to facilitate this, the property has been set down into the ground. This 1.5 storey structure would be very obviously at odds with the character of the street scene.

5.4 The 'L' shaped structure would have a footprint measuring approximately 8 metres by 7.8 metres. Openings would be located in the front (east) elevation comprising a door, a window serving the utility room and a window serving the lounge. Further openings would be in the south elevation comprising a side door and obscure glazed window to the bathroom. A single window in the west elevation would serve the kitchen and 3no. roof lights would supply light into the bedroom above. Given the existing boundary treatments it is assumed the site would be enclosed by fencing of approximately 1.8 metres in height.

5.5 As mentioned above, it is considered that the proposed 1.5 storey design would be significantly out of character with the existing street scene in terms of its scale and appearance. It is however, worth noting that a previous application for a two-storey dwelling on the same site attracted a refusal - it was felt that

the proposal was too large for the site. Officers would therefore not recommend that a two-storey proposal be submitted. It is acknowledged that the proposal replaces a large garage, but this application is for a dwellinghouse and therefore the assessment emphasis is different for something with a residential use rather than one with an ancillary use.

- 5.6 Properties directly to the north of the site at No. 40-34 Eggshill Lane are set back from the highway by their large and relatively open front gardens. These properties are characterised by their spacious and open frontages which form a distinct street pattern in this location. This building line is clearly a very strong feature and has also been continued by the addition of a new house at the end of this row, No. 34a. As mentioned above the proposed new dwelling would be read as being part of the street scene of Eggshill Lane and not of the host dwelling which faces out onto Westerleigh Road. This is because the long garden of the application site, along with the front garden of the adjacent property, forms a visual separation between these post war properties and the older, Victorian style application site and its attached neighbour. As such it is considered that the introduction of a dwellinghouse at this location would compromise the setting and detract from the existing character and appearance of the street scene to the detriment of visual amenity here.
- 5.7 It is acknowledged that the existing double garage is forward of the building line created by the post war properties, but as a building ancillary to and associated with the host dwelling this is considered acceptable. An independent dwellinghouse would be a totally separate entity to be judged on its own merits. By not sharing any building line the proposed dwelling would not relate to the dwellings on either side and appear an incongruous, isolated structure, unconnected to the surrounding pattern of development on this side of Eggshill Lane. For this reason the proposed structure would be an incompatible addition, at odds with and to the disadvantage of the street scene and appearance of the area.
- 5.8 Comments have been received from local residents expressing concern regarding the removal of a large section of the low, natural stone wall to facilitate the development. It is unfortunate that the proposal would mean the loss of some of this wall which continues further to the north as a feature outside properties here. However, the wall is not a particularly fine example, is not nationally protected or locally listed and has evidence of some poor historic repair work. As such its removal cannot be objected to in planning terms.

Residential Amenity

- 5.9 The existing garage which has an approximately footprint of 5metres by 5 metres and a height to ridge of 4 metres would be demolished to accommodate the proposed new dwelling. This is currently positioned to the east of the site and thereby further away from neighbours to the north at No. 40 Eggshill Lane. The proposed dwelling would be positioned further to the west and much closer to this neighbour. It would be higher than the existing garage at approximately

5.1 metres to ridge and occupy a larger footprint than the garage. Its height, to accommodate the bedroom, means the building would be regarded as a 1.5 storey structure rather than a single storey one. As mentioned above the building will have a different function and the impact of an independent dwelling house would be greater than that of a garage associated with an existing property.

- 5.10 Concern has been expressed by neighbours at No. 40 that the proposed dwelling would block out light to their living room and hallway and create general overshadowing. It is noted that the position of the proposed dwelling is both forward of the established building line formed by properties to the north and would also be quite close to the adjacent neighbouring property at No. 40 Eggshell Lane. Given its position and proximity it is considered that the proposed dwelling would have an impact on primary living space, the living room, of these neighbours. A hallway is not a primary living space. Interestingly, in these current plans a visibility splay is shown which, it is assumed, has been included to demonstrate that the proposed structure would allow a greater degree of outlook from the nearest habitable window of No. 40. 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. In this instance the position of the proposed dwelling would only achieve an angle of 34° for the neighbours and although this is greater than existing it must be noted that the proposed structure is closer to the neighbour, higher than the existing structure and would also have a different function. Given the above, the proposal would not follow good design principles that safeguard the amenity of neighbouring dwellings. As such it is considered that the proposed dwelling would have an intrusive, overbearing and overshadowing impact to the detriment of these neighbours due to its position and proximity and this is to be resisted.
- 5.11 Concern has been expressed regarding potential overlooking issues for neighbouring properties at Nos.70, 72, 74 and 76 Westerleigh Road and overshadowing for No. 74. However, openings opposite No. 70, the host property, would be approximately 17 metres away, and approximately 16 metres away from windows in No.74. No. 76 is even further away. Furthermore, these windows would be at ground floor level and a 1.8 metre high fence would screen the properties. No dormer windows are proposed but a series of three rooflights are included in the scheme. The lowest part of these windows would be approximately 1.8 metres above floor level and it is considered that they would more readily be used for ventilation with limited opportunity to overlook neighbours.
- 5.12 With regard to the residential amenity of the proposed dwelling, the close proximity of the fencing to the single kitchen window is considered to be indicative of the cramped design and would have an unacceptable adverse impact on the amenity of future occupiers. In addition the first floor bedroom

would only be served by 3no. rooflights and there would be very limited, if any, outlook from this room. It is considered that this design feature would create an oppressive environment and be to the detriment of future occupiers of the dwelling.

- 5.13 Given the above, the proposed dwelling is considered to have been contrived to fit the space and as such fails to comply with good design principles which in turn adversely impact on the residential amenity of both future occupiers and neighbours.
- 5.14 The proposed garden space is comprised of two elements: a front garden and a side garden. Looking at the site in its entirety it is noted that part of the existing garden of No. 72 has been acquired and both this and the host property garden have been sub-divided to accommodate the proposal. It is Officer opinion that the remaining garden space for No. 72 would be rather small given that this would be a larger property. New South Gloucestershire Council policy documents, currently out for consultation, but likely to be adopted shortly, dictate the amount of amenity space for properties. A one bed property would require 40 sqm of amenity space, a two bed 50sqm and a 3 bed 60sqm. As a direct result of this proposal the remaining garden allocated to No.72 thus falls short of the required amount of amenity space. In the future this adverse impact on the amenity of existing properties could be added to the list of refusal reasons.

Sustainable Transport

- 5.15 The proposed dwelling would provide a single off street parking space to serve the property (measuring approximately 4 metres by 5.8 metres). In addition 2no. off street parking spaces are to be provided for the existing property No. 70 (both measuring approximately 3 metres by 6 metres). It is considered that these parking provisions would supply a safe and suitable access and sufficient parking to accommodate the demand from the new dwelling and the existing house. Letters of objection are noted which refer to the loss of on-street parking and the position of white lines currently restricting parking on this corner. The proposed parking space for the new dwelling is at the location of the existing garage and as such does not result in any loss of on-street parking. The two car spaces proposed for the existing house would result in the loss of one on-street space. Officers, however, note that most of the neighbouring dwellings have off-street parking and that there are on-street parking opportunities on Eggshell Lane and Westerleigh Road. It is acknowledged that comments received from local residents disagree but in planning terms the conclusion is that the proposal would not have a material impact on highway safety. If the proposal were to be approved conditions would be attached to secure the parking, however, the in-principle objections as cited cannot be outweighed by this highway assessment.

Other matters

- 5.16 A comment has been received from Merlin Housing stating they have not been informed of the application. The Council's Statement of Community Involvement (2015) advises on who and how local residents are to be consulted on planning applications. This application is classed as *minor* development and as such the Council is required to contact all adjoining neighbours having a common boundary, properties directly opposite and all occupiers of land within 30 metres of the vehicular and pedestrian access points. Although Merlin stated they owned property in the vicinity they have not identified which ones. Nevertheless, Officers are satisfied that all properties falling under the above criteria were correctly notified of the proposal.
- 5.17 One comment has stated there is already sufficient housing stock of all types in the area. This statement is contrary to national and local assessment where there is an acknowledged shortage of housing in general. The NPPF is particularly encouraging of sustainable and well designed development with the aim of providing more housing. However, this application has been assessed on its own merits and notwithstanding its sustainable location within Yate, it fails to meet the other standards of good design, impact on residential amenity and is therefore not acceptable in principle.
- 5.18 Following publication of the objections received from local residents, a number of responses have been received from the applicant in an attempt to address all the issues raised. It must be noted that each of the concerns expressed by local residents have been covered in the report above and regardless, there remains an in-principle planning policy objection to the scheme. Notwithstanding the communication from the applicant, no revised plans have been sought or received and the application has therefore been assessed on the details originally submitted. It is therefore considered not unreasonable that Officers do not reply to each and every point made by the applicant in his response to the comments of local residents. However, it is worth noting that Officers challenge some of the answers given by the applicant such as the height of the proposed building remaining the same as existing; and the new proposal now being sited off the rear boundary.
- 5.19 One new point raised in the applicant's response letter states the proposed dwelling would be for the use of family members. It must be noted that this application has not been for an annex to the main dwelling but for a separate dwelling with, for example, its own curtilage and has been assessed as being such. It must furthermore, be noted that an annex would also be subject to the same rigorous assessment as undertaken within this report and that would include it having to have a function closely associated with the main dwelling and not being capable of operating as a separate unit. This is clearly not the case here and on this basis (as well as others already discussed) an annex would also fail to be supported.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That the application be **REFUSED**.

Contact Officer: Anne Joseph

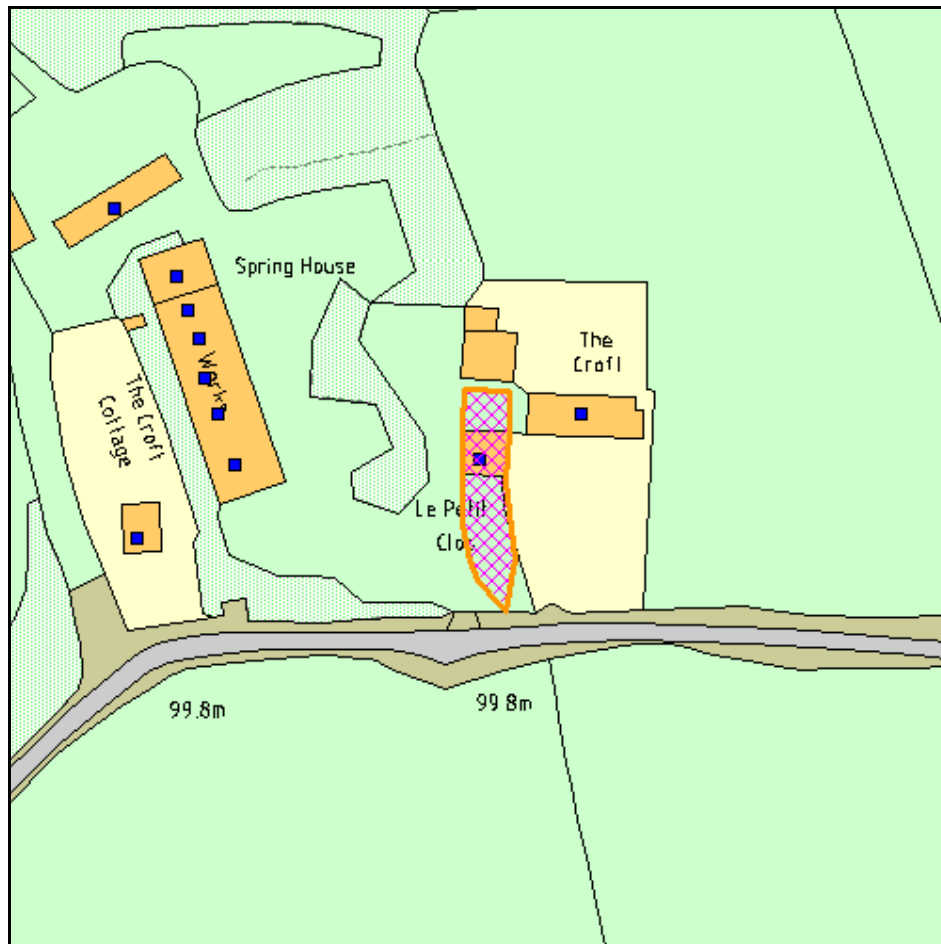
Tel. No. 01454 863788

Refusal Reasons

1. The proposed new dwelling by reason of its overall bulk, size, massing and position would result in a cramped form of development that would not reflect the character of the immediate surrounding area to the detriment of visual amenity and would represent over development of the site. The proposal is therefore contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy(Adopted) 2013 and saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.
2. The proposed dwelling house by reason of its position, proximity, mass and height would have an overbearing and overshadowing effect on the occupiers of the adjoining property No. 40 Eggshill Lane which would be to the detriment of their residential amenity. Furthermore the contrived and cramped design means the primary window serving the kitchen of the proposed dwelling positioned very close to the fence would also be to the detriment of future occupiers and both would be contrary to saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2006.

CIRCULATED SCHEDULE NO. 26/15 – 26 JUNE 2015

App No.:	PK15/1891/CLE	Applicant:	Mr Alex Whitfield
Site:	Little Croft Bury Hill Lane Yate South Gloucestershire BS37 7QN	Date Reg:	14th May 2015
Proposal:	Application for Certificate of Lawfulness for an existing use of The Little Croft (Le Petit Clos) as a separate and independent dwelling.	Parish:	Wickwar Parish Council
Map Ref:	372074 185580	Ward:	Ladden Brook
Application Category:		Target Date:	6th July 2015



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 100023410, 2008. **N.T.S.** **PK15/1891/CLE**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the existing use of an annex as a separately occupied and independent unit of residential accommodation. The application therefore seeks to demonstrate that the building has been used as a separately occupied dwelling for a period in excess of four years prior to the date of submission (i.e. since 5th May 2011).
- 1.2 The site consists of a single storey building standing to the front of the dwelling The Croft. The current authorised use of the building is as a residential annex but the applicant claims the building has been used as a separate dwelling for a continuous four-year period.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Wickwar Parish Council
No response received

Other Representations

- 4.2 Local Residents
None received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 In support of the application, two statutory declarations have been received – one from Alex Whitfield (current owner of The Croft) and one from Natalie Welch (daughter of the previous owners of The Croft).
- 5.2 Natalie Welch confirms that he parents purchased and owned the property from 1963 right up until it was sold to Alex Whitfield in July 2011. She confirms that the building subject of this application was converted into additional living accommodation in the late 1980's to accommodate her grandparents. Upon the death of both grandparents in 1997, the property was let under a Assured Shorthold Tenancy to a single man who vacated in July 2011 when the property was sold.

- 5.3 Ms Welch confirms that both properties were separately metred for electricity and water and Council tax was paid separately (evidence supplied). She concludes that the properties were continuously occupied as separate dwellings throughout the period 1980 to 2011.
- 5.4 The declaration of Mr Whitfield confirms that he, with his wife, purchased the property in July 2011. Mr Whitfield confirms that when he purchased the property, the application building as vacant after notice had been served on the previous tenant. The dwelling was immediately occupied by Mr Whitfields parents and has been continuously occupied by them until the present day. The application property and The Croft have separate access and curtilage arrangements.
- 5.5 Mr Whitfield confirms that the properties continue to be metered separately for electricity and water and that separate Council tax is payable for each property (evidence in the form of a bill supplied). He confirms that despite the building being occupied by his parents, both he and his parents have treated their respective properties as their sole dwellings and have lived independently of each other.

6. SUMMARY OF CONTRARY EVIDENCE

- 6.1 None

7. EVALUATION

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.
- 7.2 In this instance it must be proven that the building in question has been used for independent residential purposes for a period in excess of 4 years prior to the date of this application.
- 7.3 Assessment of Evidence
The statutory declarations of both Ms Welch and Mr Whitfield confirm that, at least since later 1997, the property has been sub-divided from the main dwelling and has been used separately too and independently from The Croft. Separate checks by your officer with Council tax also confirms this to be the case. Aerial photographs held by the Council officer no evidence either in support of or against the application.
- 7.4 Your officer has no evidence to suggest the information submitted is not true and no evidence has been submitted by any third party to suggest that this evidence is less than probable.

