

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. 46/18

Date to Members: 16/11/2018

Member's Deadline: 22/11/2018 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2018. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

Having considered the reports, those applications that Councillors feel should be referred to the relevant Planning Committee must be notified to the Strategic Planning section by email within five working days of the publication of the schedule (by 5pm) in line with the procedure set out below. If there has been no valid 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, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee.

PLEASE NOTE: The circulated schedule process is only open to elected Members of South Gloucestershire Council.

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate planning committee then a referral should:

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk identifying the application reference and site location
- b) 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 end of the following Thursday (see cover page for the date)
- c) The request in writing must be made in writing by at least two or more Members, not being Members of the same ward
- d) In addition, the request in writing must have the written support of at least one of the Development Management Committee Chair and Spokes Members
- e) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral
- f) Indicate whether you have discussed the application(s) with the Case Officer and/or Development Manager
- g) Indicate whether you have discussed the application(s) with ward Member(s) if the site is outside of your ward

The Circulated Schedule will always contain the following applications unless the application is required to be determined by Committee:

- 1) Any application submitted by, or jointly, or on behalf of the Council.
- 2) Any application submitted by or any matter directly affecting or involving any

Member of the Council and any application(s), submitted by an Officer of the Council working in the Strategic Planning area (specifically the Policy and Specialist Advice, Development Management, Strategic Major Sites and Planning Enforcement, Validation & Registration and Planning Technical Support teams) or any Member or Officer of the Council acting as a planning agent.

- 3) Any application requiring a new planning agreement.
- 4) Any applications requiring a modification of an existing planning agreement where in the opinion of the Director, there would be a detriment to the public benefits secured.

5) Any application where the proposed decision of the Director would, in his opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan and require referral to the Secretary of State following approval in principle by the Council for the purposes of development control decision making.

6) Any applications, except those listed below a-f where three or more representations contrary to the Officers recommendation are received within the notification period other than from officers of the Council acting in their professional capacity.

7) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

8) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officer's recommendation from any Member of South Gloucestershire Council.

Applications that will not appear of the Circulated Schedule procedure as a result of representations received:

a. All applications, where approval is deemed to be granted upon the expiry of a defined period

b. All applications to be determined the lawfulness of a proposed or existing use of a site

c. All applications for non-material amendments

d. All applications to discharge planning conditions

e. All applications solely required because of the removal of Permitted Development Rights or Article 4 direction

f. Any footpath stopping up or diversion required to implement an approved scheme

Additional guidance for Members

Always make your referral request by email to MemberReferral@southglos.gov.uk (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team. Please note a copy of your referral e mail will appear on the website.

Before referring an application always contact the case officer or Development 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.

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

The referral should include the reasons for the referral indicating why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issues the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay of the referral

4. If the site is outside your ward have you contacted the ward Member(s) to inform them of the referral?

5. Have you discussed the referral with the case officer or Development Manager?

a) Referring Member:

b) Supporting Member(s) (cannot be same ward as Referring Member)
(Please attach written support):

c) Supporting Chair or Spokes Member of the Development Management Committee
(please attach written support)

Do you consider this is an application of more than strategic importance such that you would request the Director to consider using his discretion to refer the matter to the Strategic Sites Delivery Committee? If so please set out your reasons:

Date:

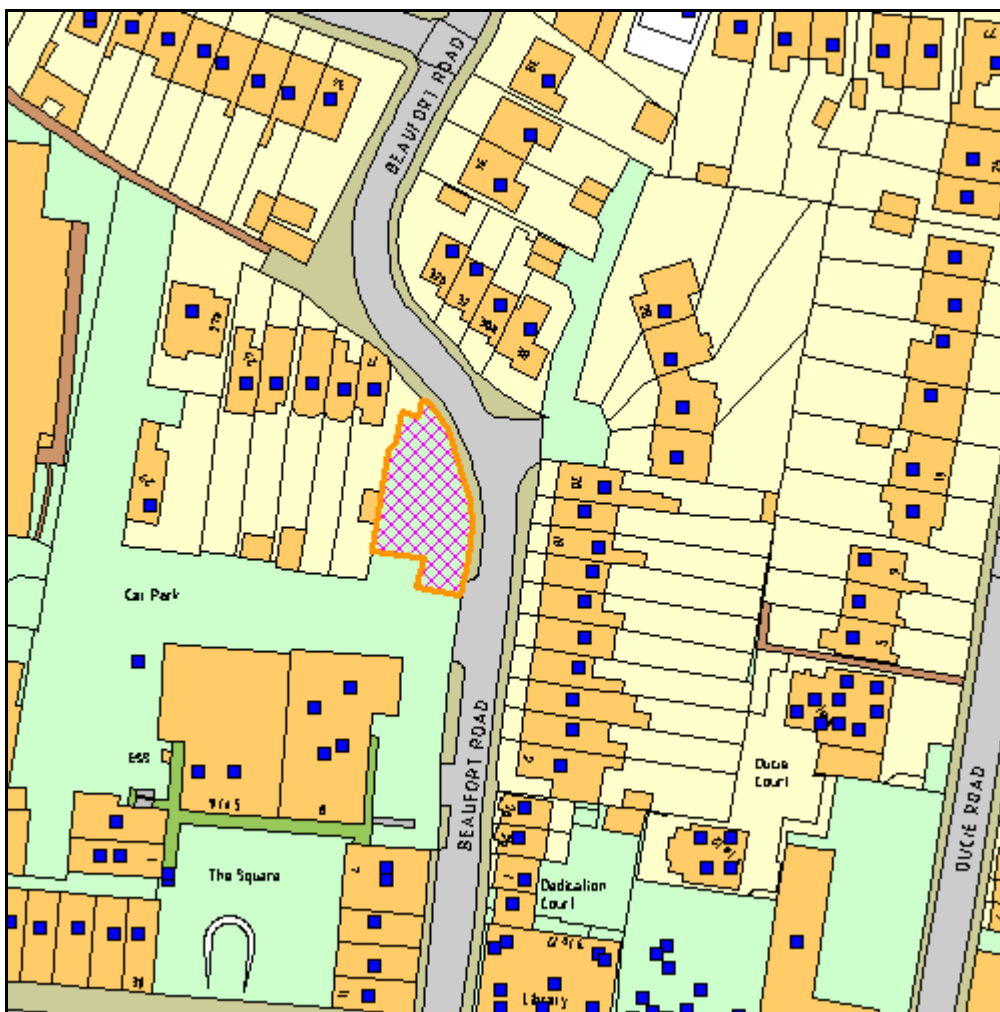
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 16 November 2018

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/1743/F	Approve with Conditions	Land At Beaufort Road Staple Hill South Gloucestershire BS16 5JX	Staple Hill	None
2	PK17/4083/RVC	Approve with Conditions	47 High Street Hanham South Gloucestershire BS15 3DQ	Hanham	Hanham Parish Council
3	PK18/4062/F	Approve with Conditions	140 Malvern Drive Warmley South Gloucestershire BS30 8UX	Oldland	Bitton Parish Council
4	PK18/4147/F	Approve with Conditions	75 Westerleigh Road Yate South Gloucestershire BS37 4BN	Yate Central	Yate Town Council
5	PT18/2869/F	Approve with Conditions	85 Saxon Way Bradley Stoke South Gloucestershire BS32 9AR	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council

CIRCULATED SCHEDULE NO. 46/18 – 16 NOVEMBER 2018

App No.:	PK17/1743/F	Applicant:	Ballymoney Hill Estates Ltd
Site:	Land At Beaufort Road Staple Hill South Gloucestershire BS16 5JX	Date Reg:	4th May 2017
Proposal:	Erection of 3 storey apartment building for 5 apartments with ground floor integral parking and all associated works.	Parish:	None
Map Ref:	365093 175953	Ward:	Staple Hill
Application Category:	Minor	Target Date:	8th June 2017



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 100023410, 2008. **N.T.S.** **PK17/1743/F**

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated as a result of the concerns of neighbours.

1. THE PROPOSAL

- 1.1 This application seeks outline planning permission to erect a three storey building to form 5 self-contained residential flats with car parking forming the ground floor of the proposal.
- 1.2 The application site is located on Beaufort Road in Staple Hill on land currently forming part of a private carpark associated with 'The Square', a two and three storey flat roofed building in the primary shopping frontage containing shops with and flats above.
- 1.3 The proposal is separated from the retail buildings themselves by the vehicular access to the car park which would also serve as vehicular access to this proposal. Immediately to the west is a small row of traditional cottages and garden to 17 Beaufort Road, to the east are traditional Victorian, gable fronted terraces with windows in the second floor gable and to the north are 1970's terraced housing. A pedestrian access to the site is shown to be provided direct from Beaufort Road.
- 1.4 The proposal is shown to provide 6 car parking and 6 cycle spaces for the five flats. The development displaces existing parking spaces within the carpark which are used by lots of local users.
- 1.5 The proposal shows painted rendered masonry walls with grey UPVC windows, pre-cast concrete cills and grey roof coverings and copings.
- 1.6 The application site is within the Communities of the East Fringe of Bristol Urban Area.
- 1.7 This is a resubmission of a withdrawn application and the number of flats and scale of development has been reduced whilst more information has been submitted to support this application. Throughout the application further parking and transportation details have been provided. Latterly plans showing an amended design and lower level building have also been received and are considered below.

2. POLICY CONTEXT

- 2.1 National Guidance
NPPF National Planning Policy Framework 2018
PPG Planning Practice Guidance

THS Technical housing standards – nationally described space standard
March 2015

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
CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted November 2017

PSP1 Local Distinctiveness
PSP8 Residential amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP31 Town centre
PSP33 Primary shopping frontage
PSP43 Private amenity standards

2.3 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013
South Gloucestershire Design Checklist SPD (Adopted) August 2007
Waste Collection Guidance for New Development (Adopted) January 2015
CIL Charging Schedule and the CIL and S106 SPD (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/4661/F Erection of three storey apartment building with ground floor integral parking for six apartments with associated works. Withdrawn
- 3.2 PK04/3754/F Erection of 2 no. dwellings and associated works. Refused 27.01.2005 for reasons relating to overlooking, unsatisfactory rear garden, layout, loss of parking for Fountain Square leading to increase in on street and for reasons of highway safety.
- 3.3 Nearby applications within the wider car park area
PK17/4477/O Erection of 6no. two bedroom flats (Outline) with access, appearance, layout and scale to be determined. Landscaping reserved. Approved

4. CONSULTATION RESPONSES

- 4.1 Parish Council
Non parished area.