8. CONCLUSION

- 8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the building subject of this application has

been used as a separate and independently occupied dwelling for a continuous four year period.

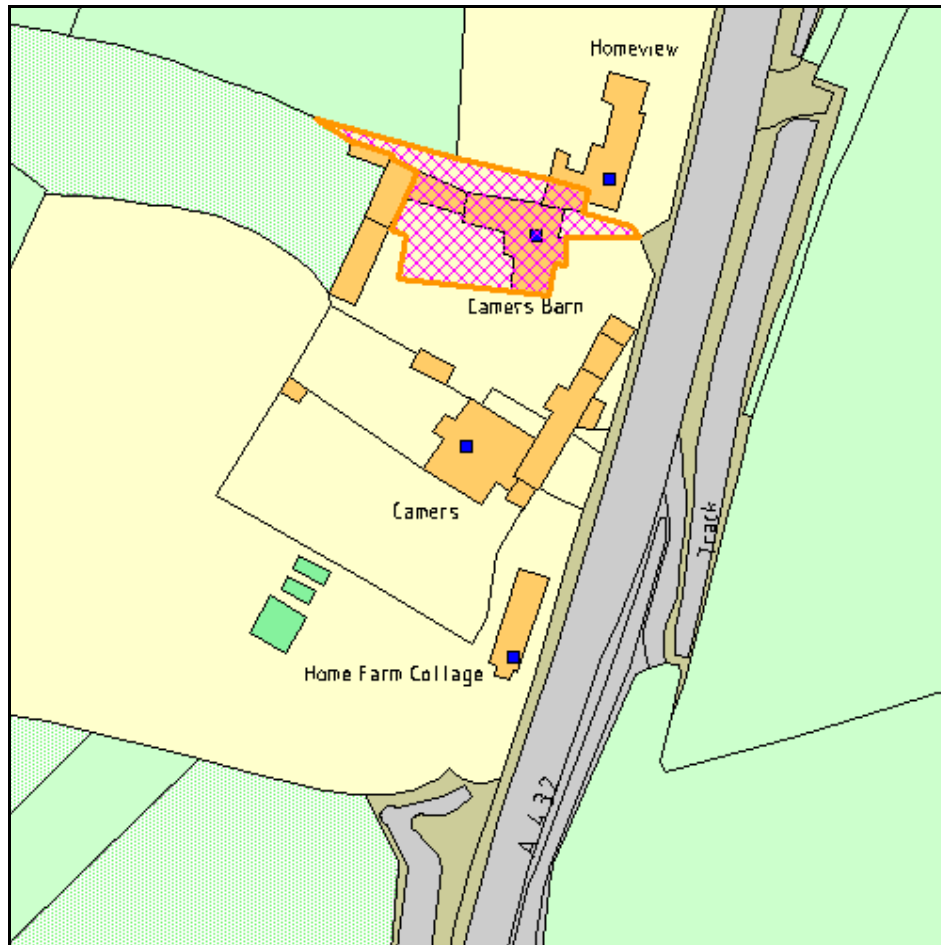
9. RECOMMENDATION

9.1 The Certificate of Existing Lawful Use be approved

Contact Officer: Marie Bath
Tel. No. 01454 864769

CIRCULATED SCHEDULE NO. 26/15 – 26 JUNE 2015

App No.:	PK15/1923/F	Applicant:	Mr A Denman
Site:	Camers Barn Badminton Road Old Sodbury Bristol South Gloucestershire BS37 6RG	Date Reg:	19th May 2015
Proposal:	Erection of oak framed carport. (Retrospective).	Parish:	Sodbury Town Council
Map Ref:	375596 181111	Ward:	Cotswold Edge
Application Category:	Householder	Target Date:	2nd July 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule as an objection has been received, and is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 Camers Barn is a former barn converted to a dwelling following the grant of planning permission in 1999. It is located on the main Badminton Road at Old Sodbury. The property is set down slightly from the road and largely screened by hedge and trees. It is a curtilage listed building.
- 1.2 This application is for retrospective planning permission for a carport structure to the front of the property. The structure is located to the side of the driveway, immediately adjacent to the boundary and the adjacent dwelling, and is largely screened from public view by the boundary hedge and trees. The carport is made from wood, with a tiled roof, and is not attached to the curtilage listed building.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
Planning Practice Guidance 2014
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Development within Existing Residential Curtilages
L13 Listed Buildings
T12 Transportation Development Control

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS9 Managing Heritage and Environment

3. RELEVANT PLANNING HISTORY

- 3.1 P95/2710/L Conversion of outbuilding to dwelling. Approved 29/06/1999

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No objection.
- 4.2 Other Consultees
Highway Drainage – no comment.
Conservation Officer – no objection
Historic England – no objection

Other Representations

4.3 Local Residents

Neighbour objection – structure prevents right of maintenance to the adjoining property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is located within the Bristol and Bath Green Belt. The structure, being of modest size and abutting the house, is considered to be a limited extension to the dwelling, and by virtue of its location between the buildings has minimal impact on the openness of the Green Belt. It is therefore not considered to be inappropriate development and is not harmful to the Green Belt.

Local Plan policy H4 allows for development within the curtilage of existing dwellings subject to certain relevant criteria, and policies CS1, CS9 and L13 require high standards of design and allow for development within the setting of a listed building so long as the development conserves and respects the character and significance of the heritage asset.

It is therefore considered that the development is in principle in accordance with the policies of the development plan, subject to meeting the necessary criteria as set out below.

5.2 Design/Heritage Impact

The primary consideration is the design and appearance of the structure, and its impact on the character and setting of the curtilage listed building.

The Council's conservation officer has not objected to the development, noting that while such a feature would not normally be considered appropriate for a listed barn conversion, because of its simple design, construction and materials, it does not read as a domestic feature and respects the remaining character of the barn.

The case officer agrees with this assessment, noting that the use only of oak with clay tiles give the structure a more agricultural than domestic character. Together with its relatively discreet location it is the officer's view that the structure adequately conserves and respects the character of the building, and therefore accords with policies CS9, CS1 and L13.

5.3 Residential Amenity

The carport is located immediately adjacent to the neighbouring property of Homefield. The carport is lower than the adjacent buildings and therefore can not be considered to be overbearing, and does not lead to any loss of light to the neighbouring property. There is also no concern over privacy as the structure is single storey and is a carport. Furthermore the eastern elevation is clad in wood so it provides no views to the rear. It is therefore considered that there development is not detrimental to residential amenity, and is in accordance with policy H4 in that regard.

5.5 Transportation/Highway safety

The car port has not increased or decreased the level of off-street parking for the property, and has no impact upon access arrangements. It is therefore considered to have no impact on transportation or highway safety.

5.5 Other matters

A neighbour has objected to the application on the basis that the structure prevents his lawful right to maintain his property, and is in breach of covenanted right of access.

These are civil legal matters between the respective landowners, and do not in law constitute material considerations to which any weight can be attached for the purposes of determining this planning application.

6. CONCLUSION

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

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

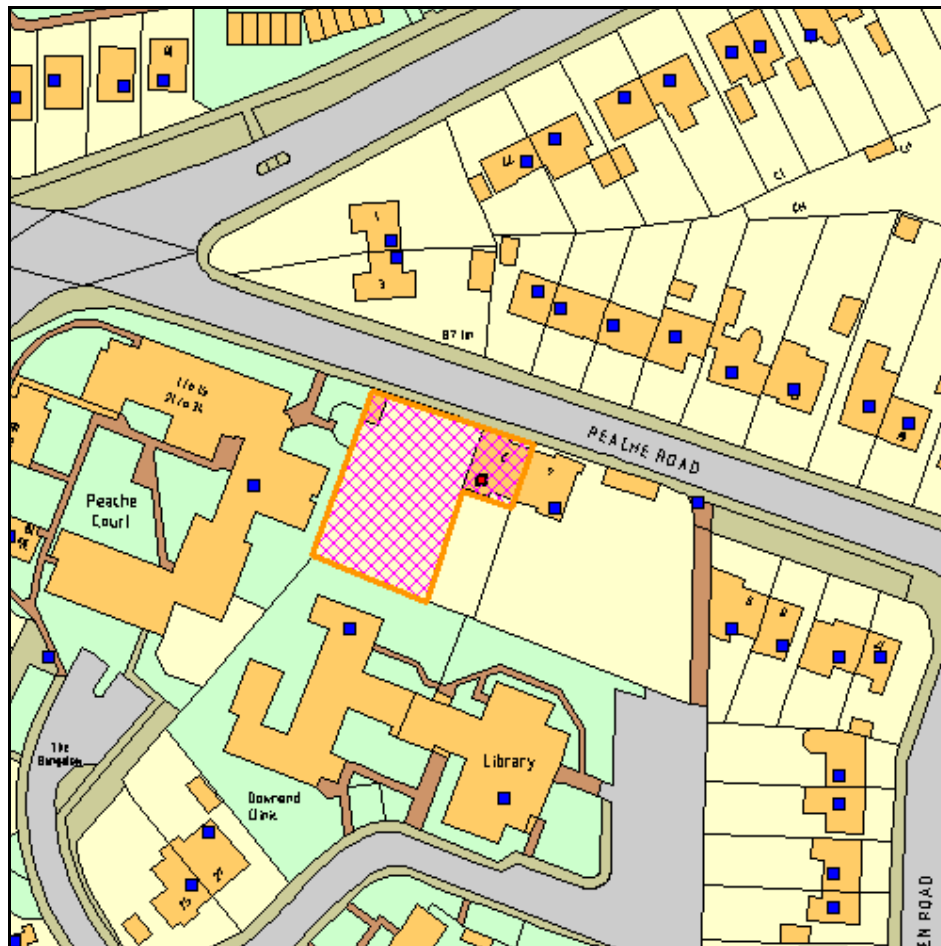
7. RECOMMENDATION

7.1 That planning permission is granted.

Contact Officer: Neil Howat
Tel. No. 01454 863548

CIRCULATED SCHEDULE NO. 26/15 – 26 JUNE 2015

App No.:	PK15/1930/F	Applicant:	Mr Goodarz Nikovee
Site:	2 Peache Road Downend Bristol South Gloucestershire BS16 5RN	Date Reg:	19th May 2015
Proposal:	Erection of 2no semi detached dwellings and 1no detached dwelling with associated works	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365434 176768	Ward:	Downend
Application Category:	Minor	Target Date:	7th July 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been submitted to the Council's Circulated Schedule procedure, following objections received from the Parish Council which are contrary to the recommendation detailed in this report.

1. THE PROPOSAL

- 1.1 This application is an identical resubmission of a previously approved planning permission which has now lapsed under application reference PK08/1887/F at 2 Peache Road, Downend. This permission was given an extension of time in 2011 under application reference PK11/2539/F, however this also lapsed in September 2014.
- 1.2 The application site relates to a two storey semi detached locally listed dwelling and garden within the established residential area of Downend.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance 2014
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Development within Existing Residential Curtilages
T7 Cycle Parking
T12 Transportation
L1 Landscape
L15 Locally Listed Buildings

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities of the East Fringe of Bristol Urban Area
- 2.3 Supplementary Planning Guidance
 - (a) South Gloucestershire Design Checklist (Adopted) August 2007
 - (b) Residential Parking Standard (Adopted) December 2013
 - (c) The Local List SPD (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PK11/2539/EXT Approve with conditions 25/09/2011

Erection of 1no. detached and 2no. semi detached dwellings with access and associated works.(Consent to extend time limit implementation for PK08/1887/F)

- 3.2 PK08/1887/F Approve with conditions 22/08/2008
Erection of 1no. detached and 2no. semi detached dwellings with access and associated works.
- 3.3 PK07/2322/F Approve with conditions 21/08/2007
Erection of 2no. dwellings with attached garages including alterations to existing vehicular access and associated works.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
Object to the vehicle access and egress to the property, bearing in mind the close proximity to the double mini roundabout. Also, the Local List SPD should be noted.

4.2 Other Consultees

Ecology

No comment received.

Tree Officer

No objection.

Sustainable Transport

No objection subject to conditions.

Listed Building Officer

Regrettable damage to locally listed building, but cannot be resisted due to adjacent development. No objection subject to conditions.

Lead Local Flood Authority

No objection subject to SUDs being conditioned.

Highway Structures

No comment.

Other Representations

- 4.3 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The principle of development was accepted as part of the previous application in 2008 and the associated extension of time application in 2011. Since the determination of the latter, the South Gloucestershire Core Strategy was

formally adopted in December 2013. Further to this, national government guidance has been revised, and the National Planning Policy Framework was adopted in 2012, replacing all of the Planning Policy Statements. Due to the significant change in policy, all of the previous planning issues relating to the development will be addressed individually below.

5.2 The site lies within the Bristol East Fringe Urban Area and being residential curtilage, there is no in-principle objection to the development of the site for residential use. Accordingly, the relevant policies for the considerations of this application are primarily CS1 and CS5 of the South Gloucestershire Core Strategy (Adopted) December 2013, and policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. Whilst these are permissive of proposals for new residential development, this is subject to considerations of design, residential amenity and highway safety whilst adequate amenity space should be provided for any new separately occupied dwelling.

5.3 Design and Impact on Locally Listed Building

The immediate surrounding area is characterised by a mix of housing styles. The host dwelling forms half of a locally listed building which is considered to have significant architectural merit, particularly given the contrast between the design and layout of the pair and its predominately inter and post war suburban context. Policy L15 of the Local Plan, which seeks to protect locally listed buildings and was used to determine the previous two applications, is still adopted policy, whilst design policy D1 has been replaced with policy CS1 of the Core Strategy. Despite the change, the design principles of both policies seek similar outcomes, ensuring that the highest possible standard of design and site planning are achieved.

5.4 The use of render for the pair of semis and natural stone to the front the detached unit is in particular welcomed and should help the units integrate into their setting over time. Samples/details of the external facing materials will need to be submitted prior to the commencement of development. The buildings are also correctly set back into the plot in a subservient manner to the locally listed building. The proposed parking arrangement will detract from the potential quality of the scheme, however it is conceded that alternative options are not very apparent, and the impact could be reduced by using coloured asphalt. Subject to this, the boundary treatments and a landscaping scheme to screen the parking area being conditioned, and therefore the development is considered acceptable in terms of policy CS1 of the Core Strategy and policy L15 of the Local Plan.

5.5 Residential Amenity

The adopted policy relating to residential amenity has not changed from the previous submissions. Therefore, the development is still found to be acceptable in terms of policy H4 of the Local Plan (Adopted) December 2013.

5.6 Transport

Since the previous submissions, the Council has introduced the Residential Parking Standards SPD. As previously approved, it is proposed that the existing vehicular access is amended to allow vehicles to enter the site

centrally and move out into one of the eight proposed parking spaces, which includes two spaces for the existing property. This level of parking meets the Council's parking standards detailed within the SPD. The proposed manoeuvring space is adequate to allow vehicles to enter and egress the site in a forward gear. In order to ensure that there is adequate pedestrian visibility splays, it is recommended that the height of the boundary wall is kept below 0.9 metres within 2 meters of the new access. This will be subject to a planning condition in the event of an approval.

5.7 The Parish Council have expressed concerns about the access being close to the mini roundabout. Whilst this is noted, an access at this location is existing and, whilst it is to be intensified and slightly relocated as a result of this development, it is 60 metres from the roundabout which is considered acceptable in highway safety terms. A condition on the decision notice will ensure that the existing access is blocked up and the new access in place prior to the occupation of the development. Overall, there is no transportation objection to the proposal.

5.8 Landscaping

There are several semi-mature trees growing with the site which include two cherry trees and a conifer. The trees are not considered for Tree Preservation Orders and there is no objection to their removal. The holly tree growing to the front of no. 2 will not be affected by the development as it is far enough away to conflict with the proposal site, and therefore no tree protection measures are needed prior to determining the application. As previously mentioned, a landscaping scheme will be agreed by condition.

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 **GRANTED** subject to the conditions on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

2. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hard surfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

In order to protect the visual amenity of the area and the significance of the locally listed building, in accordance with policy L1 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS1 of the Core Strategy (Adopted) December 2013. The information is required prior to commencement to prevent vegetation being destroyed without agreed alternatives in place.

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

Reason

In order to protect the visual amenity of the area and the significance of the locally listed building, and to accord with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 and policy L15 of the Local Plan (Adopted) January 2006. The information is required prior to commencement as the materials are integral to the development itself.