4.2 Other Consultees

Lead Local Flood Authority

No objection but a SUDS scheme is expected by conditions

Children and young People

No comment received

Community services

No objection as falls below ten units

Transport Development Control

No objection since additional information/evidence provided.

Housing enabling

Below threshold

Public open space

below threshold so no comment

Highway structures

No comment

Other Representations

4.3 Local Residents

Sixteen local residents have responded to consultation with objections to the proposal for the following reasons during the application consultations:

- Schemes have been refused here previously
- Detrimental to neighbours and public safety
- Overbearing impact
- Concerns about road safety due to poor parking , blind double bend , speed of traffic
- More backing up of traffic on Beaufort Road
- Hermitage Road is used as rat run and will only get worse
- Disruption during building works.
- The florist shop has a right to park a commercial vehicle and car on their land (offer advises this outside of the site adjacent to the access point)
- Too high and will dwarf writers house and others
- Not in character - eyesore
- Would make houses dark and depressing
- building site is also currently a car park for the flats, local residents and staff of the local shops. These parking spaces are used 24hrs a day, the car park is always full
- Loss of parking = loss of trade and custom
- The shops are busy particularly at the weekends
- The site has been neglected so what guarantee is there the at the flats would not also be neglected.
- There have been a number of incidents where pedestrians and cars have collided.

- Iceland delivery truck has difficulty getting down the road.
- Double lines have been proposed but this may take two years to come to fruition.
- there are parking spaces behind the houses 17,19, 21, 23 and 25 on the plan but these are areas for direct access to those houses.
- absolutely heinous to allow another building of the same height or taller to be erected.
- Will leave the street dark and overbuilt
- Iceland and the Uniform factory require frequent deliveries from large lorries.
- serious disruption in this area whilst construction was taking place
- cars travel too fast
- The area is not maintained by the owner, but by local people clearing the rubbish.
- Staple Hill is a thriving community and needs all the parking spaces provided already
- Local households use the car park to park
- 17- 27a will have light blocked in the morning
- Concerns about bin collection blocking footpath if by pedestrian access point.
- Concern about surface water drain in northern most corner of site (officer notes a hole in the existing wall allowing water to drain from the car park).

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This application seeks planning permission for the erection of a three storey building with two floors containing a total of four No. 2 bedroomed flats two and one No1 bedroom flat. Paragraph 11 of the NPPF 2018 states that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph goes on to state that if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date. The latest five year housing land supply is set out in the 2017 Authority's Monitoring Report (AMR) which shows a shortfall. This means that the LPA is directed to grant planning permission unless:

- i) The application of policies in this Framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.

In this case there are no assets of particular importance such as green belt, heritage buildings or local green space and as such the second limb is relevant to the application.

- 5.2 Regardless of this, the starting point for any decision-taker is the adopted development plan, but the decision-taker is now also required to consider the guidance set out within paragraph 11 of the NPPF. Paragraph 11 states a presumption in favour of sustainable development, and states that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.
- 5.3 Returning to the development plan policy, the locational strategy in policy CS5 is concerned with the retention of settlement boundaries, and generally not supporting residential development outside of settlement boundaries or urban areas. Therefore the Development Plan policy supports residential development in principle at this urban location where there is good access to facilities and public transport provision.
- 5.4 Moreover the application site is previously developed land, being car parking area related to existing commercial and residential units at The Square, much of which is also in the control of the applicant. The site would therefore comply with the NPPF 2018 in that paragraph 118 “give(s) substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs,” and “promote and support the development of underutilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively(for example by converting space above shops, and building on or above service yards, car parks, lockups an railway infrastructure)
- 5.5 Policy CS16 ‘Housing Density’ of the Core Strategy requires developments to make efficient use of land, but importantly requires that new development be informed by the character of local area and contribute to:
- The high quality design objectives set out in policy CS1;
 - Improving the mix of housing types in the locality; and
 - Providing adequate levels of public open space, semi-private communal open space and private outdoor space.
- 5.6 Policy CS17 ‘Housing Diversity’ of the Core Strategy makes considerations for the building of new dwellings in order to support mixed communities.
- 5.7 Principle of Development – Summary
The principle of residential development is supported by the Development Plan policy; and it would also make a contribution to overall housing supply. This would reuse brownfield land in an efficient way, and provide apartments to the mix of housing types in the area. All of these objectives are supported by local and national policy. Whilst the NPPF is an important material consideration, this proposal is in line with the Development policy, and in those circumstances should be approved without delay (assuming there are no insurmountable harmful impacts).

5.8 Benefits of the Proposal

The proposal will have one tangible and clear benefit, this would be the contribution of five new residential units toward the Council's 5 year housing land supply. This would be in a sustainable location, making more efficient use of brownfield land.

5.9 Design, Site Planning and Character

Policy CS1 'High Quality Design' of the Core Strategy which will only permit development where the highest possible standards of design and site planning are achieved. In addition to this, paragraph 123 of the NPPF 2018 sets out that where there is existing shortfall of land for meeting housing need decisions is especially important to avoid homes being built at loss densities and that developments make optimal use of the potential of each site.

5.10 The proposal would be hard up to the edge of the footpath akin to the flats further up the hill. Overall the building rises a maximum of 8.9m above the pavement, again akin to the flats approved at 6 The Square and again creating a three storey building. The scheme sits next to two storey housing and directly across from Victorian terraced development which have windows in their second floor front facing gables windows. The horizontal changes in materials from natural stone to buff coloured brick and changes between stretcher bond and stack bond brickwork panels, together with string courses at first and second floor levels, serve to break up the building. Whilst this is not akin to the houses immediately adjacent to the site the proposal draws from modern houses further up the street (attached to the Library) and from the redevelopment directly next to the Staplehill library and is considered to be an acceptable addition to this area.

5.11 Whilst there is visual separation as a result of the pavements and road between this site and the neighbours to the east, visual separation is created between the houses at the north of the site and the north and west of the development by reducing the scheme to ground level car park walls, cycle store and garden area/green access closest to the house known as 17 Beaufort Road. A two storey wing of the building is located some 13m from the end of 17 Beaufort Road's conservatory.

5.12 Whilst the proposal takes a modern stance to design and does not mimic the traditional early 20th century two storey terraced cottages, the proposal is considered acceptable in the context of efficient use of land in an urban environment and reflects the scale and proportions of nearby development. Further details or samples of materials and fenestration together with reveal details to the fenestration will need to be submitted in due course and will be conditioned to secure control over materials.

5.13 Paragraph 130 of the NPPF 2018 states:

'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. In this case the car park is used but has been shown to be underused and its use for housing could offer a beneficial use and tidy up the site. Buildings and houses in the immediate vicinity either hug the pavement or are set back behind short gardens. This supports the schemes

siting close to the pavement edge, making most efficient use of the site, akin to properties to the south of the site.

- 5.14 Officers consider that the proposal's scale, form, siting and massing are now sufficiently informed by the site and its context, so as to be acceptable in appearance and scale.
- 5.15 Overall, the quality of the proposal's design can be considered to create dense development which is promoted generally in and around town centre locations close to good public transport and as such the application complies with policies CS1 and CS16.
- 5.16 Residential amenity
A core principle of the NPPF is to 'enhance and improve the places in which people live their lives'; and also to 'seek to ensure high quality design and a good standard of amenity for all existing and future occupants'. Accordingly, the proposed development should respect the residential amenity of all occupiers, both existing and future. The relationship a property has with a street is generally considered to be a public relationship. Generally the proximity of windows across a street does not attract the same level of protection that the more private elevations of houses might attract. In this case the neighbours immediately opposite on Beaufort Road have had little chance of being overlooked until now but it remain a public front elevation. The proposal will be only 13m distant at its closest point whilst the new flats will have higher second floor windows than the houses opposite this is not considered to be unreasonable in an urban location such as this.
- 5.17 There is a reasonable amount of separation between the first and second floors of the proposal and the neighbouring house at 17 Beaufort Road such that the mass of the building is considered acceptable and is not considered to be overbearing. Much of the ground floor of the building is simply bounded by a wall along the joint boundary with that property which has a drive and garage adjoin the development. Parking spaces 03-06 are not covered spaces as the first and second floors to the building are set back some 4.4m from the boundary. These cars are therefore open to the elements. Parking spaces 01 and 02 however are covered spaces and the first floor area over parking spaces 01 and 02 is located some twelve metres from the rear of that neighbouring house and the bedroom window contained in the proposal is angled such that it would not have direct view into the garden or windows of that house. Para 123 of the NPPF 2018 states that a flexible approach should be taken when applying policies or guidance relating to daylight and sunlight which supports this unusual solution of angling the window away from that neighbour. There are no other windows in that side elevation facing over the gardens of neighbouring properties.
- 5.18 Policy PSP43 seeks to ensure that all residences have access to private amenity space. The policy goes on to recognise that higher density development may be appropriate in certain locations and circumstances, such as where other planning policies are promoting regeneration around and along key transport corridors and nodes. In this case the site is on good transport routes and as such sustainable. The developer has during amendments

provided a small seating and landscaped entrance but otherwise the flats will have to rely on off site amenity space. The site is only 300m from Page Park and given its good use of land in this built up location this is considered acceptable in this instance.

5.19 Highway Safety and Parking

Policy CS8 of the adopted Core Strategy, emphasises parking as an important issue, and the Residential Parking Standards SPD is material. Overall, with regard to car parking, policy CS8 requires parking and vehicular access for new development to be 'well integrated and situated so it supports the street scene and does not compromise walking, cycling, public transport infrastructure and highway safety'.

5.20 Further to request from officers the applicant submitted additional information in support this development proposal.

5.21 Among the information submitted is the applicant's land ownership plan which includes the details of the adjoining car-park and extent of the applicant's ownership of the commercial premises and residential units in the area. A plan submitted shows that the existing car-park has some 68no. spaces serving those commercial premises and flats above as per drawing 1874/OA/003. Having assessed the parking requirements for these uses and checked this against the Council's parking guidance, the transportation officer is satisfied that there is an over-provision of car parking within the adjoining car-park. As such, the officers could not argue that the proposed development would adversely impact on availability of car parking spaces for those existing premises/flats under the applicant's ownership.

5.22 It is noted that several local residents are objecting to this application on the basis that there would be some loss to parking spaces in the adjoining car park. From the planning point of view, it is important to stress that this is a 'private' car-park and as such, the applicant is legally entitled to prevent any 'unauthorised' parking at this location. Furthermore, your officers are satisfied that there is adequate parking facilities within this car park for all users that are legally entitled to use it.

5.23 The proposed development itself involves construction of a new building comprising of five apartments with the ground floor designed as integral parking area specific for use by the new occupiers.

5.24 Access – the plan submitted with this application shows the access from the new building to be directly onto the adjoining car-park. As the proposal has it's private entrance onto a private car park, the access is considered acceptable. Accessing the public highway would be from the existing car park access onto Beaufort Road. It must be reported that the applicant has commissioned a traffic survey which includes speed readings on Beaufort Road. According to this information submitted, the average 85%ile speed readings for vehicles on Beaufort Road are 20.6mph northbound and 21.6mph Southbound. With this in mind, officers are satisfied that adequate visibility splays can be achieved with the new building in location as proposed. Site plan (drawing no. 1874/OA/002 Rev A) as submitted shows visibility splays of 2.4m by 25m to the north and

- 2.4m by 35m to the south of the car-park access with Beaufort Road and this meets the visibility guidance as set out in 'Manual for Street' (MfS) document. As such, I am satisfied that the location of the new building would not adversely impact on road safety or the required visibilities at this location.
- 5.25 *Parking* - Car parking requirement for this development is assessed against SG Council parking standards SPD. According to this the parking requirement for 1-bed flat is 1 space and for 2-bed dwelling is 1.5 spaces. Additionally, 0.2 parking is required for each property for a visitors' space. Based on the proposed development of 4no. 2-bed units and 1no. 1 bed then total of 7 parking spaces are required including visitors space. The plan submitted by the applicant shows total of 6no. parking spaces.
- 5.26 In this instance, the application site is in a highly accessible and sustainable location that is close to services and facilities required on a daily basis, including good local bus services. It is also relevant to highlight the fact again that the application site sits adjoining to a large car-park which happens to be in the applicant's land ownership where the visitors would be able to park. On this basis therefore, it is considered that the level of car parking as proposed for the development is acceptable and refusal of the application on lack of one parking space ground could not be substantiated in an appeal situation.
- 5.27 Furthermore, the applicant will also provide cycle facilities on site in order to promote the use of sustainable transport methods and reduce reliance on car usage. The revised plan (drawing no. 1874/OA/100 rev D) shows provision for cycle stands, within a secure covered area, which can accommodate up to 6 cycle parking spaces on site.
- 5.28 It is also noted that some local residents (namely the owner of no. 21 and 23 Beaufort Road) have expressed concerns that their ability to access to their parking spaces/garages from the rear of their properties through the existing car-park. The residents state that their access to their parking would potentially be blocked if the applicant is to 'mark-out' parking bays (as shown on plan no. 1874/OA/003) outside these accesses/garages. In relation to this, officers confirm that this is a third-party land issue between the applicant of the adjoining house owner – and it is not a planning issue. Notwithstanding this, it is reasonable to say that if there is an existing 'Right of access' for these properties to access from the car-park then, this would continue to be the same regardless of any road markings within the car park. In any event, as this is not a planning related issue then, it will not be appropriate to refuse the application on this basis.
- 5.29 In view of all the above-mentioned therefore, the officer concludes that the proposed development is acceptable from transportation and road safety and it would not result in severe highway impact and hence, it is considered unreasonable to refuse this application on highway grounds and conditions are required to ensure that a 'Construction Environmental Management Plan'

(CEMP) is carried out for the site and to ensure that the proposed parking is provided and maintained thereafter for the flats. The agent has agreed to an appropriate commencement condition.

5.30 Drainage Considerations

No objection is raised by the Lead Local Flood Authority subject to a SUDS condition being attached if consent is granted. The agent has agreed to an appropriate commencement condition.

5.31 The Planning Balance

The principle of development is supported by the Development Plan policy. Added weight in favour of the proposal is given in light of the Council's current inability to demonstrate a 5 year housing land supply. The proposal would make efficient use of brownfield land in a sustainable location, and add to the housing mix in the area. Sufficient alterations and reductions have been made to the current proposal to overcome the refusal reasons that related to the previous application.

5.32 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application is considered to have a neutral impact on equality.

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 Policies Sites and Places Plan adopted November 2017 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 following conditions.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

2. 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. All works shall then take place in accordance with the approved 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. This is a pre-commencement condition as drainage matters will need to be carried out prior to erection of the building.

3. Prior to commencement of development on site, provide a 'Construction Environmental Management Plan' (CEMP) for written approval by the Planning Authority and such document must include among others, the issues of:
 - o Parking of vehicle for site operatives and visitors during the construction phase,
 - o Method of storing materials on site during construction period,
 - o Routes for construction traffic,
 - o Method of prevention of mud being carried onto highway,
 - o Pedestrian and cyclist protection,
 - o Proposed temporary traffic restrictions,
 - o Arrangements for turning construction and delivery vehicles within the site

All works shall then take place in accordance with the approved details.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of residents of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted November 2017 and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013. This is a pre-commencement condition as drainage matters will need to be carried out prior to erection of the building.

4. The development shall not be occupied until the parking, manoeuvring area, lockable cycle storage and bin facilities are provided as shown on approved plan 100 revision D as submitted 8/11/2018.

Reason

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

5. Prior to the relevant part of the build details of all external roofing and external walling materials, including finish of the natural stone cladding and mortars to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

6. Prior to the relevant part of the build details of all fenestration, including the car park door/shutter, any gutters and downpipes to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

7. Prior to the first occupation of the development a scheme of landscaping, which shall include details of proposed planting (including species, sizes, density/numbers, times of planting and means of aftercare for a period of five years); boundary treatments and areas of hardsurfacing and details of the garden seat shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

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

8. The development shall proceed in accordance with the following plans:

Plans Site location plan 001A received 13/4/2017

Site plan 002 rev. B received 08/11/2018

Combined Plan 100 Rev. D received 08/11/2018

Traffic speed surveys received 23/4/2018

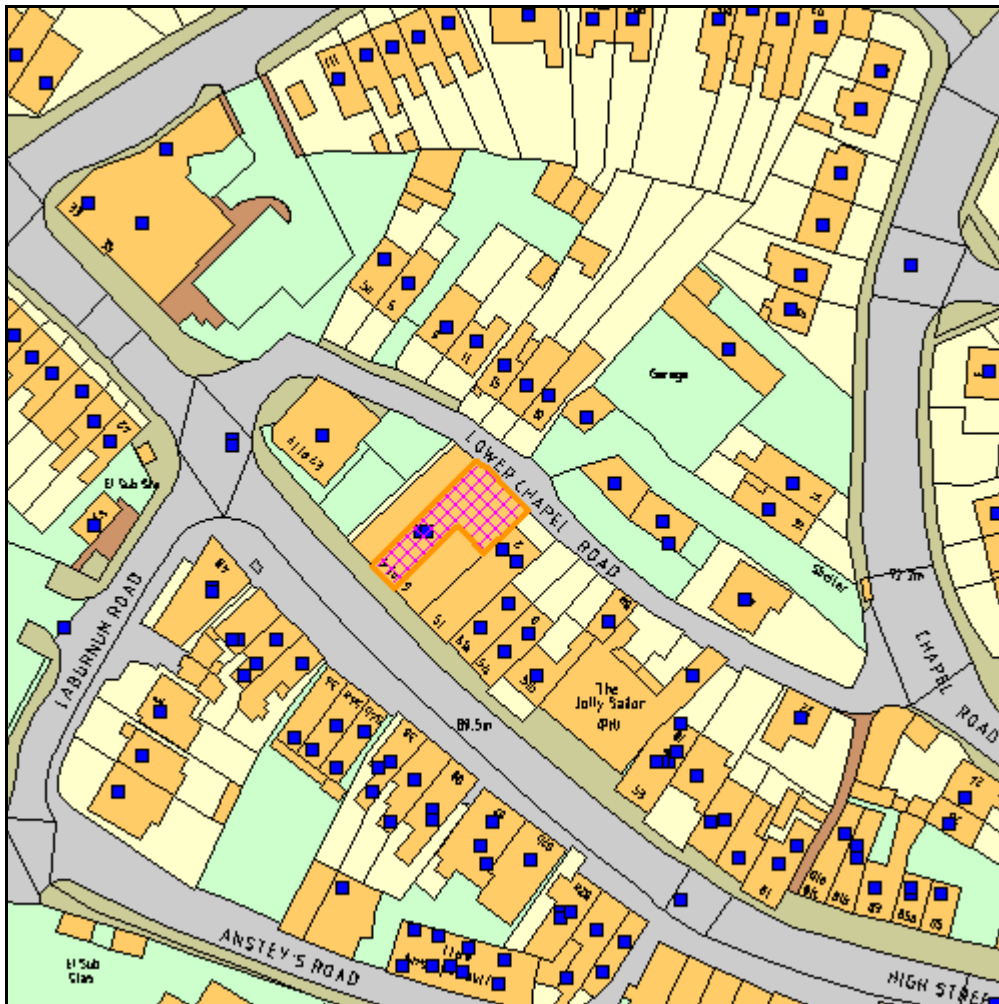
Parking survey plan 300 received 26/1/2018

Reason

For clarity and to prevent the need for remedial actions.