4. No development shall commence until 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 have been submitted and approved by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.

Reason

To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012. The information is required prior to commencement due to the physical nature of surface water.

5. Prior to the occupation of the development, the existing access shall be stopped up and the footway reinstated, and the proposed vehicular access shall be constructed and completed in accordance with the submitted plans. The proposed access shall thereafter be retained for access purposes only.

Reason

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

6. The boundary treatment along the front of the site shall be kept at no more than 0.9 metres above the footway level within two metres of the access.

Reason

In the interests of adequate pedestrian visibility and highway safety and to accord with policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

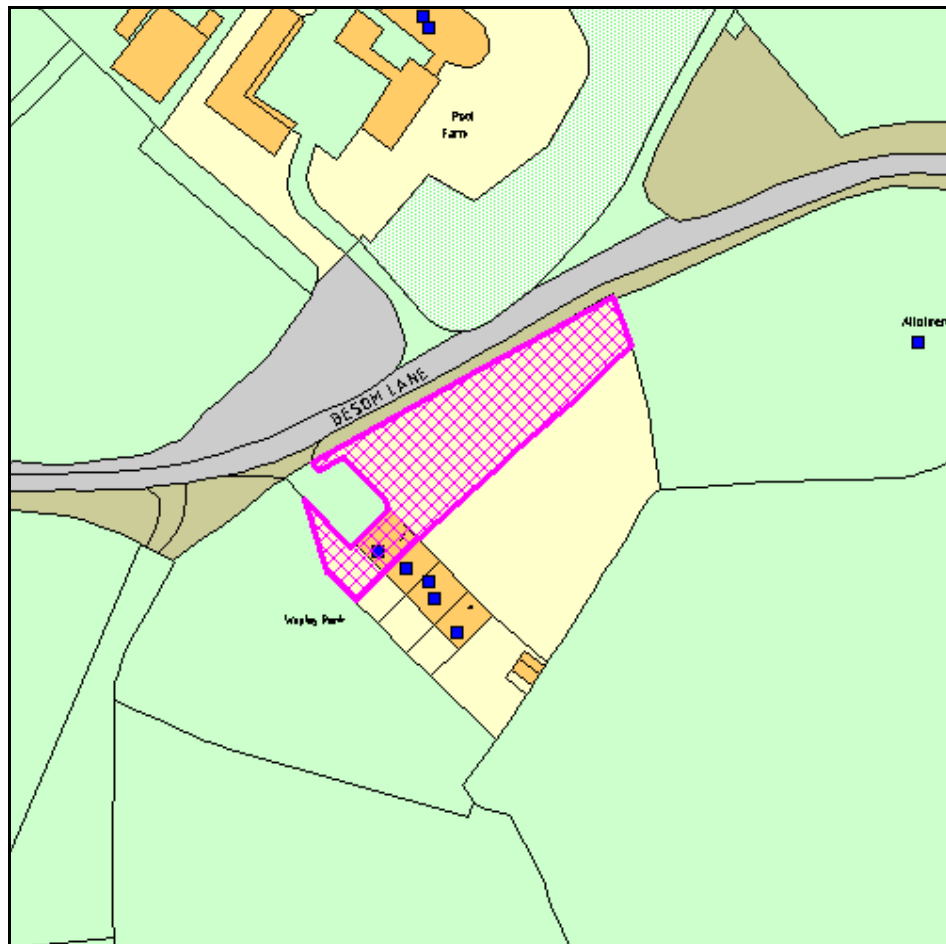
7. Prior to the occupation of the development, the eight off-street parking spaces shown in drawing no. 598W70/200 Rev B shall be implemented, and retained thereafter for that purpose.

Reason

In the interests of adequate parking and highway safety and to accord with policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Residential Parking Standards SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 26/15 – 26 JUNE 2015

App No.:	PK15/1993/CLP	Applicant:	Mr R Levey
Site:	1 Wapley Rank Besom Lane Westerleigh Bristol South Gloucestershire BS37 8RP	Date Reg:	19th May 2015
Proposal:	Application for a certificate of lawfulness for the proposed erection of a single storey rear extension..	Parish:	Dodington Parish Council
Map Ref:	370763 180221	Ward:	Westerleigh
Application Category:		Target Date:	7th July 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey flat roof rear extension at 1 Wapley Rank, Besom Lane, Westerleigh would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 The application site relates to an end of terrace two-storey dwelling situated outside any settlement boundary, within the open countryside and also within the Bristol/Bath Green Belt. The property is part of a terrace of four cottages which were once a group of eight small miners cottages. Collectively these cottages at Wapley Rank are locally listed.
- 1.4 It must be noted that the red edge plan submitted with the application includes all of the neighbouring gardens within it implying they are within the control of this applicant. It is assumed that this is incorrect given the details submitted with the recently refused proposal for a two-storey rear extension. Nevertheless, this application is specifically to establish whether the single storey rear extension as proposed needs planning permission. Officers have therefore not requested a revision of the plans.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Permitted Development) (England) Order 2015
- Schedule 2, Part 1, Class A.

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|-------------|---|
| 3.1 | PT14/4286/F | Erection of two storey rear extension to form additional living accommodation |
| | Refused | 3.2.15 |

Reason 1:

The site is located within the Bristol/Bath Green Belt and the proposal and the proposed extension would result in a disproportionate addition over and above the size of the original building, contrary to Green Belt requirements and contrary to Policy CS5 of the South Gloucestershire Local Plan Core Strategy

Adopted December 2013, South Gloucestershire Green Belt Supplementary Planning Document, and the provisions of the National Planning Policy Framework.

Reason 2:

The proposed extension, by reason of its size, scale, massing, design and external appearance, would be out of keeping with the existing dwellinghouse and other nearby properties and would detract from the visual amenities of the locality and the traditional and well balanced character of the row of dwellings. The proposal is therefore considered contrary to Policies L15 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

Reason 3:

The proposed development by reason of its position, mass and height would have an overbearing effect on the occupiers of the adjoining property which would be to the detriment of residential amenity and would also be contrary to Policy H4 of the South Gloucestershire Local (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

4. CONSULTATION RESPONSES

4.1 Dodington Parish Council

- no objections to the application however we would wish to encourage the applicant to install a pitched roof on the extension which would be more in-keeping with the style of the historic cottages

4.2 Highway Drainage

No comment.

Other Representations

4.3 Local Residents

No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 As received by the Council 28.5.15
Site location plan

As received by the Council on 8.5.15
Proposed block plan and elevations – drawing 002

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

This 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 planning application is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application.

6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO (2015)

6.3 The proposed development consists of a rear extension. This development would fall within Schedule 2, Part 1, Class A, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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

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

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

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

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

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

The height of the rear extension would not exceed the height of the roof of the existing dwellinghouse.

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

The height of the eaves of the rear extension would not exceed the height of the roof of the existing dwellinghouse.

(e) The enlarged part of the dwellinghouse would extend beyond a wall which—

(i) forms the principal elevation of the original dwellinghouse;
or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

The extension would extend beyond the rear elevation not fronting a highway.

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

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

(ii) exceed 4 metres in height;

The application relates to an end of terrace property and the extension would reach a maximum depth of 3 metres beyond the rear elevation. The development therefore meets these criteria.

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

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

Not applicable.

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

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;

The extension would be single storey.

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

The extension would be within 2 metres of the boundary but the eaves would be less than 3 metres.

(j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,

(ii) have more than a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse; or

The development would not extend beyond the side elevation.

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

The development would not include any of the above.

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

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

The application site does not fall on article 2(3) land.

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

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

The application site relates to an end of terrace two-storey cottage. This locally listed property is part of a small terrace of cottages, now a row of four, but originally a group of eight back to back miners' cottages. The front and backs of these dual pitched dwellings are finished in attractive rough stone rubble with quoin stone detailing, but gable ends are of painted render. The proposed rear extension would therefore be added to one of these stone elevations where the use of matching materials would be of paramount importance.

It must be emphasised that being a certificate of lawfulness providing the proposal meets the tests the design of the structure can be quite poor and not in-keeping with the host property or its surroundings. It is Officer opinion that this is demonstrated in this case. Helpful suggestions given to the agent to improve the appearance have been strongly resisted and this is unfortunate. Notwithstanding reluctance to better the design, the proposal meets the required test, but, only with the proviso that it complies with the conditions regarding materials. Given the uniqueness of the site the materials used would need to be a very close match to the existing stonework, otherwise risk a very poor finish. If this is not

possible a full application could deal with a more contemporary design and external finish. If the materials do not match the existing the proposal would be regarded as having breached the condition attached to the GDPO (2015) and enforcement action could be a likely consequence.

- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—**
 - (i) obscure-glazed, and**
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**

Not applicable.

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

Not applicable.

7. RECOMMENDATION

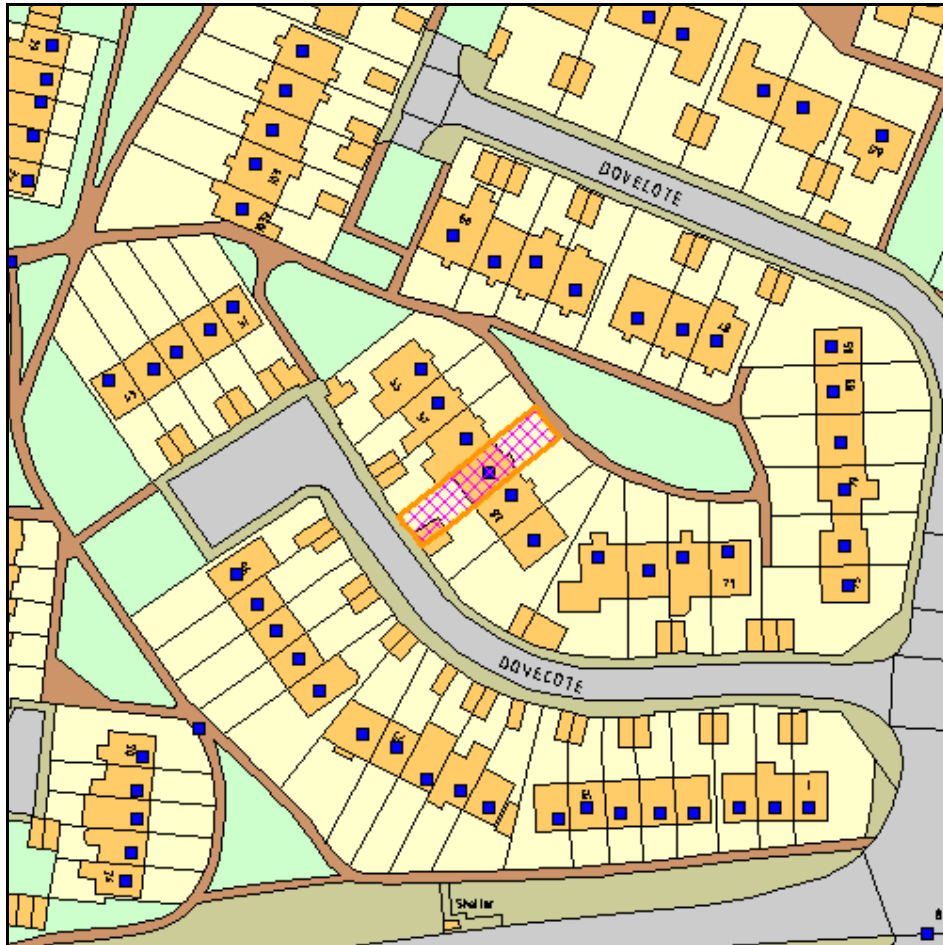
- 7.1 That a certificate of Lawfulness for Proposed Development is granted for the following reason:

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: Anne Joseph
Tel. No. 01454 863788

CIRCULATED SCHEDULE NO. 26/15 – 26 JUNE 2015

App No.:	PK15/2086/PDR	Applicant:	Mrs Dee Channonn/a
Site:	61 Dovecote Yate Bristol South Gloucestershire BS37 4PB	Date Reg:	22nd May 2015
Proposal:	Erection of rear conservatory.	Parish:	Yate Town Council
Map Ref:	371365 181498	Ward:	Dodington
Application Category:		Target Date:	15th July 2015



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PK15/2086/PDR

REASON FOR REPORTING 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 rear conservatory to no. 61 Dovecote, Yate. The property is a single storey mid terrace bungalow, part of a terraced row of six dwellings.
- 1.2 The proposed conservatory will extend from the rear of the property by approximately 4.4 metres, have width of 3.4 metres and a maximum height of 3 metres. The conservatory will border with no. 63 Dovecote, and the built form of the conservatory will retain the built form of the existing boundary wall which is approximately 1.6 metres high.
- 1.3 The property's permitted development rights were removed under planning ref. SG572/19.

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 PK15/0908/PNH Withdrawn 31/03/2015
Erection of a rear conservatory which would extend beyond the rear wall of the original house by 4.5 metres, for which the maximum height would be 3 metres and the height of the eaves would be 2.3 metres.

4. CONSULTATION RESPONSES

4.1 Yate Town Council

The Town Council did not state whether they objected or supported the application, however, the Town Council did suggest that the proposal may result in a potential loss of privacy and could have an overbearing impact.

4.2 Lead Local Flood Authority

No comment.

4.3 Dodington Parish Council

None received.

Other Representations

4.4 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 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.

5.2 Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) is supportive in principle of development within existing residential curtilages. 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.

5.3 Design and Visual amenity

Many of the dwellings in the area have rear conservatories in the area which are largely visible from the residential road to the rear of the terraced rows due to the 'Radburn-style' urban layout of the residential estate. The proposal, although larger than the majority of the conservatories in the area, is considered to have an appropriate scale and standard of design. The proposal utilises materials effectively matching with aspects of the existing dwelling. Accordingly, the proposal is judged to have an appropriate standard of design which conforms to policy CS1 of the adopted Core Strategy.

5.4 Residential Amenity

Comments have been received from Yate Town Council, questioning whether the proposal will result in a loss of privacy to the nearby occupiers and also if the proposal will have an overbearing impact. Saved policy H4 of the adopted Local Plan only permits development of this kind where the residential amenity

of the nearby occupiers is not prejudiced as a result of the proposed development.

- 5.5 The proposal will not result in a loss of privacy to no. 63 Dovecote as the side elevation facing this property consists of obscure glazed windows and a wall. If permitted, a condition will be imposed to ensure the obscure windows on the southern elevation of the conservatory are implemented and thereafter retained as obscure glazed and non-opening above 1.7 metres from floor level within the conservatory.
- 5.6 Similarly, a loss of privacy is not expected to occur to no. 59 Dovecote as a result of this proposal as the shared boundary treatment is marked by a 1.6 metre wall/fence, and the side elevation of no. 59's rear conservatory is opaque.
- 5.7 The outlook from the adjacent property no. 63 is already diminished to the north-west by the shared boundary wall and also a rear detached garage block. Accordingly, the proposed conservatory is not expected to materially harm the outlook of no. 63 Dovecote.
- 5.8 As well as this, the outlook of no. 59 is not expected to be materially restricted due to the distance from the proposal.
- 5.9 The proposal will cause some shadowing to the north; such shadowing is not considered to be at level significant enough to constitute a material loss of light.
- 5.10 Overall, the proposal has an acceptable impact on the residential amenity of the area which does not result in a material loss of privacy or an overbearing impact on the neighbouring residents. Therefore the proposal does not materially prejudice the residential amenity of the nearby occupiers, meaning the proposal accords with saved policy H4 of the adopted Local Plan.
- 5.11 Transport and Parking
The proposal does constitute an additional bedroom at the property, and the proposed conservatory does not prejudice any provided parking areas. Therefore, there are no objections regarding highway safety.

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 on the decision notice.