CIRCULATED SCHEDULE NO. 46/18 – 16 NOVEMBER 2018

App No.:	PK17/4083/RVC	Applicant:	Mr N Browne The Italian Kitchen Limited
Site:	47 High Street Hanham Bristol South Gloucestershire BS15 3DQ	Date Reg:	20th September 2017
Proposal:	Variation of condition 8 attached to planning permission PK16/1200/F to extend permitted opening times to 10.30- 22:30 Monday to Thursday, 10.30-23:00 Friday and Saturday and 10.30-21.00 on Sunday and removal of condition 2,3,4 and 9 attached to planning permission PK16/1200/F. (Resubmission of PK17/1546/RVC)	Parish:	Hanham Parish Council
Map Ref:	364141 172401	Ward:	Hanham
Application Category:	Minor	Target Date:	24th October 2017



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South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

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

1. THE PROPOSAL

- 1.1 This application seeks to vary condition 8 of PK16/1200/F to extend the opening times to 10.30 – 22.30 Monday to Thursday, 10.30-23.00 Friday and Saturday, and 10.30 – 21.00 on Sunday, and remove conditions 2, 3, 4 and 9.

Condition 2 relates to a scheme of noise insulation measures for between the proposed restaurant and residential above and to the sides (at the rear)

Condition 3 relates to details of ventilation system for the extraction and dispersal of cooking odours

Condition 4 relates to a maintenance / cleaning schedule of the proposed extraction and odour abatement system.

Condition 9 relates to the surface colour of the external flue.

- 1.2 Planning permission was granted for the change of use from retail (Class A1) to a restaurant (Class A3) and the installation of an external flue to the rear elevation and to install a new shop front to the front elevation at No. 47 High Street Hanham. This planning permission has been implemented, the external flue and a new shop front have been installed. Additional public consultation also has been carried out due to the new residential development has been recently completed and occupied.
- 1.3 Condition 8 of PK16/1200/F states that the use hereby permitted shall not be open to customers outside the following times Monday to Saturday 10.30 - 22.00 hours and Sunday 10.30 to 21.00 hours. The reason for restricting opening hours under condition 8 of PK16/1200/F is to safeguard the amenity of nearby occupiers. Other conditions 2, 3 and 4 are also to safeguard the amenity of residents, in particular the potential noise and disturbance upon the nearby residents. Condition 9 is to safeguard the appearance of the site.
- 1.4 The application site is located on the north-eastern side of High Street, and this stretch of High Street is classified as a 'Local Centre and Parade' within the adopted Core Strategy, and also a Primary Shopping Frontage of the adopted Local Plan.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2018
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017

PSP11	Transport Impact Management
PSP16	Parking Standards
PSP32	Local Centres, Parades and Facilities
PSP33	Shopping Frontages
PSP35	Food and Drink Uses

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
CS13	Non-Safeguarded Economic Development Sites
CS14	Town Centres and Retail
CS29	Communities of the East Fringe of Bristol Urban Area

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 K4185 Single storey extension to from furniture showroom. Approved 11.05.83
- 3.2 K4185/1 Installation of new shop front. Approved 09.09.83
- 3.3 PK15/0268/PNRR Prior notification of a change of use of part of the building from retail (Class A1) to residential (Class C3). Refused 13.03.2015
- 3.4 PK16/1200/F Change of use from Retail (Class A1) to Restaurant (Class A3) as defined in Town and Country (Use Classes) Order 1987 (as amended). Installation of new shopfront and external flue to rear elevation. Approved 05.07.2016
- 3.5 PK17/1546/RVC Variation of condition 8 attached to planning permission PK16/1200/F to extend permitted opening times to 10.30-23:00 Monday to Thursday, 10.30-00:00 Friday and Saturday, and Sunday 10.30-21.00. Withdrawn.

4. CONSULTATION RESPONSES

4.1 Hanham Parish Council

It is understood that there are still environmental health/enforcement issues outstanding on this property and these should be addressed before causing more distress to adjacent residential properties by extending opening times.

4.2 Other Consultees

Economic Development

No objection

Sustainable Transport

No objection

Environmental Protection Team

The Team has reviewed the proposal including the submitted waste management plan. No objection to the proposed extended hours subject to the conditions stated on the original application PK16/1200/F will be included and the following conditions are strongly recommended to prevent reoccurrence of the complaints:-

- Ensure the two rear doors are kept closed at all times, unless being used for deliveries, waste disposal or emergencies.
- Ensure the timings stated on the kitchen waste management plan are implemented at all times, the waste is stored in lidded refuse containers, and the lids are able to be fully closed to prevent the attraction to pests and prevent odours.

The Environmental Protection Officer also indicated no objection to remove condition 3 relating to the maintenance / cleaning schedule as the applicant has provided the required details directly to the Environmental Protection Team and such details have addressed the Officer's concerns.

Other Representations

4.3 Local Residents

Nine letters of objection were received and residents' comments are summarised as follows: (Full comments can be viewed from the Council's website)

Noise

- The sound level omitted by the extractor fan have recently reduced but it seems to be louder during hot spells
- There continues to be noise due to the use of the bins to the rear of the property
- These bins are emptied during opening hours and beyond, and the proposed extended hours would further increase the impact of bin noise on residents
- The rear door is left open fairly frequently, again more noticeable during good weather, so noise levels from the kitchen are higher than they used to be.
- Ask the Council investigates how that noise reduction has come about; has the fan been altered as the owner suggests or has it simply been turned down now (in winter). Once the summer months are upon us, the noise will be amplified once more due to the fire door and velux windows being open and the level on the extractor fan being cranked up to relieve the staff working in the kitchen.

- Even the air condition is installed, they insist on leaving the kitchen door open, the street is filled with noise of the banging of pots and pans.
- By extending the hours, they would actually close at 11.30pm or maybe even after midnight. Also, it would push back their usual rendition of filling wheelie bins with glass. Would I last through until 1am without hearing the dulcet tones of wine bottles being bludgeoned off the side of a Biffa bin?
- Residents are able to hear the kitchen service bell ringing almost non-stop and hear staffs' conversations
- As a resident who lives directly opposite, I look forward to the extractor fan being turned off every night in order to sleep peacefully

Waste Management

- Waste disposal and the bins are still out in the street
- The internal bin store is not used for the storage of current bins, instead, it is used for keeping food.
- Food waste is regularly strewn across the street and black in bags being torn apart by foxes and rats.
- The property is not fit for purpose, i.e. if there is no room in his store for the bins, then the property should not host a restaurant.

Other concerns

- There are numerous complaints and issues with the Italian Kitchen due to noise levels and disrespect for neighbours. Until the Italian Kitchen can continuously and consistently manage their business with respect, no further changes should be considered.
- Feel this application is being pushed through as to avoid additional comments from the new residential properties at the rear.
- The restaurant is already open late enough in a heavily resided area
- Repeated requests to (i) keep the bins and litter off the rear street entrance, (ii), reduce evening noise to allow my children to get a night sleep (this is caused by bin filling late at night on the street), (iii) keep the fire door closed to maintain my limited privacy from patrons eating in the restaurant (iv) stop blocking the street every day with delivery vans (v) maintain a clean aspect to the rear of the property, (vi) stop attracting vermin by leaving food waste out day and night .
- This would ruin the enjoyment of my property which would force me to consider the possibility of moving and a reduction in my property value
- Improvements have been noticed and appreciated, but these have not been consistent.

5. ANALYSIS OF PROPOSAL

5.1 The proposal seeks planning permission to vary condition 8, relating to opening hours, in order to extend the opening hours, and to remove existing conditions, relating to the noise insulation measures, ventilation system, maintenance/clearing schedule and the surface colour of the external flue.

5.2 Background

This application was submitted following enforcement investigations regarding the location of bins, the finish of the building, the potential breach of planning conditions on the approved opening hours and the noise level.

5.3 Principle of Development

Planning permission PK16/1200/F was granted for change of use from retail (Class A1) to restaurant (Class A3) in 2016, therefore the use of premises for A3 has been established. It is also noted that such permission has been implemented.

5.4 This application was submitted under section 73 of the Town and Country Planning Act 1990 which allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The Local Planning Authority shall only consider the conditions subject to which planning permission was granted, the principle of the development is therefore established. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue.

5.5 Policies changes

It is noted that there have been some changes in local planning policies since the determination of application of PK16/1200/F. Although the Policies, Sites and Places (PSP) Plan, including PSP35 (Food and Drink uses), has now been fully adopted, it does not change the fact that the premises benefits planning consent for A3 use.

5.6 Main Planning Issues of this application

Residential development surrounds the site at first floor level and a group of two-storey terraced dwellings at the rear. It is also noted that a number of new dwellings have been constructed and occupied during the course of this application, and these properties have been consulted accordingly. Residents raise concerns about the environmental impact and amenity issues caused by the existing business and the potential extended hours. Therefore, noise and waste management are the key areas of concerns and these matters are addressed in this report.

5.7 Noise

A number of condition was attached to planning permission PK16/1200/F. Condition 2 was imposed to seek details of noise insulation measures. A noise assessment report including noise control measures has been submitted, and the Environmental Protection Team is satisfied with the submitted details and confirmed that the agreed works have been implemented. Concerns are also raised regarding the noise coming out via rear doors and the noise nuisance is worse during summer months when these doors are kept open. Officers noted that paragraph 6.7 of the submitted noise assessment report has recommended that these rear (fire) doors should be remain closed and it is also recommended that these doors are replaced with appropriate grade doors which well-sealed when closed. Given the proximity of the neighbouring residents, officers agreed with the Environmental Protection Team's suggestion, it would be necessary and reasonable to impose a condition to ensure that these doors remain closed and be replaced with well-sealed doors. Therefore, condition 2 is amended to secure all noise control and insulation measures are in place.

- 5.8 Condition 3 relates to the details of ventilation system for the extraction and dispersal of cooking odours. The Environmental Protection Officer has reviewed the submitted noise assessment report including details for noise and odour controls (Appendix III – Manufacturer’s Technical Data) and confirmed that the agreed works have been implemented. The condition is therefore amended accordingly.
- 5.9 Concerns are raised regarding the noise nuisance when the daily cleaning routine is being carried out. It is noted that condition 6 is attached to PK16/1200/F restricting activities relating to the collection of refuse and recyclable and the tipping of empty bottles into external receptacles between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays. This condition will still be attached, should planning permission for this application. To address this issue, the applicant submitted a waste management and daily working scheme. The schedule includes the daily cleaning routine, the hours of taking order and serving customers, the restriction for the staff using the back door, and the latest time for staff working on site. The Environmental Protection Officer and the case officer are satisfied with the submitted details.
- 5.10 It should also be noted that condition 5 is attached to PK16/1200/F restricting the rating level of any noise generated by plant and equipment to safeguard the amenity of the neighbouring occupiers. This condition will still attached, should planning permission be granted for this application. Whilst it is noted that there would be a degree of adverse impact, in terms of the noise nuisance, upon the amenity of the neighbouring residents, it is considered such impact would not be so significant given that a number of planning conditions are imposed to restrict the activities on site.
- 5.11 Waste Management
It is noted that no condition was imposed on planning permission PK16/1200/F seeking details of the bin storage / collection area as the approved floor plan shows that there was a refuse storage area within the building. This area has now been used for general storage for the restaurant. Residents raise concerns as waste bin bags have been left outside at the rear of the premises and these attract vermin. To address this particular issue, the applicant indicates that they are currently using the waste bins locating at the rear of Lower Chapel Road for keeping their waste. The Environmental Protection Officer have considered that the submitted details and is satisfied the proposal subject to conditions ensuring that the waste is stored in lidded refuse containers, and the lids are able to be fully closed to prevent the attraction to pest and prevent odours. Subject to condition 6 of PK16/1200/F to be amended to secure these, it is considered that the proposal would not cause an unreasonable nuisance upon the amenity of the locality.
- 5.12 Odour
Condition 4 relates to a maintenance / cleaning schedule of the proposed extraction and odour abatement system. The applicant confirmed that there will be a yearly cleaning schedule, using a specialist company to clean the ducting and inspect the filters and replace if required. This will be linked to the food and hygiene management requirements with quarterly audits carried out

Domino Risk Management Limited on an ongoing bases. The Environmental Protection Officer is satisfied with this approach and considered that it would not be necessary to impose a condition to secure this. Therefore condition 4 can be removed.

5.13 Impact upon the amenity for the proposed extended opening hours

Officers noted residents' concerns regarding the potential adverse impact if the opening hours for this restaurants to be extended. As discussed in the above paragraphs, the existing restaurant (A3 use) has been granted by planning permission PK16/1200/F subject to a number of planning conditions, which restrict the rating level of the noise generated by plant and equipment, the hours for collecting of refuse and recyclable and the tipping of empty bottles, hours for deliveries. This application is to extend the authorised opening hour by 30 mins from Monday to Thursday and an hour on Friday and Saturday. During the course of the application, further details have been submitted in relating to condition 2, 3 and 4 and these have been considered by the Environmental Protection Team and the case officer. Furthermore, the applicant has also demonstrated that a refuse storage has been secured for the restaurant. A daily routine schedule has also been submitted to demonstrate a number of reasonable measures in place to minimise the adverse impact upon the amenity of nearby residents. It is therefore, on balance, considered that the proposed extended hours would not cause significant adverse impact to warrant a refusal of this application subject to the planning conditions recommended in this report.

5.14 Design/Visual Amenity

The proposal would not extend the existing building and the recent site visit reveals that the shopfront and the flue have been installed. Whilst the flue is visible from Lower Chapel Road, it is quite modest in scale and has been finished in dull stainless steel, officers consider that the degree of impact upon the appearance of the locality would not be material. Therefore, it would not be necessary to impose such condition again.

5.15 Highway Safety

There is a public car parking on Laburnum Road, which is within a walking distance of the High Street. The area is accessible by non-car modes and there are a number of other shops in the vicinity generating shared journeys. The proposed variation to existing conditions would not result any material impact upon public highway safety, as such, there are no highway objection to the proposal.

5.16 Anti-social behaviour

Residents' concerns regarding the above have been noted, however, individual anti-social behaviour would be dealt with by different legislation such as, Anti-Social Behaviour Act. Therefore, the individual inappropriate behaviour would not warrant a refusal of a planning application.

5.17 Planning conditions of PK16/1200/F

A number of conditions were attached with PK16/1200/F. The following is the summary of the conditions:

Condition 1 (The time restriction for implementation).
This condition is removed as planning permission has been implemented.

Condition 2 (A scheme of noise insulation measures)
This condition is amended as the submitted noise assessment report including the recommended noise control measures have been considered acceptable.

Condition 3 (The ventilation system for the extraction and dispersal of cooking odours)
This condition is amended to become a compliance condition as the submitted details have been considered acceptable.

Condition 4 (The maintenance / cleaning scheme of the proposed extraction and odour abatement system)
This condition is removed as the Environmental Protection Officer and the case officer are satisfied with the submitted details and it would not be necessary to impose a condition seeking further details on this matter.

Condition 5 (The rating level generated by plant and equipment)
This condition is still applicable and remains unchanged.

Condition 6 (The restricted hours for activities for the waste management)
This condition is still applicable and amended to secure the waste management and daily working routine.

Condition 7 (The hours for deliveries)
This condition is still applicable and remains unchanged.

Condition 8 (The opening hours for the restaurant)
This condition is amended, the issues have been addressed in this report.

Condition 9 (The surface colour of the external flue)
This condition is removed as the potential adverse impact upon the appearance of the locality is minimal.

5.18 Other issues

The residents' concern regarding the impact upon private property value would not be planning material consideration.

5.19 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission be granted subject to the following conditions:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. Noise control and insulation measures

All noise control and insulation measures detailed in Section 6 Noise Control Recommendation of the Noise Assessment Report No. 0312.1 rev 0 dated August 2016 shall be fully installed and implemented. For the avoidance of doubt, these measures shall include the rear (fire) doors being replaced with appropriate grade well-sealed doors and such doors shall remain closed except being used for deliveries, waste disposal or emergencies. Development shall be retained as such in perpetuity.

Reasons

To minimise disturbance to nearby occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP35 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

2. Ventilation and the extraction system

The ventilation and the extraction system for the dispersal of cooking odours shall be maintained and operated in accordance with the details received on 9 November 2017.

Reason

To minimise disturbance to nearby occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP35 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

3. Noise Level

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the pre-existing background level as determined by BS4142: 2014 Methods for rating and assessing industrial and commercial sound.

Reason

To minimise disturbance to nearby occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP35 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

4. Waste Management and Daily Working Schedule

The waste management and daily working schedule shall be strictly carried out in accordance with the submitted details received on 3 April 2018. For the avoidance of doubt and notwithstanding the submitted details, activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays; the waste shall be stored in lidded refuse containers, the lids shall be able to be fully closed to prevent the attraction to pests and prevent odours.

Reason

To minimise disturbance to nearby occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP35 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

5. Hours of Delivery

Activities relating to deliveries shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason

To minimise disturbance to nearby occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP35 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

6. Hours of Opening

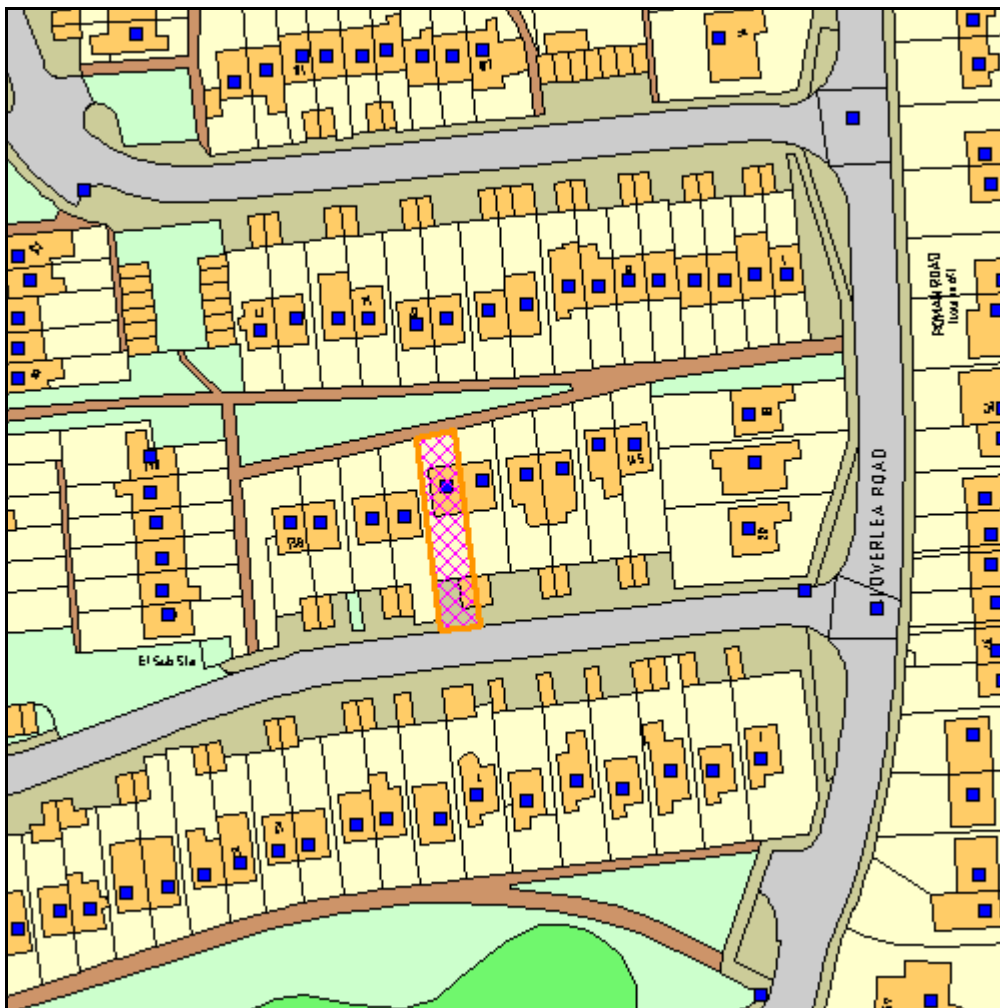
The use hereby permitted shall not be open to customers outside the following times Monday to Thursday 10.30 - 22.30 hours, Friday to Saturday 10.30-23.00 and Sunday 10.30 to 21.00 hours. For the avoidance of doubt, all customers shall leave the premises by the said-mentioned opening hours.