Contact Officer: Matthew Bunt

Tel. No. 01454 863131

CONDITIONS

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

Reason

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

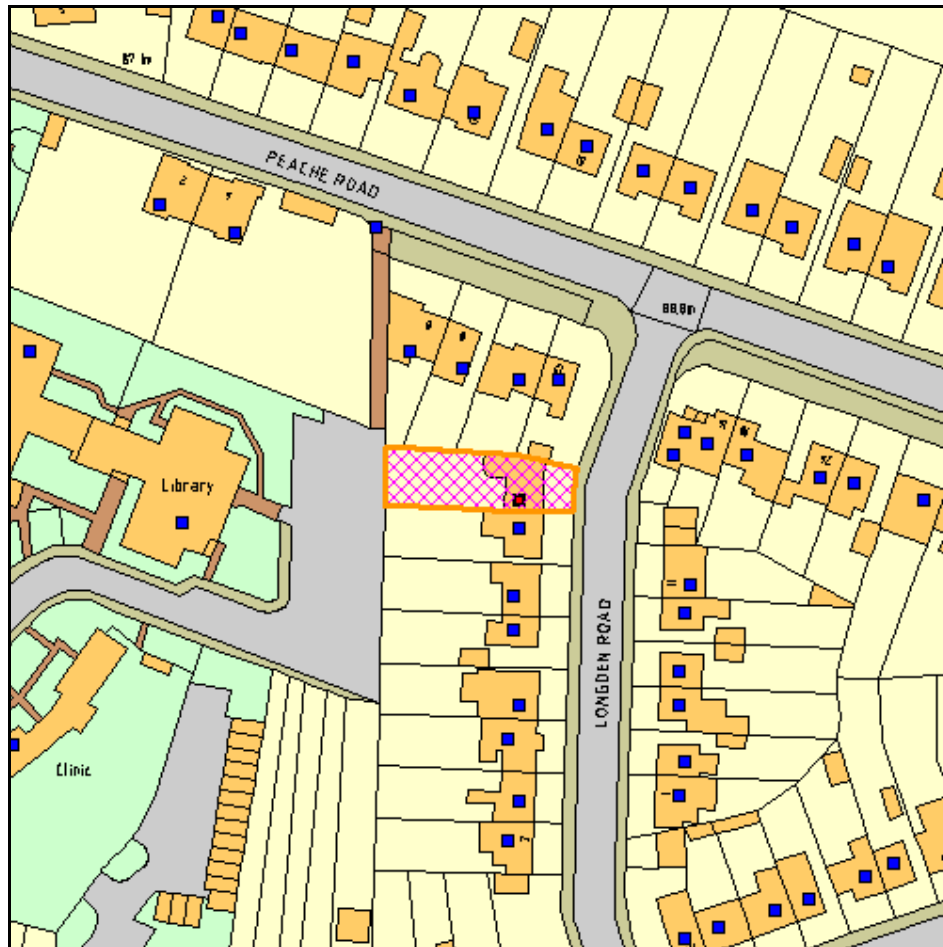
2. Prior to the occupation of the extension hereby permitted, and at all times thereafter, the proposed windows within the southern elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is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

Reason

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

CIRCULATED SCHEDULE NO. 26/15 – 26 JUNE 2015

App No.:	PK15/2173/CLP	Applicant:	Mr & Mrs Bridges
Site:	16 Longden Road Downend Bristol South Gloucestershire BS16 5RL	Date Reg:	22nd May 2015
Proposal:	Application for a certificate of lawfulness for the proposed installation of rear and side dormers.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365497 176716	Ward:	Downend
Application Category:		Target Date:	13th July 2015



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PK15/2173/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 a rear and side dormer at 16 Longden Road, Downend 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 | PK01/1354/F
Erection of single storey rear extension. | Approved with conditions | 12.03.2002 |
| 3.2 | P98/4688
Erection of two storey side and single storey rear extension and rear conservatory. Refusal Reason:
<i>The proposed two storey extension by reason of its position, mass and height would have an overbearing impact upon the occupiers of the adjoining property which would be to the detriment of residential amenity and would also be contrary to Policy KLP.84 of the Kingswood Local Plan and advice contained within Kingswood Borough Council's Residential Design Guidance.</i> | Refusal of Planning | 26.10.1998 |
| 3.3 | K3915/1
First floor extension and single storey rear extension. | Approved | 03.03.1986 |
| 3.4 | K3915
Erection of a garage. | Approved | 05.05.1982 |

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection
- 4.2 Lead Local Flood Authority
No comment
- 4.3 Councillor
No comment

Other Representations

- 4.4 Local Residents
No comment

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Received 18th May 2015:
Site Location Plan
Plan 01: Existing and Proposed Floor Plans, Elevations and Section.
- 5.2 Received 18th June 2015:
Existing and Proposed Volume Details

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 a rear and side dormer. 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 dormer extends from the rear roof slope and along the side slope, neither of which form a principal elevation or front a highway. The dormer would extend to the principal roof elevation but would not protrude beyond it.

- (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 29.92 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 applicant has stated in the proposed plans 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 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 proposal does not include any side elevation windows.

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 lights 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 lights 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

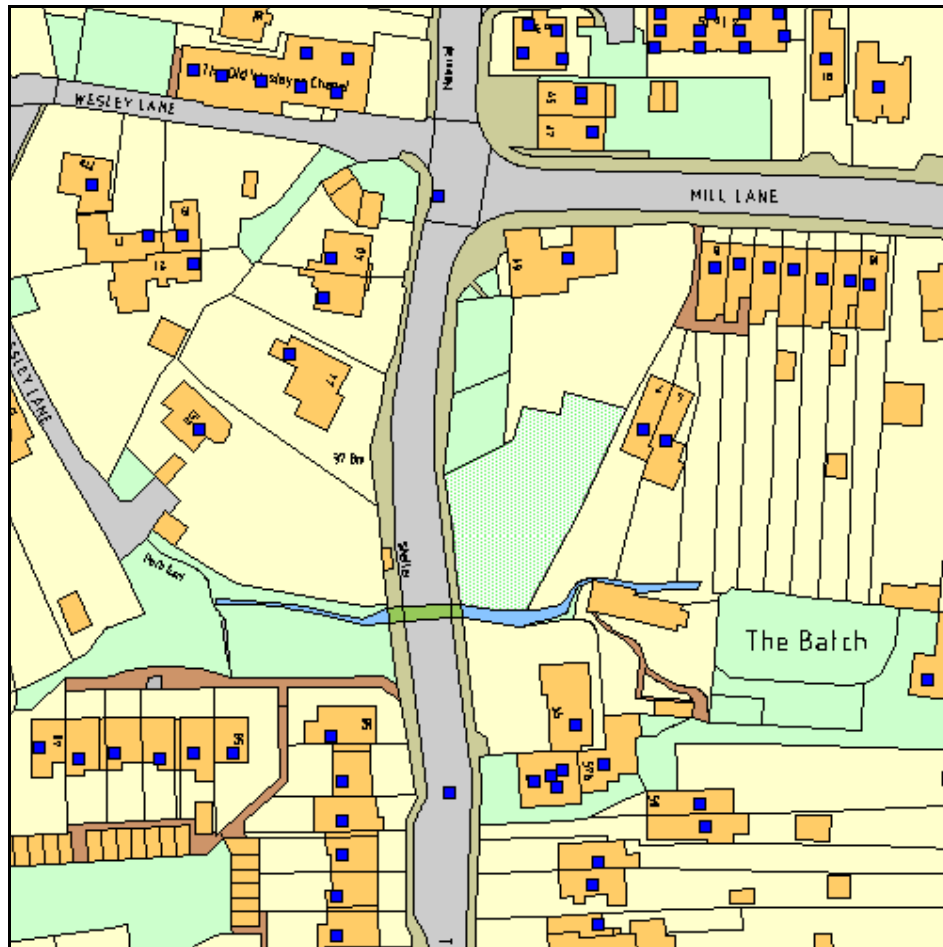
7.1 That a Certificate of Lawfulness for Proposed Development is **granted** for the following reason;

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.

CIRCULATED SCHEDULE NO. 26/15 – 26 JUNE 2015

App No.:	PT13/1992/F	Applicant:	Mr Craig Noad
Site:	Little Bridge Barn Pilning Street Pilning South Gloucestershire BS35 4HL	Date Reg:	18th June 2013
Proposal:	Erection of agricultural building and associated works (Retrospective)	Parish:	Olveston Parish Council
Map Ref:	358346 185867	Ward:	Severn
Application Category:	Minor	Target Date:	8th August 2013



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PT13/1992/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated as a result of the Parish Councils reported concern about the future use of this building.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to retain a building for agricultural purposes. The building measuring 13.2m long by 7.4m deep and 3.4m to the eaves is proposed to be used for agricultural storage purposes. The application would sit within an agricultural parcel of land.
- 1.2 The application site is tightly defined and sits on an 2.17acre plot. The site is located within the open countryside outside the defined settlement boundary and within the Green Belt. A farm, a couple of residences, a horse business and fields surround the application site. A converted barn is associated with the land and this buildings is not within the limited residential curtilage associated with that dwelling. No new access is proposed.
- 1.3 An agricultural justification is supplied stating that most of the floor area of the building (93%) would be required for the raising of young birds, growing on the poultry and for the storage of bedding fodder and feed for pigs and poultry. The additional space would allow for more winter storage and growth of the poultry enterprise.

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)

E9 Agricultural development

L1 Landscape protection and enhancement.

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS9 Managing the environment and heritage

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/0249/F Erection of outbuilding to facilitate workshop and dog kennel (Retrospective) refused 26.03.2013 (green belt and noise)
- 3.2 PT15/0258/RVC Removal of conditions 2 and 3 attached to planning permission PT08/2871/F to enable the floor space the subject of the (Class B1) restriction to be used for residential (Class C3) purposes as part of the existing private dwelling. Approved

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council

Although the Parish Council do not object to this application whilst it is for agricultural use, we do have concerns as to the future use of this building as the structure is more substantial than that required for agricultural use.

4.2 Other Consultees Sustainable transport No objection

Drainage team –

No objection *subject to the EA being notified and the sequential test being met. The site is categorised as 'less vulnerable' and is located in flood zone 3.*

Environment agency

The site is within flood zone 3a. Providing the Local Planning Authority (LPA) are satisfied the requirements of the sequential test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objection in principle to the proposed development, subject to the inclusion of named informatives and recommendations within the decision notice.

Lower Severn Internal Drainage Board

As the surface water is being dealt with by way of a soakaway the Board is comfortable with the proposals.

Other Representations

4.3 Local Residents None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Agricultural development in the countryside is acceptable in principle and the agricultural building is intended for agricultural use of the agricultural land. This seems to be a small holding with birds and a few various mammals. Policy E9 states that agricultural buildings will be permitted provided that:

A they are on land used for agricultural purposes and there area no suitable underused building available.

There is no other agricultural building on the plot as other buildings relate to eth residential use of the dwelling.

B adequate access and manoeuvring is available.

In this respect the building is located just off the existing drive to the house and no new access is proposed to serve the barn.

C the development shall have no unacceptable environmental effects

The barn is already located close to a hedge and the depth of hedge is maintained satisfactorily by the reasonable location of the building. The proposal is some 50m from the rhine passing east-west through the wider land mass and as such would not affect its management. Flood risk is considered separately below. Use as agricultural use, as proposed, is not anticipated to cause any other environmental effects. Accordingly the proposal would not have unacceptable effects on its surroundings.

D the proposal would not prejudice the amenities of people residing in the area. The barn is located close to a group of existing buildings, with a temporary dwelling, related to an equine use, being located on the eastern side of the boundary hedge and some 13m remote from the proposed barn. Another dwelling, masonry built, is also located close-by. The small barn has no physical impact on the neighbours who are located on the far side of a wide hedge and their own buildings. The proposed use is unlikely to cause harm to residential amenity by reason of noise or smell. It is therefore not considered to prejudice neighbours.

5.2 Visual amenity

The barn is located well within the landholding and is barely seen through a dense hedge running the length of Pilning Street. There are no other major view points of the buildings and in any case this timber stud construction building is proposed to be finished in green oak cladding with a natural finish and has reclaimed pan tiles to its roof. These are acceptable and will blend suitably with the surrounding landscape features and other buildings. Further details are not required. As such the barn would barely be visible from the roadside and would be located amongst an existing cluster of buildings which formed part of the neighbouring farm previously. Overall therefore the proposal is acceptable.

5.3 Flood risk

The above proposal falls within Flood Zone 3a which is an area with a high probability of flooding, where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year) or 1 in 200 years or less from tidal/coastal sources (i.e. a 0.5% or greater chance in any given year).

The proposal is for agricultural use and the agent indicates that as there is fixed locational requirement for the building mitigation would be carried out to help flood proof the building from damage. He considers the materials and form of construction of the building flood resilient and states that electrical wiring would be at a higher level and the building could be washed down and allowed to dry before being used again (for agricultural purposes). The floor level is already set broadly in line with the dwelling with which it is associated. It should however be remembered that this is a proposed barn, not a new home and given that the barn is associated with the dwelling close by, the dwelling could be used as a first floor refuge should a flood occur. The applicant will sign up to the Environment Agency's 'Floodline' service for early warning of potential flooding concerns.

Taking an overall view of the development, which is for agricultural use, not

residential use, the precautions are considered satisfactory.

5.4 Future use of the building

The parish council have stated that they do not object to the agricultural use of the building. They went on to advise that they are concerned about the future use of this building as the structure is more substantial than that required for agricultural use. It is true that this is more than a simple metal framed building but the use proposed is that of agriculture. Any future use departing from this would need to be assessed under planning permission or under permitted use rights on due course. The land holding does not have other agricultural buildings and it is reasonable to facilitate the retention of the building for this purpose.

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 granted subject to the condition set out below which, given the retrospective nature of the building does not contain a commencement time condition.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

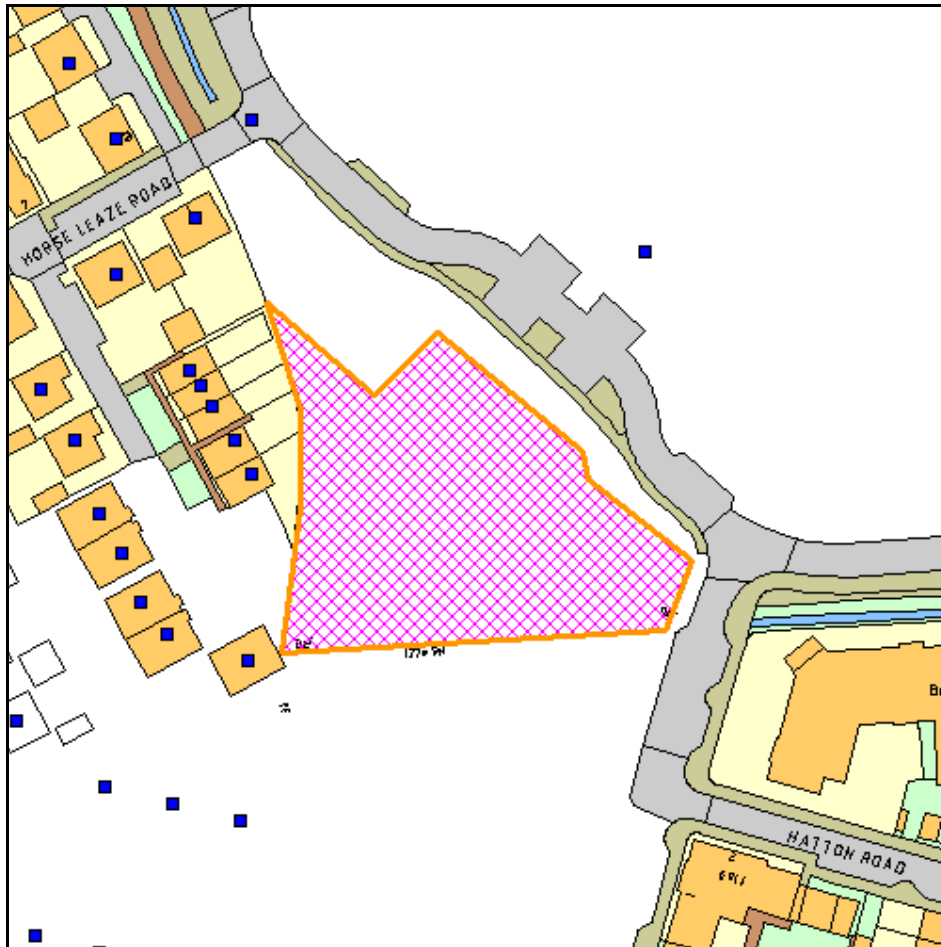
1. The barn shall be completed and maintained in accordance paragraphs 6.3 to 6.6 of the Flood Risk Assessment submitted on 13 June 2013. (This relates to floor level, electrical wiring, refuge from the barn to the associated house and signing up to the Environment Agencies 'Floodline' service).

Reason

In order to maximise the resilience of the building and protect the future users of the building against the potential flooding issues of this Flood Zone Three location and to comply with policy CS1(9) and (11) of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

CIRCULATED SCHEDULE NO. 26/15 – 26 JUNE 2015

App No.:	PT15/0870/RM	Applicant:	McCarthy And Stone Retirement Lifestyles Ltd
Site:	Cheswick Village (Phase 5) Long Down Avenue Stoke Gifford South Gloucestershire	Date Reg:	6th March 2015
Proposal:	Erection of 4-storey retirement housing (C3) to comprise of 32no. units with associated communal facilities, car parking, landscaping and infrastructure works. (Approval of reserved matters to be read in conjunction with planning permission PT04/0684/O and variation to approved reserved matters application PT12/0684/RM).	Parish:	Stoke Gifford Parish Council
Map Ref:	361416 177735	Ward:	Frenchay And Stoke Park
Application Category:	Major	Target Date:	1st June 2015



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PT15/0870/RM

REASON FOR APPLICATION APPEARING ON CIRCULATED SCHEDULE

This application has been referred to circulated schedule due to a number of objections from local residents, contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 4-storey retirement housing (C3) to comprise of 32no. units with associated communal facilities, car parking, landscaping and infrastructure works. (Approval of reserved matters to be read in conjunction with planning permission PT04/0684/O and variation to approved reserved matters application PT12/0684/RM).
- 1.2 The original outline application (Ref. PT04/0684/O) relates to the development of 24.3 hectares of land for residential development and associated infrastructure and ancillary facilities, including the provision of a neighbourhood centre. The site lies to the south of the A4174 Ring Road. Immediately to the north-west is the Ministry of Defence and to the east is situated the University of The West of England. The existing Hewlett Packard employment site is located to the north of the application site.
- 1.3 There is an existing permission on the site, dating from November 2012 (Ref. PT12/0684/RM) for Category II Sheltered Accommodation. The principle of the retirement housing on this site in the form of a 3-storey T-shaped sheltered housing block of 40no. units has already been established under planning application PT04/0684/O. A subsequent amendment to that under Ref. PT11/1684/RVC) allowed a reduction in the density to meet viability criteria.
- 1.4 The application site lies adjacent to the main hub centre of Cheswick Village which is nearing completion. The retirement scheme is the last parcel of land in this central hub area and has been used as a site compound for the remaining development.
- 1.5 This submission for reserved matters approval covers the retirement housing element of the approved hybrid outline application for residential development at Cheswick Village (Phase 5). The proposals subject of this revised matters application provides 32no. retirement apartments, a mixture of one (15no.) and two (17no.) bedroom units for older persons with associated communal facilities, parking and landscaping. The apartments will be contained within one single development and there is a range of communal facilities including residents lounge, mobility scooter store and associated car parking.
- 1.6 The previous reserved matters approved the principles of appearance, scale, layout and landscaping; the current submission comprises an alternative approach to these matters.

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 Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS20 Extra Care Housing
CS23 Community Infrastructure
CS25 Communities of the North Fringe of Bristol Urban Area

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

L1 Landscape Protection and Enhancement
L9 Species Protection
L11 Archaeology
EP4 Noise Sensitive Development
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|---------------|---|
| 3.1 | PT12/0684/RM | Provision of local neighbourhood centre to comprise of 2,425 square metres of retail floorspace (Class A1/A2/A3/A4/A5), 633 square metres of D1 floor space (including 262 sq. metres nursery); 363 square metre gymnasium (Class D2); 137 residential units (C3); with car parking, landscaping and infrastructure works. (Approval of reserved matters to be read in conjunction with planning permission PT04/0684/O). |
| 3.2 | PT11/1684/RVC | Variation of condition 9 attached to planning Ref PT04/0684/O (approved 02/11/05) to allow the submitted reserved matters application to achieve a minimum average density of 40 dwellings per hectare over the application site as a whole (as opposed to 50 dwellings originally approved). |
| 3.3 | PT04/0684/O | Residential development at a density of 50 units per hectare overall across the site together with supporting infrastructure and ancillary facilities. |

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council
No comments received.

4.2 Highway Drainage
NO OBJECTION: Drainage and Flood Risk Management Team (Street Care) has no objection in principle to this application subject to the following comments and advice.

As per the response from the Environment Agency we will require a detailed drainage layout plan to be submitted for review in order to satisfy the drainage condition. The detailed plan will need to adhere to the surface water drainage strategy produced by Stuart Michaels Associates.

4.3 Highway Structures
If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first providing the Highway Structures team with documents in accordance with BD2/12 of the Design Manual for Roads and Bridges that will allow formal Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected

4.4 Sustainable Transport
The revised proposals (when compared with the extant permission) represent an improvement over the original application in that the number of units is reduced from 44 retirement apartments down to 32 retirement apartments whilst at the same time increasing the number of parking spaces from 15 to 24. This represents a level of parking slighting excess of the Councils new SPD standards by one space.

The result of the larger car park is that there is greater provision for service vehicles to manoeuvre, enabling them to enter and leave in a forward gear. Consequently there is no transportation objection to this proposal subject to a condition to ensure that the parking and manoeuvring facilities are provided prior to first use of the building.

4.5 Wessex Water
We note the above application and advise that in this instance we have no comments to make.

4.6 Police Community Safety
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.

4.7 MST Avon Fire and Rescue
No comments received.

4.8 Urban Design Officer

The proposal is for a 4 storey block of apartments opposite the new local centre at Cheswick Village. It is located immediately due southwest of the new square. . There is existing residential development to the south and west. The previous scheme (PT12/0684/RM) was for a 3 storey block on a larger 'T' shaped footprint. The northwest and southeast elevations of the building will be highly prominent as you approach along Long Down Avenue from both the north and east.

The layout shows a car park to the rear and communal garden to the eastern end of the site. Given the prominence of this part of the site I suggest it would benefit from a 'landmark tree' at its eastern end, otherwise I have no further comment.

In terms of scale, position and proximity to the square this higher building (than previous approved) will further overshadow this important space. I note that the southern part of the square is however utilized primarily as highway with sitting area to the northern part of the square. It is however important that the square is not significantly overshadowed to ensure that it is an attractive and pleasant space. I would request therefore that sun path modelling is provided to show shadowing impacts in spring and autumn, morning and evening, to determine the impact.

With respect appearance I note the prompts that have been taken from the centre opposite, in terms of materials etc. The success of such 'modern' design is highly reliant on the quality of materials and robust detailing. I should therefore request that clarification is provided with respect fenestration and balcony details, window reveals, set back of the 'chameleon panelling' and roofline / eaves detailing. With respect the roofline, and particularly the approach from the east and northwest I wonder whether a little more articulation could be provided to create a little more visual interest. I would also request that the extent of blue brick and blank walling is reconsidered particularly in respect of the eastern elevation to add a little more interest to the street scene.

In terms of sustainability I note the lack of imagination with regard the extensive flat roof for use as a terrace and or siting of solar PV. Further thought in accordance with Core Strategy policy CS1 (8) is requested.

Objection. Information on the overshadowing impact on the square to the north should be provided in order to determine if the scale is appropriate. Clarification of detailing and further consideration is required of the roofline, eastern elevation and use of the roof.

FINAL COMMENTS:

I consider that amendments acceptable and therefore have no further objection.

4.9 Archaeology Officer

I have reviewed the desk-based assessment sent in support of this application and whilst I concur broadly with some of the findings I disagree on the conclusion/recommendations.

The DBA rightly identifies the Early Medieval cemetery to the northeast and suggests that the burials here are likely to be constrained to this area. This may be the case, but this cannot be conclusively demonstrated via the available evidence. In addition, the DBA highlights the absence of settlement so far discovered of Early Medieval date that may relate to the cemetery. The relationship between settlement, landscape use and burials in Early Medieval South Gloucestershire is not particularly clear, certainly in comparison to other parts of the country and it is premature to suggest that the site has no archaeological potential because no recorded assets are defined on site.

Furthermore, this is not a small development. Whilst the DBA has highlighted that the site was used as a builder/contractors yard which would have involved the removal of topsoil for parking and it has highlighted a 2013 Google aerial photograph showing disturbance, the DBA also highlight that prior to this the land was undeveloped. As the current proposal is significantly larger than the previous use of the site, it will involve much greater ground disturbance than has previously occurred and any archaeological deposits, if present, will be impacted.

As such I disagree with the suggestion that no further mitigation works are needed. This would be incongruous with other developments adjacent to the site which have required archaeological mitigation. I concede that evaluation would be onerous and I do not have an objection to the development in principle, but a condition for monitoring of ground disturbance would be entirely reasonable in light of the proximity of the proposal site to known burials.

It is recommended that a condition is attached requiring an archaeological site investigation and post investigation assessment are completed in accordance with the Written Scheme of Investigation already submitted and approved.

4.10 Environmental Protection

No objection in principle, but would recommend a construction sites working hours condition be attached to the permission.

4.11 Economic Development Officer

No comments received.

4.12 Environment Agency (South West)

The Environment Agency has no objections to the proposed development, as our requirements have previously been covered at outline stage (PT04/0684/O), and our comments remain as covered under the previous Reserved Matters application, repeated here for information:

We are aware that a master plan for surface water drainage of the site is available. This application should conform to the details set out in this plan.

Please note any variations to the master plan will require further discussion with us.

Please be aware we will need to see the detailed design of the drainage infrastructure in order to discharge our outline application surface water drainage condition. These details should be based on the overall master surface water drainage strategy produced by Stuart Michaels Associates.

Drawing 9146-0060 indicates that an existing drainage ditch will be culverted as part of these works. We have a policy against culverting unless necessary for access crossings.

In addition, under the terms of the Land Drainage Act 1991 and Flood and Water Management Act 2010, the prior written consent of the Lead Local Flood Authority is required for any works in 'ordinary' watercourses. To discuss this further please contact Nigel Hale at South Gloucestershire Council.

4.13 Avon Wildlife Trust

No comment received.

4.14 Housing Enabling

This current application before the Council will not impact on the secured affordable housing provision and therefore no objection is raised.

4.15 Street Care

No comment received.

4.16 Ecology Officer

There are no ecological constraints to granting planning permission, subject to the following Informative being added to permission, if granted:-

If vegetation is to be removed, breeding birds may be present; therefore development should only take place outside the nesting season to avoid potential offences under the Wildlife & Countryside Act 1981 (as amended) or CROW Act 2000. Generally speaking, the nesting season is March to August inclusive although it will vary according to seasonal temperatures. If works have to occur during the breeding season, an ecologist must first check the vegetation and if nesting birds are found, the ecologist's advice must be followed. This may include providing a five metre buffer around the nesting area until the chicks have fledged (L9).

Conditions and Informatives attached to Outline planning permission that cover this area of the site continue to apply under this application.

4.17 Planning Enforcement

No comment received.

4.18 Bristol City Council

No comment received.

4.19 Landscape Officer

I confirm that the planting plan (Woodlandscape Design dwg.no.LP 243/02), is acceptable and shows a good level of landscape mitigation. However we will need management information regarding the maintenance of the proposed native hedgerow planting. It is suggested that a maintenance specification is added to the drawing to be submitted as a condition of planning.

Other Representations

4.20 Local Residents

A total of 25no. objections have been received from local residents:

- Little consultation with local residents. Not offered a 1 to 1 meeting. No letter, email or phone call. Statement of Community Involvement states "concerns were raised regarding the proposed height of the development" response- "McCarthy & Stone understands and respects the need for privacy of neighbouring residents";
- 4 storeys overlooking a number of family houses. Large windows and balconies overlooking;
- Too high and too close to family homes and will affect occupier's of Hermitage Wood Road's use of their rear gardens;
- Will affect privacy;
- Not in-keeping with the village concept;
- Height of building overbearing, especially for residents of Phase 7 Wallscourt Farm who live on Horse Leaze Road and Hermitage Wood Road;
- 44no. proposed flats with only 24 spaces does not allow for staff parking and visitors. Little provision for parking and will increase parking issues;
- Already severe on-street parking issues on Hatton Road due to the occupation of the care home;
- 4-storey building would be an eyesore to residents and block large amounts of sunlight in the morning for those located to the west of the development;
- Proposed parking spaces seems an under estimate and will inevitably lead to on-street parking in residential areas;
- Trying to fit a building of this size in a small space;
- Already a care home next door;
- Why is there no underground parking being offered?
- Limited consideration to the parking requirements of the Wallscourt Academy, The Square, existing care home and this proposal;
- Lack of parking will negatively impact on the areas community;
- The height of the proposed building including roof should be limited to ensure sunlight can reach the courtyard at The Square;
- Homebuyers had no advance warning of this application;
- Proposal referred to in documents as a) care home, b) sheltered housing and c) retirement living. Conflicting descriptions;
- Ambiguity about proposal. May be a duplication of Beaufort Grange care home;

- Insufficient free parking in Cheswick Village due to visits for the shops, gym, nursery, school Beaufort Grange care home, flats, MOD and UWE;
- Development will increase the density of the area;
- Scheme not been thought through;
- Will there be staff attending at the building?
- The proposed building ruins the 'village' feel of the development and will look built-up with no light or openness;
- Could it be a fire risk?
- Don't believe that elderly people have less cars. Transport will be required to go to the doctors;
- Bradley Stoke have a problem with not enough car spaces;
- As a minimum there should be an allowance for at least 1 space per unit, 6 visitor spaces and 2 spaces for the Care Home staff/managers, totalling 38no. spaces;
- No single/double yellow lines in force at present from the top end of Long Down Avenue as the Council have not adopted those roads yet;
- Wasn't aware of the plans when purchased house recently;
- Exacerbate already busy and overcrowded part of Cheswick Village and in turn will create congestion and annoyance for local residents;
- Do McCarthy and Stone have any data from their other similar developments to the number of cars owned by the residents? Should justify the number of parking spaces provided;
- Parking spaces needs to be more than the number of flats provided;
- Will ruin the view and quality of neighbouring home owners gardens;
- Height will be oppressive and make The Square feel quite enclosed;
- When the bus road opens there will be frequent large buses travelling through the village;
- Building will detract from the architectural merits and openness of The Square;
- Development will overshadow local homes, the road and new village square;
- Blind spot on Long Down Avenue will be even worse;
- The addition of a retirement complex is a positive one, however the allocated parking is concerning;
- The number of older people holding a full driving licence and owning a car has increased over the last 20 years;
- Bristol City Council TRO at Aurora Spring development (adjacent to the proposed retirement complex site) due to excessive and inconsiderate parking on minor roads from inadequate parking provision at Beaufort Grange care home because this was not addressed adequately at the planning stages;

1no. comment of support has been submitted:

- Welcome the new McCarthy and Stone development at The Square;
- Will enhance the overall feel of the village and an excellent spot for retirement living scheme;
- Happy with the plans.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks consent only for those matters that were reserved matters to be read in conjunction with Ref. PT04/0684/O and variation to approved reserved matters application Ref. PT12/0684/RM; specifically matters relating to the associated communal facilities, car parking, landscaping and infrastructure works.

5.2 The proposal is to build Retirement Living Accommodation comprising of 32no. self-contained residential, age-restricted dwellings (14no. one-bedroom and 18no. two-

5.3 Density and Layout

Policy CS1 of the adopted Core Strategy states that development will only be permitted where the highest possible standards of design and site planning area achieved. The scale/density of development is largely consistent with what is expected for this development area within the approved Master Plan. In this instance, the layout and scale of the proposal have already been set by the outline consent, therefore this application is considering the detail namely the communal facilities, car parking, landscaping and infrastructure works.

5.4 Detail of the proposed building has been set out by the applicant in the Design and Access statement. The extant scheme building footprint was located right up to the north-east boundary originally. Due to the prominent location of the building, the developer aims to create a landmark that does not dominate the streetscape. The proposed scheme provides a more generous setting facing the square, being set back from the pavement and road. The building has been reduced in scale and massing, allowing a greater area along the building frontage line for pedestrian access and also to provide a more aesthetically pleasing building that fits in with its setting.

5.5 The mass of the extant approved building reflected the larger number of units to be provided (40no.); this has now been reduced to 32no. units. Whilst the building height is similar to the extant permission, the mass of the building has been reduced and moved further away from the southern boundary, responding more sensitively to surrounding neighbouring dwellings and aiming to reduce the perceived overlooking. The previous T-shaped building was located much closer to properties on Danby Street, to the south and would appear more imposing than the amended proposal.