Reason

To minimise disturbance to nearby occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP35 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

CIRCULATED SCHEDULE NO. 46/18 – 16 NOVEMBER 2018

App No.:	PK18/4062/F	Applicant:	Mr Steve English
Site:	140 Malvern Drive Warmley Bristol South Gloucestershire BS30 8UX	Date Reg:	14th September 2018
Proposal:	Erection of a two storey rear extension and single storey front extension to provide additional living accommodation	Parish:	Bitton Parish Council
Map Ref:	367326 172222	Ward:	Oldland Common
Application Category:	Householder	Target Date:	7th November 2018



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REASONS FOR REPORTING TO CIRCULATED SCHEDULE

A representation has been made by the parish council, which is contrary to the findings of this report. Under the current scheme of delegation it is therefore required to be taken forward under the Circulated Schedule procedure.

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

1. THE PROPOSAL

- 1.1 Planning permission is sought for erection of a two storey rear extension and single storey front extension to provide additional living accommodation at no. 140 Malvern Drive, Warmley.
- 1.2 The application site consists of a semi-detached property set within a moderately sized plot. The property is constructed in a Radburn style. The site is located within the urban fringe area of Warmley.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance (2014)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history associated with the application site.

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

Objection - The front extension would bring the house forward of the established building line. Nowhere else along this rank or the opposite rank of houses is this apparent. Councillors would oppose the grant of permission for this, which would then be used as a precedent for other houses nearby. They have no objection to the rear extension.

4.2 Other Consultees

Sustainable Transport

No objection

Other Representations

4.3 Local Residents

One letter of objection was received during the statutory consultation period. The main concerns raised are outlined below:

- Front extension will reduce light to neighbouring garden and living room.
- Front extension will have a negative impact on visual amenity of neighbouring property.
- Proposed rear extension is massive two-storey structure, which is also relatively deep. This will cause a significant overbearing/overshadowing effect on to the rear of the adjoining property and garden.

One letter of support was also received. The main points raised are outlined below:

- We have no objections to the proposed plans.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a two storey rear extension and a single storey front extension. Policy PSP38 of the Policies, Sites and Places Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity, transport and loss of trees and vegetation. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

Front Extension

- 5.3 As previously noted, the property is constructed in a Radburn style. As such, the front of the property faces on to an open greenspace with pedestrian pathways, with a row of properties forming part of Quantock Close to the north also facing on to the open space. The proposed front extension would extend to a depth of 1.8m, and would incorporate a lean-to roof. The proposed extension would span the entire width of the existing front elevation.
- 5.4 It is noted that there are no other examples of similar front extensions in the immediate vicinity. In this respect, it is acknowledged that the proposed front extension would not replicate any existing extensions, and would break the existing building line. However the fact that there are no other examples of front extensions in the immediate area is not considered to necessarily translate in to significant harm to the visual amenity of the host dwelling or immediate surrounding area.
- 5.5 Whilst the properties are of their time, the overall character of the area is not considered to be overly distinctive or unique. The proposed extension would be of an appropriate form, scale and detailed design, and would appear as a proportionate addition to the host. Overall, whilst the concerns raised are acknowledged, it is not considered that the proposed extension would appear as an incongruous addition to the immediate area, or cause significant harm to visual amenity.

Rear Extension

- 5.6 The proposed rear extension would consist of a two-storey rear gable. The gable would span the width of the rear of the property, and would project from the existing rear elevation by 3.15m. The proposed rear extension would be visible from the public areas offered along the highway at Malvern Drive. Similarly to the proposed front extension, there are no other two-storey rear extensions present at immediately neighbouring properties; although a similar extension is present at a property further along Malvern Drive to the south-west of the site.
- 5.7 Notwithstanding the above, as the immediate streetscene consists of the rear of properties and their associated rear gardens/garages, it is not considered to be of any distinctive character. As such, it is not considered that the erection of an extension as proposed would significantly degrade the character of the area. Furthermore, the overall scale and form of the extension is considered to be appropriate, and it is considered that the proposed addition would respect the proportions of the host dwelling.
- 5.8 For the reasons set out above, it is considered that an acceptable standard of design has been achieved. The proposal would therefore comply with policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Plan.

5.9 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity, and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

Front Extension

5.10 The proposed front extension would be constructed up to the boundary shared with the adjoining property to the east. However given its single storey nature and modest projection, it is not considered that the proposed extension would result in a significant loss of light to, or significantly reduce outlook from front-facing neighbouring windows. Given the relatively modest projection, it is also not considered that the proposed extension would have any unacceptable overbearing or overshadowing impact on the neighbouring front garden area. Given its single storey nature, it is also not considered that the erection of the extension would give rise to any overlooking issues.

5.11 In terms of the adjacent property to the west, it is acknowledged that as the host dwelling is set forwards of the neighbouring, there is the potential for any front extension to have a greater impact on the adjacent neighbour. However the two properties are separated by a distance of roughly 2m. Furthermore, given its single storey nature and modest projection, it is not considered that the proposed extension would have a significantly greater overbearing or overshadowing impact than the host dwelling itself. Overall, it is not considered that the proposed front extension would have any unacceptable impacts on residential amenity.

Rear Extension

5.12 When considering the impact of the rear extension on the residential amenity of neighbouring residents, the main focus is on the adjoining property to the east. The proposed extension would be two-storeys in height, and would extend to the boundary shared with adjoining property. The extension would project from the rear of the host property by 3.15m.

5.13 In terms of any overbearing impact, it is acknowledged that the erection of the extension would have an impact on the neighbour. When applying the 45 degree rule to the outlook from rear-facing windows at the adjoining property, approximately 1.5m of the extension wall would be visible. As such, whilst there would be some loss of outlook, it is not considered to be severe. Furthermore, during a site visit, it was noted that the westernmost window at a first floor level at the neighbouring property appears to be obscurely glazed. As such, the existing outlook is already likely to be limited.

- 5.14 In terms of any potential overbearing effect of the development on the rear garden of the adjoining property, it is acknowledged that the two-storey wall would be noticeable, and would have some imposing impact upon the rear garden. However the garden would continue to open out to the south and east, and would not be entirely enclosed by high walls. Overall, whilst the proposed extension would undoubtedly have some impact, the overall impact on living conditions in this respect is not considered to be severe.
- 5.15 In terms of any overshadowing impact, it is noted that the proposed extension would impede the path of natural sunlight in to the rear windows and on to the rear garden of the adjoining property. However the rear of the properties are south-facing, and as such the rear of the neighbouring property would still receive natural sunlight for a significant portion of the day. Overall, whilst there would be an overshadowing impact, it is not considered that this would translate in to severe harm to the residential amenity of the adjoining neighbour, and that an acceptable standard of living would be retained.
- 5.16 In terms of overlooking, as no-facing windows are proposed, the proposed extension would not contain any windows which would provide a direct line of sight on to the neighbouring property. However on the basis that the insertion of a side-facing window in the future could compromise privacy, a condition will be attached to any decision restricting such works from being carried out in the future.
- 5.17 With regards to the adjacent property to the west, as the neighbouring property is set behind the existing, the proposed rear extension would bring the host dwelling in line with the neighbouring. Furthermore, the two properties are separated by a gap of approximately 2m. Given the relationship between the two buildings, it is not considered that the proposed rear extension would have any significant impacts on the level of residential amenity enjoyed at the adjacent property.
- 5.18 It is acknowledged that given its proximity to the boundary and two-storey scale, the erection of the proposed rear extension would likely cause some disturbance to immediate neighbours during the construction period. Whilst this is not considered to substantiate a reason for refusing the application, a condition will be attached to any decision, restricting the permitted working hours during the construction period.
- 5.19 In terms of private amenity space, it is acknowledged that the erection of the rear extension would result in the loss of some external space to the rear. However it is considered that an adequate provision would be retained, as to serve the needs of the occupants of the host dwelling.
- 5.20 On the basis of the assessment set out above, whilst it is acknowledged that the proposed development would impact upon neighbours, the overall impact on residential amenity is not considered to be unacceptable. Subject to the aforementioned conditions, the proposal is considered to accord with policies PSP8 and PSP38 of the Policies, Sites and Places Plan.

5.21 Transport

The proposed development would not increase the number of bedrooms currently available within the dwelling nor does it propose to alter the existing vehicular access or parking arrangements. As such, there is no transportation objection to the proposed development.

5.22 Trees and Vegetation

The proposal would not result in the loss of any trees or vegetation that contribute significantly to the character of the locality.

5.23 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.24 With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 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 included on the decision notice.