5.6 The proposed layout and landscaping seeks to maximise the quality of the south-facing amenity space for the occupants. The building is adjacent to Cheswick Square which is an important and central community area in the village. The building seeks to maintain the privacy of neighbouring residential properties by providing landscaped areas, tree planting and native hedgerow planting around the rear of the building. Parking for occupants and visitors would be at the rear of the building with vehicular access to the north and amenity space to the south and east of the building.

5.7 Building Design and Appearance

The form and appearance of the building largely follows the principles established at outline stage. The massing has been reduced from a T-shaped building to a more linear building that sits near the highway, providing a more modest figure of 32no. mixed apartments. The context of the nearby Cheswick Village square and town centre has influenced the contemporary design of the building. The building is informed by the architecture and design of the neighbouring buildings at the village square. In accordance with Officer's request, the materials are now partly referenced from the opposite development at the village square (white render, grey brick and 'Rock panel'). White render would be interspersed with strips of vertical glazing and integrated dichroic 'Rock Panel' cladding, creating interest to the elevational composition.

5.8 The main views from the windows will be out over the village square, with landscaping and tree planting around the side and rear of the building. small balconies will be located centrally on the front and rear elevations, with larger balconies featuring centrally on the front elevation. Smaller balconies will be located on the side elevations, nearer to the front elevation.

5.9 Residential Amenity

The gardens of neighbouring residential properties form the site boundary to the south and west. The majority of the buildings surrounding the site are two storey residential dwellings. A care home (Beaufort Grange) and a school (Wallscourt Farm Academy) are located to the east of the site, adjacent to the newly developed village square and local facilities. In this respect, the building would be closely associated with the Square and the larger buildings which surround it.

5.10 Views from the building will mainly be over the village square, with landscaping provided around the side and rear the building to reduce any overlooking impacts on residential properties. The larger neighbouring buildings of the development, such as the retirement living apartments and the care home, have been located on important junctions leading to Cheswick Square to closely identify them with the community hub of the village. Whilst the height of the building has been maintained from outline approval, the massing and form have been reduced taking into account the two-storey residential properties to the north, south and west. The height of the building is slightly lower than the neighbouring buildings, providing a break in the roof heights of the larger buildings in the area.

5.11 The application site is in a suburban setting and for the local centre to function as intended, it has to be expected that the residents that live closest to the village square will be near associated local facilities and core buildings. However, it is not considered that the proposed building significantly comprises on the level of residential amenity afforded to neighbouring residential properties and their occupiers. The shading studies provided by the applicant show a lesser impact from the proposed building than that originally proposed. Shading will not affect the neighbouring residential properties to the south and west of the building. concern has been raised by local residents that the building will ruin their view and compromise the quality of neighbouring homes gardens. The building is located a sufficient distance so as not to appear

significantly overbearing or imposing on the neighbouring occupiers of houses to the rear. Given the urban context of the location and the building being closer to the highway along the front elevation, it is not considered that the proposed window and balcony arrangements will significantly directly overlook the neighbouring residential properties or that the proposed form will appear overbearing.

5.12 Environmental Protection

Since the original application, the residential properties around the site have been constructed and largely occupied adjoining the site. It is therefore considered appropriate to attach a condition to control the constructions hours to protect the amenity of the neighbouring residential properties.

5.13 The agent has submitted a desk study Site Investigations report and contamination report; however the Environmental Health Officer does not consider the report to be sufficient as it does not determine what risks are posed to future site users. As such, it is recommended to attach a pre-commencement contamination report condition to ensure the methodology is approved beforehand.

5.14 Landscaping

The extant scheme includes fewer parking spaces compared with the proposed development. The proposal seeks to retain the existing hedging and soften the car parking area with landscaping. There are small amenity areas at the side of the building. New and existing plants will be managed annually to form a dense hedgerow (maximum 4 metres in height) with individual trees subject to neighbours consent. The proposed planting plan is considered acceptable and shows a good level of landscape mitigation. It is recommended that a maintenance specification is added as a planning condition in respect of the proposed native hedgerow planting.

5.15 Transportation

The number of Retirement Living apartments have been reduced from 40no. units to 32no. A large number of objections have been received from local residents in respect of the proposed off-street parking and current local on-street parking issues, which will be addressed accordingly in this section.

5.16 Long Down Avenue is the spine road for the wider site and is restricted to 30mph. Footways of approximately 1.5 metres in width flank both sides of the carriageway in the vicinity of the application site, before widening to a 3 metre shared surface to the east. On the eastern border of the site is a proposed bus layover, which results in a speed reducing bend in Long Down Avenue. The access into the application site will be from the existing access for the sales and marketing suite and car park (to be removed once the village centre is completed). The provision of a larger car park serving the Retirement Living apartments is that there is greater provision for service vehicles to manoeuvre, enabling them to enter and leave the site in a forward gear. The previously approved access and visibility splay will not change. A shared mobility scooter and cycle storage area is to be provided on the ground floor of the building.

- 5.17 The highway impact of the proposal was considered at the outline planning application stage in 2004 and it is noted that the proposals for fewer units will likely have a reduced highway impact. The proposed parking figures are taken from the Council's adopted Residential Parking Standards SPD, which does not explicitly specify a parking standard for age-restricted developments. Such schemes are considered on their own merits, along with the supporting evidence. The applicant's have provided a Transport Statement undertaken by a transportation consultant. Originally, the proposed development would only include 15no. parking spaces. The level of parking proposed includes 24no. parking bays for residents and 2no. visitor parking bays; this provision is considered to be slightly in excess of the Council's adopted Standards by one space. In addition, the previous extant planning permission has a parking ratio of 35%; the current planning application has a parking ratio of 5% which is in excess of the Council's adopted guidance for this type of development. The level of proposed parking is considered a significant improvement in comparison to the original 15no. spaces agreed to be provided. It is considered that the level of parking needed has been increased accordingly.
- 5.18 Concern has been raised by a number of local residents that the off-street parking facilities will not adequately serve the proposed development. In terms of the number of parking spaces provided, the data provided on Retirement Living homes shows that the average age of entry would appear to be in the region of 76 years old at which point a lot of elderly people tend to relinquish car ownership as the lifestyle choice of going into a Retirement Living accommodation is different from independently living in your own home. The building will include self-contained units of accommodation specifically designed for the elderly, with level/ramped access, communal facilities, mobility scooter store and internal refuse room, all accessible without residents having to leave the building. The intended occupiers will either have no cars or be intermittent/declining car users. The application site is in a prime location adjacent to the main Square area where shops and amenities will be within easily accessible location for their needs.
- 5.19 Parallels have been drawn by local residents with the proposed Retirement Living apartments and the existing Beaufort Grange Care Home. The 75-bedroom care home is located within Bristol City Council's district. Local residents have had issues with the off-street parking provision for the care home, which has 75 full-time employees, some of which are part-time equating to approximately 100 employees in total. The Care Home has 26no. off-street parking spaces, which is only 2no. more than proposed at the Retirement Living apartments. In comparison, the apartments will have one full-time employee managing the building and therefore the proposed off-street parking facilities will largely be used by residents and visitors. In this respect, whilst underground parking has not been proposed by the applicant, it is not considered necessary to provide such a significant amount of off-street parking for the occupiers and visitors.
- 5.20 Concern has been raised by local residents that the proposed level of parking is unacceptable and falls below the required amount to avoid overspill parking onto Long Down Avenue and neighbouring residential roads. Trip generation data has been provided in the supporting Transport Statement. The provision of

parking is considered to meet the Council's adopted standards to serve the development accordingly. It is also important to note that the application site is located in a sustainable location, closely associated with local facilities, services and public transport connections. Local residents have also raised concern about there being no single/double yellow lines in force along Long Down Avenue. Having consulted with the Transportation Development Control Officer, it is confirmed that there are no current Traffic Regulation Orders near the Retirement Living apartments that will impact upon the immediate area. It is understood that the existing TRO in the Bristol City Council district nearby may have had an adverse impact on localised parking by pushing subsequent overspill parking from the care home onto South Gloucestershire's highway network. Should this become an issue for South Gloucestershire, the Council would consider reviewing the situation in the future once the development and all the local parking is open for use. A TRO has more recently been implemented on some of Cheswick Village to deter students at UWE parking; however this was only in the areas directly adjacent to UWE.

- 5.21 In addition, the Cheswick Village main square is currently still under construction, and along with this proposal represents some of the last parcels of the original development to be completed as part of Phase 5. Car parking for the main hub area incorporates parking to the side, front and back. It is understood that this parking provision has been largely completed and will likely be open to the public once the main hub area is completed, providing additional local parking to residents and visitors to the area.
- 5.22 Overall, there are considered to be no transportation or highway safety objections to this proposal subject to a condition to ensure that the parking and manoeuvring facilities are provided prior to first use of the building.
- 5.23 Housing Enabling
This current application will not impact on the secured affordable housing provision and therefore no objection is raised.
- 5.24 Drainage
A drainage layout and additional supporting information have been submitted with this application. The Council's Drainage Engineer has confirmed that the submission is acceptable. As such, a condition will be attached requiring the development to be carried out in accordance with the approved plan and details submitted.
- 5.25 Archaeology
The Archaeology Officer broadly agrees with some of the findings of the desk-based assessment. It is considered that due to the amount of ground disturbance, any archaeological deposits, if present, could be impacted. As such, the Archaeology Officer has recommended a suitably-worded condition requiring an archaeological site investigation and post investigation assessment to be completed in accordance with the Written Scheme of Investigation already submitted and approved by the Council.

5.26 Other Matters

A number of other comments have been received from local residents that have raised concerns that are not planning matters as such. I shall address these in turn below:

- 5.27 The proposal is not considered to be a fire risk, having previously been approved in 2004 (outline) and 2012 (reserved matters). The buildings construction would be covered by Building Regulation legislation which assesses fire risk and prevention.
- 5.28 Homebuyers have had no advance warning of this application. However, the proposal was previously approved in 2004 and 2012. New local residents would only be consulted once a further planning application has been made.
- 5.29 Concern has been raised regarding the consultation process. The applicant has confirmed the various stages and forms of consultation, including a Freephone information line, one-to-one briefings, public exhibition invitation and display with representatives available to answer questions, as contained in the submitted Design and Access Statement. The consultation process appears to be wide ranging and thorough, prior to the submission of the most recent application.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **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. The development shall not be occupied in any capacity until the archaeological site investigation and post investigation assessment has been completed in accordance with the Written Scheme of Investigation already submitted and approved by the local planning authority. Provision should be made for the analysis, publication and dissemination of results and secured archive deposition. The Written Scheme of Investigation shall be implemented in all respects and no variation to the approved programme of archaeological work shall be permitted without written confirmation from the local planning authority.

Reason

In order to ensure the adequate protection and recording of any nearby archaeological remains, and to accord with Saved Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

3. The off-street parking facilities (for all vehicles, including cycles) and manoeuvring areas shown on the hereby approved plans (Location Plan Ref. SW-2088-03-AC-001 and Site Plan As Proposed Ref. SW-2088-03-AC-002; received by the Council on 26th February 2015), shall be provided before the building is first occupied, and thereafter permanently retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the Council's adopted Residential Parking Standard SPD (2013).

4. The drainage scheme for the site approved, incorporating Sustainable Drainage Systems (SUDS), shall be implemented strictly in accordance with the approved plans and details before the development is occupied:
Drainage Layout Plan (SW-2088-04-DE-001-A); Attenuation Storage Calculations (SW-2088-03-DE-004); Proposed SW Culvert Downstream Connection (SW-2088-05-DE-020); Permeable Paving Detail (SW-2088-05-DE-003); Upstream Culvert Connections (SW-2088-05-DE-021); received by the Council on 17th June 2015.
Details submitted via email dated 17th June 2015 by the agent.

Reason

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

5. All hard and soft landscape works shall be carried out in accordance with the approved details (Landscape Strategy Plan LP 243/02, received by the Council on 26th February 2015 and Landscape Strategy Plan LP 243-01 Rev F, received by the Council on 17th June 2015). The works shall be carried out prior to the occupation of any part of the development and strictly in accordance with the approved plans.

Reason

To protect the character and appearance of the area and to accord with Saved Policies H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

6.
 - A) Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
 - B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
 - C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
 - D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

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

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

v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason 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) January 2006 (Saved Policies) and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

7. The hours of working on site during the period of construction shall be restricted to:
Monday - Friday 07:30 - 18:00
Saturday 08:00 - 13:00
No working shall take place on Sundays or Public Holidays

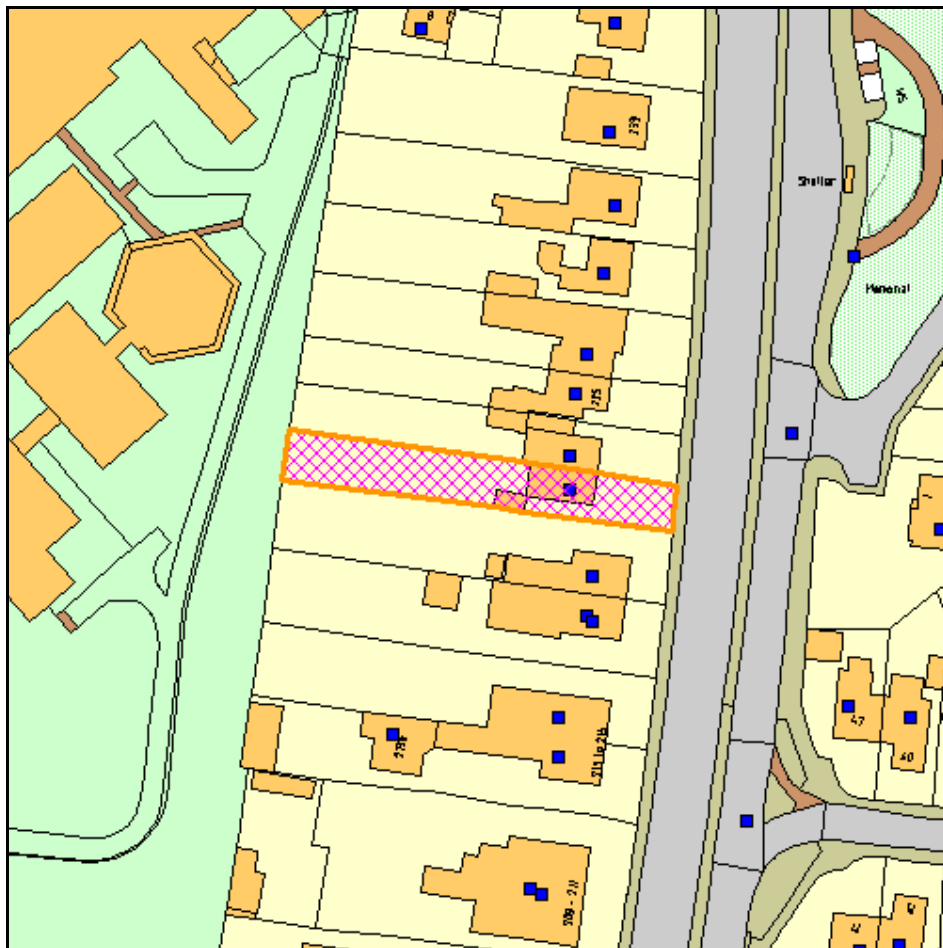
The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

CIRCULATED SCHEDULE NO. 26/15 – 26 JUNE 2015

App No.:	PT15/1443/F	Applicant:	Maple Leaf Guesthouse
Site:	Maple Leaf Guest House 221 Gloucester Road Patchway South Gloucestershire BS34 6ND	Date Reg:	19th May 2015
Proposal:	Demolition of existing garage and erection of single storey rear extension to provide 3no. additional bedrooms. (Resubmission of PT14/3622/F).	Parish:	Patchway Town Council
Map Ref:	360772 182342	Ward:	Patchway
Application Category:	Minor	Target Date:	7th July 2015



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 100023410, 2008. N.T.S. PT15/1443/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule for determination to take account of the comments of objection received. These are contrary to the officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single-storey rear extension to provide three additional bedrooms at a guest house in Patchway. This application follows the refusal and appeal of planning application PT14/3622/F; the appeal was dismissed.
- 1.2 The application site is a two-storey semi-detached post-war dwelling within the urban area of the North Fringe of Bristol. No further constraints cover this site.
- 1.3 Planning permission was granted in 2005 for the change of use of the building from a residential dwelling (Class C3) to a bed-and-breakfast guest house (Class C1).

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
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS25 Communities of the North Fringe

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

T8 Parking Standards
T12 Transportation
E11 Tourism

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/3622/F Appeal Dismissed 13/03/2015
Erection of detached building to provide 4no additional bedrooms

Refusal Reason(s)

1. *It is considered that the scale and massing of the proposed structure would be out of keeping with the character of the host property and development in the locality in general and contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013. In addition, due to the increase in the number of rooms*

and associated increase in number of occupants the proposal is considered to have an adverse impact on the residential amenity of immediate neighbours and therefore contrary to Policy H4 and E11 of the South Gloucestershire Local Plan (Adopted) 2006.

2. *Insufficient information has been submitted to demonstrate that the parking demand generated by the proposal can be safely accommodated within the application site or on the adjacent highway network and that it would not result in unacceptable road safety and environmental problems contrary to Local Plan Policy T8 and Policy E11.*

The second refusal reason was not disputed at the appeal as satisfactory information had been provided with regard to the transport impact. However, in the appeal decision the Inspector found that the proposed development would be out of character with the area and would have an adverse impact on neighbouring residents with regard to noise and disturbance.

- 3.2 PT05/1628/F Approved 26/07/2005
Change of use from residential (Class C3) to Bed and Breakfast (Class C1).
(As defined in the Town & Country Planning (Use Classes) Order 2005)

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
None received
- 4.2 Archaeology Officer
No comment
- 4.3 Highway Structures
No comment
- 4.4 Lead Local Flood Authority
Layout of public sewer may affect development
- 4.5 Sustainable Transport
No objection

Other Representations

- 4.6 Local Residents
One letter of objection from a local resident has been received which raises the following points:
 - Concern over sewer capacity
 - Detrimental impact on neighbours garden
 - Development may affect trees
 - Guests have caused damage to neighbouring properties
 - Impact on the amenities of neighbouring property
 - Insufficient parking
 - Insufficient turning area

- Noise
- Overdevelopment
- Permission was only ever granted for a B&B, not a hotel
- Plans do not contain measurements
- Proposal would not increase employment
- There are already hotels in the vicinity

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for an extension to a guest house on the Gloucester Road in Patchway.

5.2 Principle of Development

The application site lies within the existing urban area of the North Fringe of Bristol and is considered to be a sustainable location for further development. Policy E11 allows for proposals for tourist accommodation subject to an assessment of amenity, transport, and design. Therefore, the proposal is considered to be acceptable in principle but should be determined against the analysis set out below.

5.3 Design and Character

A key issue in the earlier application and appeal decision was the impact of the proposal on the character and appearance of the area. Under the previous application, it was proposed to erect an entirely detached building at the end of the garden.

5.4 The design and siting of the proposal has been amended so that it now is attached to and projects from the rear elevation of the existing building. This is considered to be in keeping with the character of the area. Indeed, in close proximity to the site there are a number of other examples which are similar to the proposal.

5.5 In terms of the visual appearance, the proposal is rather simple, but it is not considered to represent poor design or to be harmful to the visual amenity of the area. It is therefore considered that the previous refusal and reason for the appeal to be dismissed have been overcome and the proposal is acceptable.

5.6 Living Conditions

In the earlier application it was considered that the proposal would result in noise and disturbance to nearby occupiers. Part of this was through the fact that guests would have to walk the length of the garden to the accommodation. By locating the new accommodation next to the existing building, this matter has been overcome.

5.7 In terms of the impact of the proposed building, it is not considered that this would be prejudicial in terms of being overbearing or lead to a loss of privacy. Furthermore, the location of the structure helps to screen the use of the garden of the application site from the adjacent occupiers by forming a barrier and therefore should, in a small way, help to reduce the disturbance of any guests using the garden.

- 5.8 The test of policy is whether the development would have a *prejudicial* impact on residential amenity. It is not considered that the proposal would be prejudicial on the amenities of nearby occupiers and therefore the previous refusal and appeal dismissal have been overcome.
- 5.9 Transport and Parking
The application site is accessed from the A38. This is a busy dual carriageway and forms a key route from the M5 Motorway to the North Fringe of Bristol and the city centre. When the previous application was submitted, there was insufficient information available to assess the transportation impacts of the proposal. A survey of parking availability on the adjacent highway network was submitted as part of the appeal proceedings. This survey demonstrated that there was sufficient space available on the local highway network to accommodate any increase in on-street parking that would occur as a result of the development.
- 5.10 On this basis, the Council did not defend the refusal on transport at the appeal.
- 5.11 The proposed development now seeks to reduce the number of additional bedrooms sought from four to three. This reduction would create a lower transport demand than the four-bedroom proposal. As no objection was raised to the four-bedroom scheme (following the submission of the parking survey), it is considered that the transportation impact of the current application is acceptable. This is because the impact would be less than that to which no objection was raised.
- 5.12 Further to this, under the Council's parking standards, uses falling within Class C1 are subject to a maximum parking standard. Policy T8 states that C1 uses should have a maximum of 1 parking space per bedroom plus 1 coach space per 30 bedrooms. In this instance the coach space is not required. The extended guest house would have 8 bedrooms. The parking provision on the site does not exceed 8 spaces and therefore the development does not exceed the maximum parking standard permitted. There is no proposed change to the existing parking arrangements.
- 5.13 Other Matters
It is acknowledged that there are trees in proximity to the proposed development. Having conducted a site visit, these trees are not highly visible from the public realm and therefore are considered to be unlikely to fulfil the criteria for protection. Therefore, whilst it would be desirable to ensure these trees are kept, the loss of such trees would not be harmful to the visual amenity of the locality.
- 5.14 Sewer capacity can be adequately managed through building regulations. Damage to property is a criminal matter and cannot be addressed through this planning application. It is not considered that the proposal would be 'unsafe' in its own right. It is not considered that the development would lead to the overdevelopment of the site.

5.15 A hotel and a bed and breakfast both fall into Class C1 of the Use Classes Order and therefore unless a condition restricts the use to a particular use within the Class, the site could either be used as a hotel or a bed and breakfast. Whether the proposal increases employment or not, it is still considered to be economic development. The presence of other hotels in the area is does not attract weight in making this decision, as (at this scale) it is not a requirement of local or national policy.

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: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

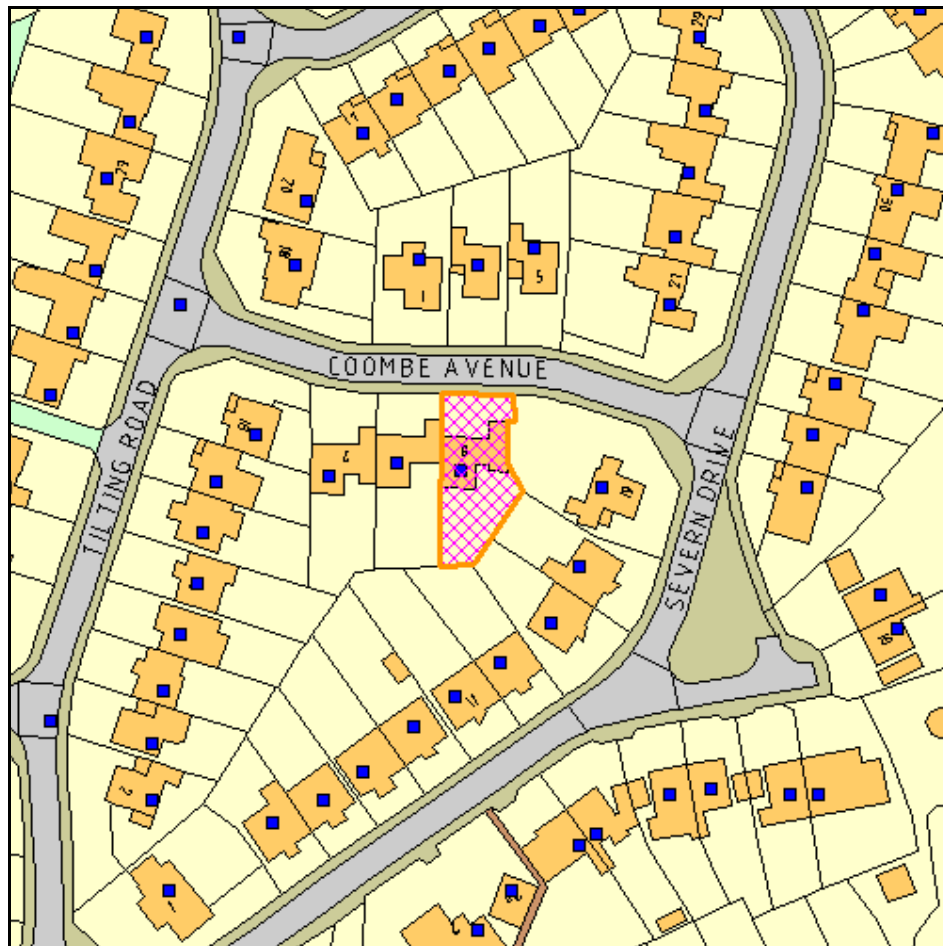
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 26/15 – 26 JUNE 2015

App No.:	PT15/1547/F	Applicant:	Mr Simon Yarney
Site:	6 Coombe Avenue Thornbury Bristol South Gloucestershire BS35 1ET	Date Reg:	7th May 2015
Proposal:	Erection of first floor side extension to form additional living accommodation	Parish:	Thornbury Town Council
Map Ref:	363894 190663	Ward:	Thornbury North
Application Category:	Householder	Target Date:	26th June 2015



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PT15/1547/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of one letter of objection from a local resident.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a first floor side extension at a link detached property within the settlement boundary of Thornbury.
- 1.2 Permission is sought to create an additional bedroom in the property at first floor level.
- 1.3 The extension works will also include a very small infill ground floor extension at the rear of the property but this could be erected under permitted development rights.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance 2014
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 Saved Policies
T12 Transportation
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
 - (a) South Gloucestershire Design Checklist (Adopted) August 2007
 - (b) Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 There is no recent planning history.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection
- 4.2 Other Consultees

Lead Local Flood Authority
No objection

Highway Officers
No objection

Other Representations

4.3 Local Residents

One letter of objection has been received from a local resident raising the following issues:

- the building work will result in debris falling onto plants – the plants will need to be replaced and the debris will need to be cleared
- underpinning will be required causing even more problems

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and in accordance with policy CS1 of the Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Design

This existing dwelling consists of a two storey dwelling with a large 'L' shaped flat roofed projection to the side. The design of the dwelling is unusual but in keeping with the immediate street scene. The proposal is to erect a first floor extension over part of the existing flat roofed side projection and infill a small section of the ground floor to the rear.

5.3 The proposed extension will have an eaves height to match that of the main dwelling with a ridge height set just below the existing ridge to maintain subservience. Although the extension is quite substantial and will change the character of the dwelling, variants of the same extension are visible in the vicinity. It is not therefore considered that the extension will have any detrimental impact on either the host dwelling or the street scene. The design and visual impact of the proposal is therefore deemed to be acceptable.

5.4 Residential Amenity

The proposed first floor extension will pull the built mass of the dwelling further towards the neighbours at No 19 Severn Drive. No. 19 presents its rear elevation to the application site and there is a separation distance of just over 17 metres between No. 19 and the proposed extension. As no windows are proposed in the side extension facing towards No. 19, there are no issues of intervisibility or loss of privacy. No other neighbouring occupiers will be adversely affected, and the proposal does not reduce the amount of garden space available. Accordingly, the proposal is found to be acceptable in terms of policy H4 of the Local Plan (Adopted) January 2006.

5.5 Transport

Sufficient off street parking will remain on the driveway to serve the extended dwelling in accordance with the Residential Parking Standards SPD.

5.6 Other Issues

It is noted that a neighbour has raised concerns regarding building debris and underpinning causing damage to plants within the neighbours garden. Although it is true that the extension will be right up to the boundary, there is no reason to believe that with appropriate building practices that the construction will lead to any falling debris. An informative will be attached to any consent granted to remind the applicant that the granting of planning permission does not give any right to carry out works on land not within their ownership – this includes foundations.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 It is recommended to **GRANT** planning permission subject to the following condition:

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

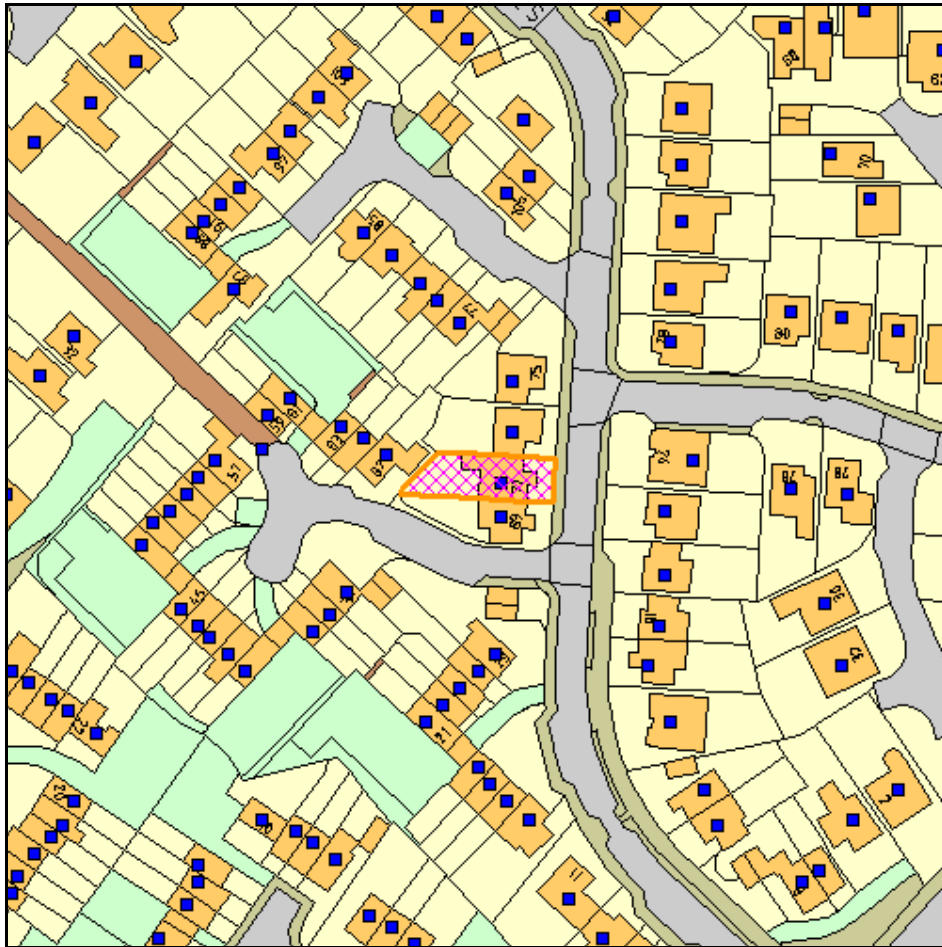
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 26/15 – 26 JUNE 2015

App No.:	PT15/1681/F	Applicant:	Mr John Appleby
Site:	71 The Bluebells Bradley Stoke Bristol South Gloucestershire BS32 8BD	Date Reg:	30th April 2015
Proposal:	Installation of rear dormer to facilitate loft conversion	Parish:	Bradley Stoke Town Council
Map Ref:	362602 181099	Ward:	Bradley Stoke South
Application Category:	Householder	Target Date:	17th June 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following objections from local residents and from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the installation of a rear dormer to facilitate a loft conversion. The application site relates to a semi-detached two-storey property situated within a modern estate in Bradley Stoke.
- 1.2 The proposed dormer window would measure approximately 4.4 metres wide, 3 metres in height and 3.8 metres in depth.
- 1.3 During the course of the application revised plans were received to demonstrate that two off-street parking spaces could be accommodated to the front of the property.

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 PT12/2957/F Erection of single storey front and rear extensions to form additional living accommodation.
Approved 17.10.12
- 3.2 P92/0020/314 Erection of 120 dwellings and carrying out associated works. Construction of vehicular and pedestrian access (to be read in conjunction with P84/20/1). (In accordance with the amended layout plan received by the council on the 1ST may 1992).