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

2. No windows shall be inserted at any time in the side elevations of the extensions hereby approved.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

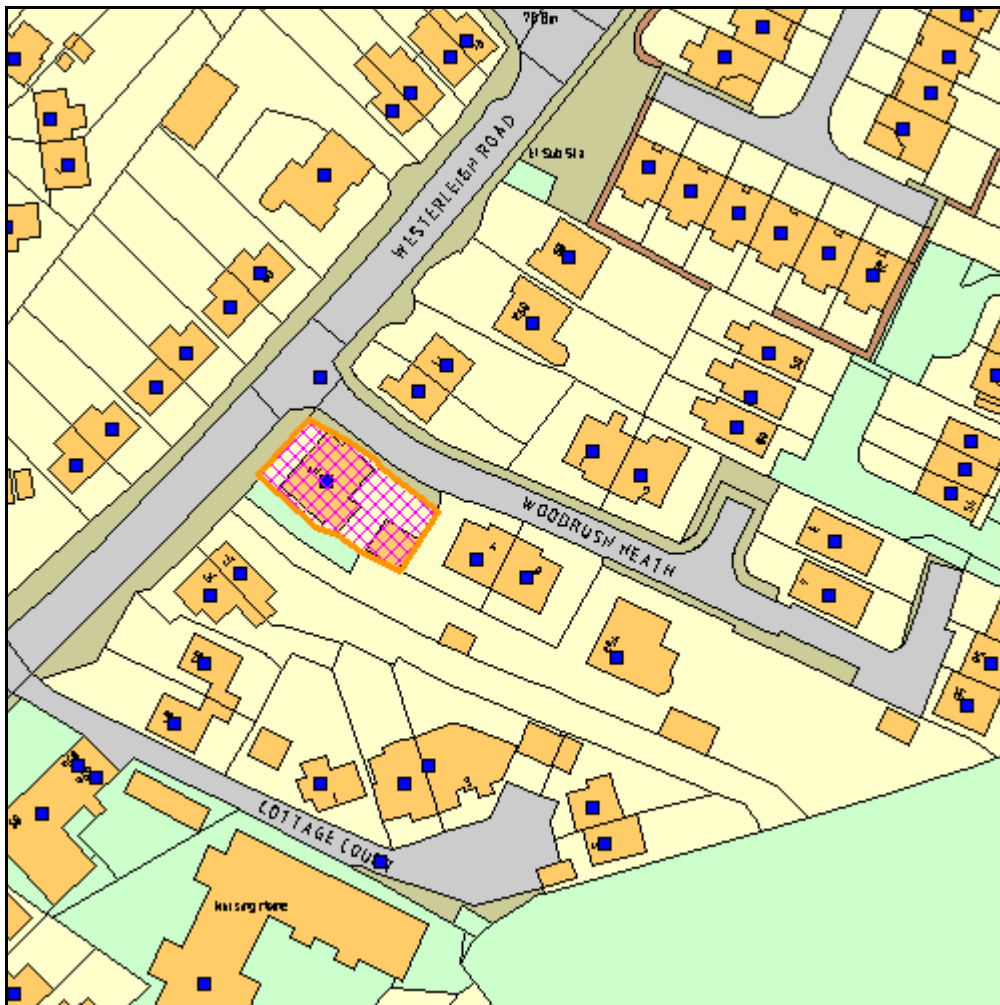
3. The hours of working on site during the period of construction shall be restricted to 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

CIRCULATED SCHEDULE NO. 46/18 – 16 NOVEMBER 2018

App No.:	PK18/4147/F	Applicant:	Mr And Mrs Lovell
Site:	75 Westerleigh Road Yate Bristol South Gloucestershire BS37 4BN	Date Reg:	25th September 2018
Proposal:	Erection of single storey extension to existing garage.	Parish:	Yate Town Council
Map Ref:	370829 182147	Ward:	Yate Central
Application Category:	Householder	Target Date:	19th November 2018



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 100023410, 2008. **N.T.S.** **PK18/4147/F**

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has received a comment from Yate Town Council that is contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a single storey extension to a garage at 75 Westerleigh Road Yate.
- 1.2 The application site comprises of a detached property set on a corner plot located within the defined settlement boundary.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance

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

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1. None relevant.

4. CONSULTATION RESPONSES

4.1 Yate Town Council

Object due to the impact on light to neighbouring property.

If the plan were to go ahead, conditions must be put in place against moving the fence or gates further into the road and also against excavations outside the current fence line.

Transport

There are no transportation objections to the proposed relocation of the access subject to the existing fence line location remaining unchanged. This is in order to maintain maximum visibility when exiting the site. There are no transportation objections to the proposed garage extension.

Other Representations

- 4.2 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP38 of the PSP Plan allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1, which is echoed by PSP38 seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

It is proposed to erect a single storey extension to a detached garage and relocate the existing access to allow vehicles to enter/exit the garage easily; as at present the access serves the drive area. The alterations are acceptable having regard to the existing property and the wider street scene. Moreover, as it is proposed to use matching materials, the alterations would integrate successfully with the existing garage and host dwelling.

5.3 Residential Amenity

Policies PSP8 and PSP38 of the PSP Plan sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

- 5.4 The objection from Yate Town Council regarding loss of light to the neighbour is noted. However, when considering the single storey nature of the proposal, that it is such a nominal addition to the garage, the proposed design, the existing boundary treatments, the other windows serving the affected bungalow to the west, and the separation distances involved, it is not thought that the proposal would result in a detrimental impact to the living conditions of the immediate neighbour No. 7 Woodrush Heath, the host dwelling, or other nearby properties in residential amenity terms. In addition sufficient private amenity space is retained by the dwelling.

5.5 Transport

The host dwelling contains four bedrooms and PSP16 requires that two off-street parking spaces be present at the property. A parking space would be available on the drive, and the enlarged garage is sufficient internally to accommodate a second car. As such, and in line with the comments of the Transport Officer, there are no transport objections. Notwithstanding this, new dropped kerbs would be required to serve the altered access. The attention of the application/agent is drawn to the informative on the decision notice.

5.6 Other Matters

Yate Town Council requested conditions preventing excavation outside the boundary, and against moving the fence or gate further into the road. Plans show the development would be inside the existing fence line and while the gate would move to a different location within the fence, the fence would not move further into the road. Nonetheless, for the avoidance of doubt, the submitted plans will be secured by condition; and the attention of the applicant/agent is drawn to the informatives on the decision notice regarding works on, under, or over, land not within the ownership, or control of the applicant.

5.7 Equalities

This planning application is considered to have a neutral impact on equality.

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 development plan set out above, and to all the relevant material considerations set out in the report

7. RECOMMENDATION

7.1 That the application be **APPROVED** subject to the conditions attached to the decision notice.

Contact Officer: David Ditchett
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. The development hereby approved shall be completed in strict accordance with the below approved plans:

All received by the Council on 24/09/2018

Existing Site and Location Plans
Drawing No. 1377 / 05 A

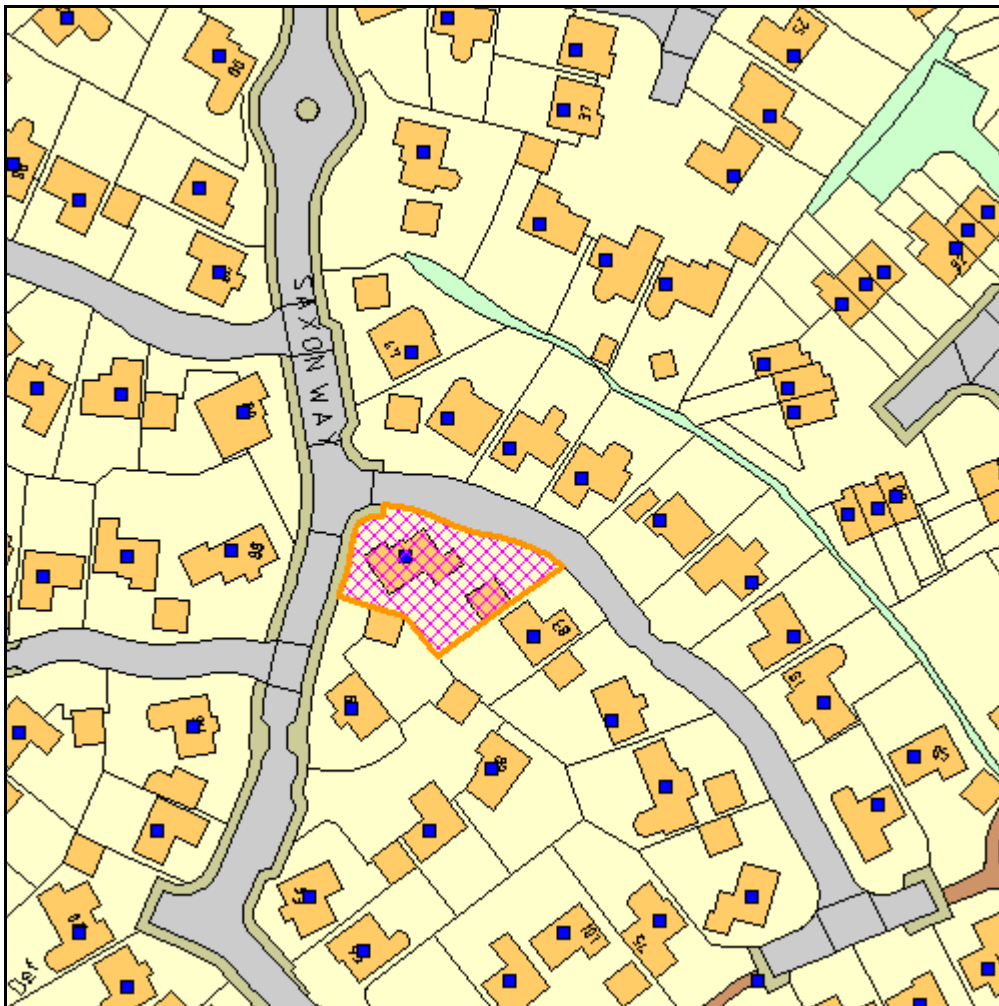
Existing Floor Plans and Elevations
Drawing No. 1377 / 10 A

Proposed Floor Plans and Elevations
Drawing No. 1377 / 11 A

Reason
For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 46/18 – 16 NOVEMBER 2018

App No.:	PT18/2869/F	Applicant:	Mr & Mrs Michael Leatherbarrow
Site:	85 Saxon Way Bradley Stoke Bristol South Gloucestershire BS32 9AR	Date Reg:	20th June 2018
Proposal:	Erection of single storey rear and side extension to provide additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	361241 182123	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Householder	Target Date:	14th August 2018



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PT18/2869/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report, with the number of contrary representations made exceeding a total of three. Under the current scheme of delegation it is therefore required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a single storey side and rear extension to provide additional living accommodation at no. 85 Saxon Way, Bradley Stoke.
- 1.2 The application site consists of a large detached property set within a relatively large corner plot. The site is located within the established residential area of Bradley Stoke. The site is situated at the entrance to a portion of Saxon Way, which is generally made up of detached properties set within generous plots. An area of open garden, situated to the north-east of the main dwelling, separates the rear boundary wall from the highway. Sections of panel fencing are present atop the boundary wall. An existing conservatory projects from the side and rear of the main dwelling, and is set behind the boundary wall.
- 1.3 Revised plans were received by the Local Planning Authority on 9th October 2018. The revisions involved alterations to the scale and layout of the proposed extension. The revisions made to the scheme were considered to trigger an additional round of consultation, which was carried out from 15th October 2018 to 29th October 2018.
- 1.4 The application appeared on Circulated Schedule no. 45/18. However whilst the application was being circulated, further representations were made by a local resident. The application has subsequently been called off the circulated schedule, to allow for the additional concerns to be considered and addressed. The application will now be re-circulated on Circulated Schedule no. 46/18.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance (2014)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development

CS8	Improving Accessibility
CS9	Managing the Environment and Heritage

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP5	Undesignated Open Spaces within Urban Areas and Settlements
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings

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

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history associated with the site.