4. **CONSULTATION RESPONSES**

4.1 Bradley Stoke Parish Council

Objection:

- overdevelopment of the site
- out of keeping with the street scene

Other Consultees

Highway drainage

No comment

Highway Officer

Initial concerns expressed regarding amount of parking.

Revised plans received have shown that two-off street parking spaces can be accommodated on site.

Other Representations

4.3 Local Residents

Two letters of objection have been received from local residents. The issues raised are summarised as follows:

- Visual amenity
- Design/appearance
- Loss of privacy
- Precedence
- Impact on parking
- Not consulted

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 overall design and appearance of the dormer window (CS1, CS5); its impact on the residential amenity of neighbours and future occupiers (H4) and the impact on parking and highway safety (T12; SPD: Residential Parking Standards).

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

5.2 Design and Visual Amenity

The existing dwellinghouse is a two storey semi-detached property within an established modern estate in Bradley Stoke. It is furthermore, detached linked to its other neighbour by their respective single garages. The proposal is for the conversion of the roof space into an additional bedroom and en-suite. To accommodate this, a rear flat roof dormer window, comprising a Juliet balcony plus another smaller window, is proposed along with two rooflights to the front

elevation. This application for a rear dormer has arisen due to the removal of permitted development rights associated with the original planning permission for the estate with the reason being *in the interests of visual amenity*.

- 5.3 Where permitted development rights are intact dormer windows of up to 40 cubic metres would be allowed for a dwelling such as this one. In this case the proposed dormer would measure approximately 4.4 metres wide, 3 metres in height and 3.8 metres in depth. As such it would achieve approximately 25 cubic metres of additional space.
- 5.4 It is acknowledged that by extending virtually across the entire width of the property the proposed flat roof dormer would be a large addition to this property, however, its immediate neighbours, both the one it is attached to at No. 69 and that further to the north at No.73 have gable roofs to the front and rear while the application site presents a standard pitched roof to the front and rear. In this way the proposed dormer window would be slightly set back from the eaves and somewhat hidden when viewed from the south side. The Juliet balcony/window would also therefore be set back from the eaves.
- 5.5 The Bluebells is part of a large estate of modern houses where original designs differ and furthermore, extensions of various shapes and sizes have been granted planning permission. It is acknowledged that pitched roof dormers are encouraged, more especially when dormers are proposed to front elevations. However, the proposed dormer would be to the rear and in planning terms there can be no substantive objection to one which is of a flat roof design. On balance it is therefore considered that the proposed rear dormer is an acceptable addition, albeit, a large example of such an extension, and can therefore be recommended for approval.
- 5.6 The proposed materials have attracted negative comments from a neighbour who criticises the proposed tiling of the dormer's walls. This is a standard approach to dormers and is therefore acceptable.
- 5.7 Residential Amenity
The application site has a modest rear garden. The main house of neighbours to the east at No. 67 is approximately 15 metres away. This property is side on to the application site with no openings in its opposing elevation. Comments received from these neighbours have expressed concerns regarding overlooking resulting from the proposed development into their rear garden. Their own single garage partly obscures views of their garden from the application site, at approximately 14 metres distant. It is acknowledged that there would be changes resulting from the dormer with its Juliet balcony, but these have to be weighed up against the existing situation. It must firstly be recognised that the application site, and its immediate neighbours, currently have first floor windows in this west elevation. It is therefore considered that the proposal would not unduly change matters over and above the existing situation sufficient to warrant a refusal of the application. It is further noted that a Juliet balcony is regarded and assessed as a window and not as a balcony. This is because with a true balcony occupants are able to fully step out and have increased visibility to either side. This would not be the case here, and on balance the proposal is considered acceptable.

5.8 Sustainable Transport

The proposed development would increase the number of bedrooms to four. Adopted parking standards therefore require the provision of 2no. off street parking spaces for a property of this size. The original garage serving No. 71 The Bluebells has been converted into habitable accommodation. The applicant was therefore required to show by the submission of additional plans that 2no. parking spaces could be achieved to the front of the dwelling. Plans received are considered acceptable and as such there are no transportation objections to the scheme, however, it is considered prudent that a condition be attached to the decision notice to ensure the parking is provided.

5.9 Other matters

A neighbour has mentioned potential legal challenges with regards to construction impacting on or affecting the shared party wall. This is a civil matter to be resolved between the respective parties and not something that can be discussed within the remit of a planning report.

Concern has been expressed that the approval of this application would set a precedent. In response to this assertion, it must be noted that all applications are assessed on a case by case basis with their own individual situations being taken into consideration before the final conclusion is reached.

It is acknowledged that one neighbour was not included in the original list of consultations. Comments were received via the website and Officers subsequently contacted this neighbour with an offer to extend the deadline. The neighbour's comments have been taken into consideration within this report.

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 8:00 to 13:00 on Saturday; and no working shall take place on Sundays or Public Holidays. The term `working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

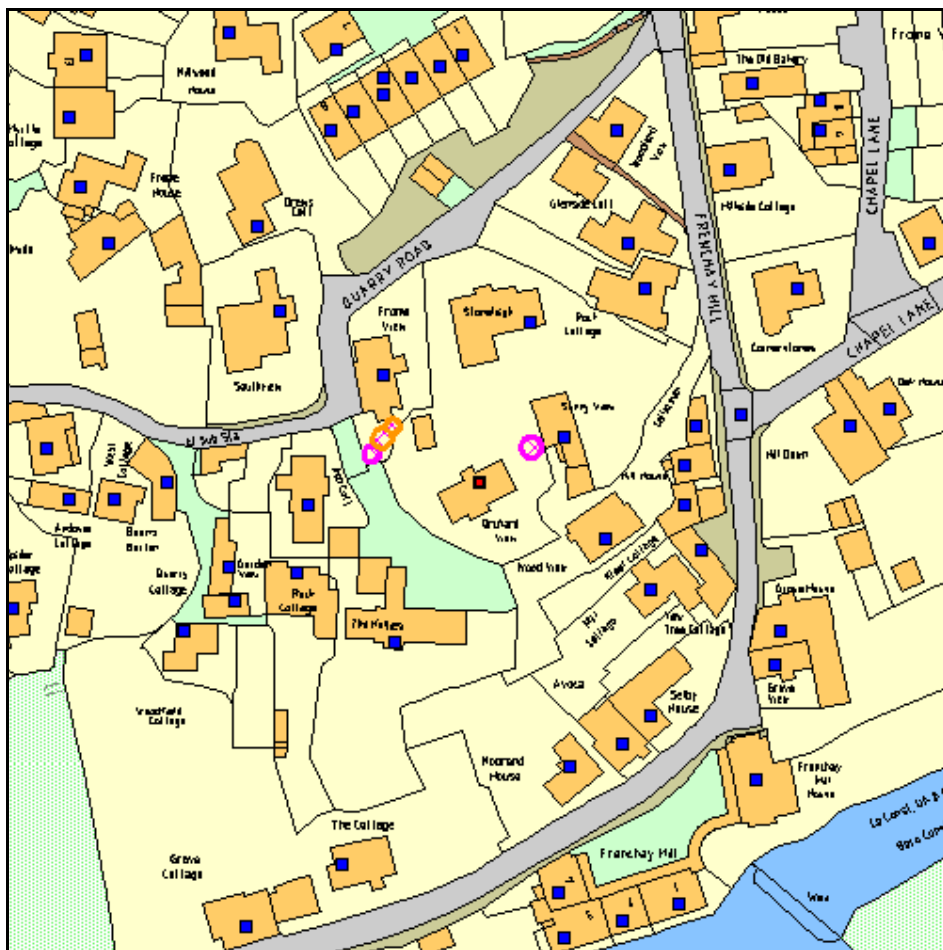
3. The off-street parking facilities shown on the plan Propose off street parking - 097-PL-SITE- 04 hereby approved shall be provided before the extension is first occupied, and thereafter retained for that purpose.

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 Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013.

CIRCULATED SCHEDULE NO. 26/15 – 26 JUNE 2015

App No.:	PT15/2153/TCA	Applicant:	Mrs Morag Robertson-Morrice
Site:	Orchard View Quarry Road Frenchay Bristol South Gloucestershire BS16 1LX	Date Reg:	22nd May 2015
Proposal:	Works to fell 1no. Ash tree and 1no. Hazel tree, and to pollard back 1no. Sycamore tree and 1no. Ash tree to 4 metres in Frenchay Conservation Area.	Parish:	Winterbourne Parish Council
Map Ref:	364088 177329	Ward:	Frenchay And Stoke Park
Application Category:		Target Date:	30th June 2015



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

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

1. THE PROPOSAL

- 1.1 Works to fell 1no. Ash tree and 1no. Hazel tree, and to pollard back 1no. Sycamore tree and 1no. Ash tree to 4 metres in Frenchay Conservation Area.

2. POLICY CONTEXT

2.1 National Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/2166/TCA, Decision: NOB, Date of Decision: 09-AUG-12. Proposal: Works to remove 1no. Sycamore tree, reduce by up to 30% 1no. Sycamore tree, reduce by 30% 1no. Ash tree and reduce by 25% 3no Ash trees, all trees to be reduced to height of roofline. Trees are in the Frenchay Conservation Area.
- 3.2 PT04/3435/TCA, Site Address: Stoneleigh Quarry Road Frenchay South Gloucestershire BS16 1LX, Decision: NOB, Date of Decision: 18-NOV-04. Proposal: Works to trees situated in the Frenchay Conservation Area. Prune 2 no.Beech trees and cut Sycamore and Ash trees down to ground level.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objections to felling T1 but object to the other works stating that reasons have been given for the works.

Other Representations

- 4.3 Local Residents
One objection has been submitted regarding nesting birds from a resident in Bitton.

5. ANALYSIS OF PROPOSAL

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

5.2 Principle of Development

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

5.3 Consideration of Proposal

The trees in question are of low amenity and have little, if any, significance in the wider landscape. For this reason they do not warrant protection under TPO.

5.4 A notification of works within a Conservation Area does not necessitate the need to give reasons for the tree works.

5.5 It is not illegal to prune trees during the nesting season. It is however, illegal to disturb active nests at any time of the year. An informative containing this information is included on all decision notices.

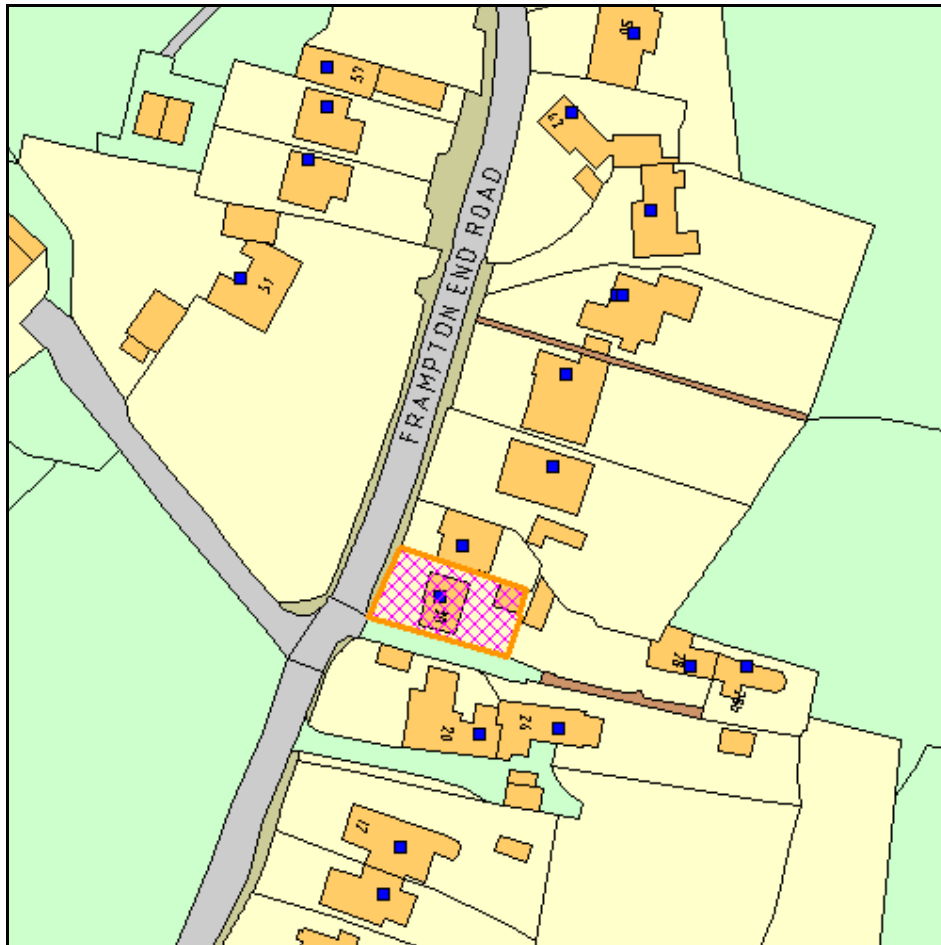
6. RECOMMENDATION

6.1 No objection

Contact Officer: Phil Dye
Tel. No. 01454 865859

CIRCULATED SCHEDULE NO. 26/15 – 26 JUNE 2015

App No.:	PT15/2175/CLP	Applicant:	Mr & Mrs Collett
Site:	30 Frampton End Road Frampton Cotterell Bristol South Gloucestershire BS36 2JZ	Date Reg:	28th May 2015
Proposal:	Application for a certificate of lawfulness for the proposed erection of a single storey rear extension.	Parish:	Frampton Cotterell Parish Council
Map Ref:	367370 181780	Ward:	Frampton Cotterell
Application Category:		Target Date:	16th July 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at 30 Frampton End Road, Frampton Cotterell, would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit; the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (As Amended) 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

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 There is no relevant planning history recorded for this property.

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

No objection

4.2 Lead Local Flood Authority

No comment

4.3 Councillor

No comment

Other Representations

4.3 Local Residents

No objections to the proposed development were received. Comments were submitted by one resident which were unrelated to the development and therefore could not be taken into consideration.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Received 20th May 2015:

Existing Floor Plans, Site Plan, Section, Elevations (S01)
Proposed Floor Plans, Site Plan, Section, Elevations (P01)
Site Location 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 a single storey, rear extension with a lean to roof. This addition would span the full width of the existing property. The proposed extension would fall within the category of development permitted by Schedule 2, Part 1, Class A of the GPDO, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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

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

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

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

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

The height of the rear extension would not exceed the height of the highest part of the roof of the existing dwellinghouse.

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

The height of the eaves of the rear extension would not exceed the height of the eaves of the existing dwellinghouse.

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

(i) **forms the principal elevation of the original dwellinghouse;**

or

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

The extension would project beyond the rear elevation which does not front a highway.

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

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

(ii) **exceed 4 metres in height;**

The application relates to a detached dwellinghouse. The proposed extension would extend beyond what is considered to be the original rear elevation and would have a depth of 2.5 metres. The height of the proposed addition is 3.53 metres. The development therefore meets the criteria.

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

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

(ii) **exceed 4 metres in height;**

Not applicable.

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

(i) **extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**

- (ii) **be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**

The extension would be single storey.

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

The enlarged part of the dwellinghouse would be within 2 metres of the curtilage boundary, however the height of the eaves of the enlarged part of the dwellinghouse would be 2.45 meters, therefore the criteria has been met.

- (j) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—**

- (i) **exceed 4 metres in height,**
- (ii) **have more than a single storey, or**
- (iii) **have a width greater than half the width of the original dwellinghouse; or**

The development would not extend beyond the side elevation of the original dwellinghouse.

- (k) **It would consist of or include—**

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

The development would not include any of the above.

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

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

The application site does not fall on article 2(3) land.

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

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

Correspondence from the Agent confirms that the elevations will be finished in black painted render to bellcast level and white painted roughcast render above to match the existing finish of the original dwellinghouse. The plans confirm that the roof would be constructed in brown concrete tiles to match existing and the materials used for the windows, gutters and down pipes would be the same. The material used for the external door would be different however this would be finished in white paint to match the existing. This demonstrates the criteria has been met.

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

- (i) obscure-glazed, and**
(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

Not applicable.

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

Not applicable.

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 Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended) (subsequently replaced on 15th April 2015 by the Town and Country Planning (General Permitted Development) (England) Order 2015).

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