4. CONSULTATION RESPONSES

First Round of Consultation

- 4.1 Bradley Stoke Town Council
 Objection – proposals are out of keeping with the streetscene.

- 4.2 Other Consultees

Archaeology Officer
 No comment

Other Representations

- 4.3 Local Residents
 A total of 7 letters of objection were received during the initial statutory consultation period. The main concerns raised are summarised below:

Design/Character

- Flat roof is not in keeping with area.
- Extension will reduce openness and will appear too modern and contemporary.
- Extension will make street feel more enclosed.
- Proposal located in prominent position at top of road, and will strike you visually when entering the street.
- Proposal will result in bleak and oppressive views in to the street.
- House already large. Proposal would increase footprint by 2/3.

- Well established tree has been cut down which provided natural beauty and screening.

Residential Amenity

- Extension will result in significant loss of light to neighbouring windows.
- Proposal will reduce outlook and will in neighbours staring at brick wall which will result in feeling of depression and bleakness.

Transport

- Extension would obstruct visibility as vehicles turn in to cul-de-sac.
- No pavements on Saxon Way, and extension will come close to road, endangering pedestrians.

Other Matters

- Deeds outline that structures should not be erected on front gardens of properties along Saxon Way.
- Proposal will devalue other properties in area.

Second Round of Consultation

4.4 Bradley Stoke Town Council
No objection to amended application

4.5 Other Consultees

Archaeology Officer
No comment

Other Representations

4.6 Local Residents
A total of 4 letters of objection were received during the second round of consultation. In addition to this, photographic evidence to support an objection comment was submitted by a local resident. The main concerns raised are summarised below:

Design/Character

- Previous objections not dealt with – proposal would still reduce openness.
- Extension would still not be in keeping with surrounding buildings.
- Proposed flat roof and bulbous skylights will look ugly.
- Extension is too big, high and unsympathetically designed.
- Proposal will make right hand side of road look overdeveloped and closed in.
- Tree has been removed and owners of properties opposite will be faced by characterless high red brick wall.

- Proposal will increase current floor space by 70%-75%. Will appear overbearing and out of scale.

Residential Amenity

- Proposal would still reduce outlook and lead to loss of light at neighbouring properties.

Following circulation of application

4.7 Local Residents

One further comment of objection, raising new concerns, was submitted whilst the application was being circulated. The main concerns raised are summarised below:

- Local resident suffers with health issue, which will be exacerbated if development is permitted through loss of light.
- If permission is granted we may be forced to move house.
- Find it strange that we are at this stage given the level of objection, especially when in the past flat roof structures have been refused and other proposals have been rejected.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a single storey side and rear extension. Policy PSP38 of the Policies, Sites and Places Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity, transport and loss of trees and vegetation. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.3 The proposed extension would project to the rear and side of the main dwelling, and would replace the majority of the existing boundary wall and conservatory. The proposed extension would incorporate a flat roof, with a roof lantern set in to the roof.

5.4 As originally submitted, the footprint of the extension was to extend beyond the line of the existing boundary wall, and in to the open section of garden to the north-east of the main dwelling. The highway-facing elevation of the extension was to be set at an angle, with a number of corners incorporated. Overall, it was considered that the proposed layout resulted in an overly complicated,

- contrived appearance. It was also considered that the projection of the extension in to the open space would also detract from the appearance of the immediate streetscene, and would reduce the sense of openness currently provided at the prominent corner plot.
- 5.5 Following discussions with the applicant, amended plans were submitted to the Local Planning Authority. The revised scheme proposes a simpler layout, with the proposed north-west and north-east elevations of the extension following the same line as the existing boundary wall. As such, the structure would not project in to the area of open space to the north-east of the main dwelling. On this basis, it is not considered that the erection of the proposed extension would significantly detract from the sense of openness at the head of Saxon Way.
- 5.6 The revisions also involve a marginal reduction in the height of the extension. It is acknowledged that the extension would be significantly taller than the existing boundary wall, and would result in a larger expanse of brick facing on to the highway. That said, simply erecting a taller structure is not considered to necessarily result in significant harm to the character of locality or the visual amenity of the streetscene. The main assessment is the extent to which the structure integrates in to adjacent built form and the streetscene as a whole.
- 5.7 In terms of the form of the extension, it is noted that flat roof extensions are not prevalent in the area. Whilst the proposed flat roof form with lantern roof lights can be considered as being relatively modern and contemporary, Saxon Way can be considered as being a relatively modern street, and as such it is not considered that a more modern extension would be at odds with the prevailing character of the area.
- 5.8 Furthermore, it is proposed to match the bricks used in the external finish of the extension to those used in the external finish of the main dwelling and boundary wall. It is considered that this design approach would allow for the extension to integrate in to the host dwelling, and a condition will be appended to any decision, ensuring that the bricks used in the external finish of the extension match those used for the main dwelling. Overall, whilst the form of the extension does not match that of other structures in the area, it is not considered that it would appear as a significantly incongruous or dominating feature.
- 5.9 On the basis of the assessment set out above, whilst it is acknowledged that the proposed extension would be a noticeable addition, it is not considered that its erection would cause significant harm to visual amenity, or significantly degrade the character and distinctiveness of the locality. It is considered that an acceptable standard of design has been achieved, and the proposal therefore accords with policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan.
- 5.10 Residential Amenity
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on

- residential amenity, and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.11 It is acknowledged that the proposed extension would form a more prominent feature than the current combination of the boundary wall/fence and conservatory, and there would be an overall increase in built form. However the extension would not project beyond the line of the existing wall, and would therefore be no closer to properties to the north-east than the existing boundary wall. A minimum distance of approximately 16m would continue to separate the proposed extension from any neighbouring windows.
- 5.12 Given the degree of separation, and the fact that the site is separated from any facing neighbouring properties by the public highway, it is not considered that the erection of the extension would have any significant overbearing or overshadowing on neighbouring residents. Whilst it is acknowledged that the extension would be visible, it is not considered the increase in height would reduce outlook or result in loss of light to such an extent that it would compromise living conditions.
- 5.13 As the extension would be single storey in nature, and it is not proposed to insert any windows which directly face neighbouring windows, it is not considered that the proposal would lead to a loss of privacy at neighbouring properties through increased overlooking.
- 5.14 In terms of private amenity space, although a section of the rear garden would be lost to facilitate the creation of the extension, it is considered that ample amenity space would be retained on-site. On the basis of the assessment set out above, it is not considered that the proposal would have any unacceptable impacts on residential amenity. The proposal is therefore considered to accord with policies PSP8 and PSP38 of the Policies, Sites and Places Plan.
- 5.15 Transport
The proposed extension would not alter the existing parking or vehicular access arrangements at the site. Furthermore, the proposed extension would not increase the total number of bedrooms contained within the property, and as such there would be no increased requirement for on-site parking spaces. As the extension would largely follow the line of the existing boundary wall, it is also not considered that the proposed structure would impede visibility for passing motorists to any greater extent than the existing arrangement. Overall there are no concerns with the proposal from a transportation perspective.
- 5.16 Trees and Vegetation
On the basis of a number of comments made by local residents, it appears that an established tree which was previously situated to the north-east of the boundary wall was removed prior to the submission of the application. Whilst the loss of the tree is regrettable, and it is considered that tree would have provided a visual break between the highway and the proposed extension, as the tree was not protected the Local Planning Authority have no control over its removal.

5.17 Previous Decisions at Other Properties

The comments made regarding decisions made by the Local Planning Authority on other planning applications in the area have been taken in to account. Other applications in the immediate area have been reviewed, and none are considered to be directly comparable to the current application. As there are material differences and with each application to be determined on its own merits, any previous decisions made are not considered to prejudice the Local Planning Authority's position with regards to this application.

5.18 Other Matters

The impact of any development on property values is not a material planning consideration, and as such any impact in this respect has no bearing on the outcome of the application. In terms of any restriction on the erection of extensions in front garden areas, whilst the restrictions have been noted, this is considered to be a matter of law as opposed to a planning matter.

5.19 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.20 The concerns raised regarding the potential impact of development on the health of a neighbouring resident have been taken in to account. However as per the assessment made regarding the impact of the development on residential amenity, given the degree of separation between the proposed extension and neighbouring windows, it is not considered that the increase in built form would result in a significant reduction in the level of natural sunlight entering neighbouring windows. As such, whilst the concerns have been given due consideration, it is not considered that the development would have a significantly greater impact on the health of residents than the current arrangement. Overall, this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies,

Sites and Places Plan (Adopted) November 2017 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 included on the decision notice.

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

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 bricks to be used externally in the development hereby permitted shall match those of the existing building in colour and texture.

Reason

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