



**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. 35/17**

**Date to Members: 01/09/2017**

**Member's Deadline: 07/09/2017 (5.00pm)**

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by the Planning and Transportation Committee on 21 November 1996. The procedure is designed to increase the effectiveness and efficiency of the Development Control Service. Under the arrangement reports are circulated on a weekly basis.

The reports assess the application, consider representations which have been received, and make a recommendation regarding the proposal. The procedure is designed to ensure that Members are aware of any concern expressed by interested parties in their ward and indicate a recommendation.

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **by email within five working days of the publication of the schedule (by 5pm)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee**

**PLEASE NOTE: THE CIRCULATED SCHEDULE PROCESS IS ONLY OPEN TO THE ELECTED MEMBERS OF SOUTH GLOUCESTERSHIRE COUNCIL.**

## **NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS**

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Environment of Community Services know within 5 working days of the date of this Schedule (e.g., if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

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

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

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

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

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

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

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

- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk), where referrals can be picked up quickly by the Development Management Technical Support Team. Please note a copy of your referral e mail will appear on the website. **If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.**
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

# CIRCULATED SCHEDULE 01 - September 2017

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK17/1474/F</b>	Approve with Conditions	129 - 133 Bath Road Longwell Green South Gloucestershire BS30 9DD	Longwell Green	Oldland Parish Council
2	<b>PK17/1935/F</b>	Approve with Conditions	108 Station Road Yate South Gloucestershire BS37 4PQ	Yate Central	Yate Town
3	<b>PK17/2567/F</b>	Approve with Conditions	71 Burley Grove Mangotsfield South Gloucestershire BS16 5QD	Rodway	None
4	<b>PK17/2693/F</b>	Approve with Conditions	5 Orchard Road Kingswood South Gloucestershire	Woodstock	None
5	<b>PK17/2873/O</b>	Approve with Conditions	93 High Street Oldland Common South Gloucestershire BS30 9TJ	Oldland	Bitton Parish Council
6	<b>PK17/3178/CLE</b>	Approve	Norfolk House 37 Overhill Road Downend South Gloucestershire BS16 5DS	Downend	Downend And Bromley Heath Parish Council
7	<b>PK17/3254/CLP</b>	Approve with Conditions	15 Sedgefield Gardens Downend South Gloucestershire BS16 6SU	Emersons	Downend And Bromley Heath Parish Council
8	<b>PK17/3280/CLP</b>	Approve with Conditions	41 Kelston Grove Hanham South Gloucestershire BS15 9NJ	Hanham	Hanham Parish Council
9	<b>PK17/3334/CLP</b>	Approve with Conditions	7 Oakdale Avenue Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
10	<b>PT17/1369/O</b>	Approve with Conditions	The Cottage Hacket Lane Thornbury South Gloucestershire BS35 3TZ	Thornbury South And	Thornbury Town Council
11	<b>PT17/2275/CLP</b>	Approve with Conditions	Sundown 22 Over Lane Almondsbury South Gloucestershire BS32 4BP	Almondsbury	Almondsbury Parish Council
12	<b>PT17/2410/F</b>	Approve with Conditions	114 Lower House Crescent Filton South Gloucestershire BS34 7DL	Filton	Filton Town Council
13	<b>PT17/2724/F</b>	Approve with Conditions	7 Tyrrel Way Stoke Gifford South Gloucestershire BS34 8UY	Stoke Gifford	Stoke Gifford Parish Council
14	<b>PT17/2792/F</b>	Approve with Conditions	37 Green Dragon Road Winterbourne South Gloucestershire BS36 1HE	Winterbourne	Winterbourne Parish Council

## CIRCULATED SCHEDULE NO. 35/17 – 01 SEPTEMBER 2017

<b>App No.:</b>	PK17/1474/F	<b>Applicant:</b>	Third State Pizza Company Ltd
<b>Site:</b>	129 - 133 Bath Road Longwell Green South Gloucestershire BS30 9DD	<b>Date Reg:</b>	21st April 2017
<b>Proposal:</b>	Change of use of part of retail unit (Class A1) to a hot food takeaway (Class A5) installation of extraction ventilation units and external alterations.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	365949 170971	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th June 2017



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N.T.S.

PK17/1474/F

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

This application has been referred to the Circulated Schedule in light of 15no. objections received from local residents, contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the change of use of an existing vacant shop unit (Class A1) at Nos. 129-133 Bath Road, Longwell Green to a takeaway (Class A5) as defined in the Town and Country Planning (Use Classes) Order 1987. It also seeks permission for the installation of extraction ventilation units and a number of external alterations.
- 1.2 The application site relates to a unit located within a single storey building along Bath Road within Longwell Green. The building was originally permitted at appeal (ref. APP/P0119/A/11/2158980) for 2no. units as part of application ref. PK11/0652/F. This was not implemented, and a subsequent, similar application submitted (ref. PK13/3429/F). This development was approved and was implemented. It provided 1no. A1 unit and 1no. A2 unit. Further to this, an application was recently permitted (ref. PK17/0029/F) to sub-divide the A1 unit into 2no. units, taking the total number of units at the building to 3no. This application relates to one of the sub-divided units.
- 1.3 The site is within walking distance of the Longwell Green Parade Local Centre. Local Centres are designated within the Core Strategy, and do not have boundaries. As such, given the site is within walking distance of the Longwell Green Parade, which includes a number of local shops and services, the site is considered, albeit diffuse, to lie within the Local Centre. It is also located in part of the East Fringe of Bristol Urban Area.
- 1.4 Throughout the course of the application, the agent has submitted revised plans showing recommended acoustic attenuation, as well as a Noise Report and Delivery Noise Assessment in support of the application.

### **2. POLICY CONTEXT**

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

- 2.2 Adopted 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
CS14	Town Centres and Retail
CS29	Communities of the East Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

T7	Cycle Parking
T12	Transportation
RT8	Small Scale Retail Uses within Urban Areas
RT11	Retention of Local Shops, Parades, Village Shops and Public Houses

2.3 Emerging Development Plan

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP16	Parking Standards
PSP32	Local Centre Parades and Facilities
PSP35	Food and Drink Uses

2.4 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

Shopfronts and Advertisements Design Guidance SPD (Adopted) 2012

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK11/0652/F Refusal 16.05.2011  
*APP/P0119/A/11/2158980* Allowed 05.11.2011  
Erection of building 428sqm of Use Class A1 and 76sqm of Use Class A1 and A2 to provide Convenience Store
- 3.2 PK13/3429/F Approve with Conditions 22.01.2014  
Erection of single storey retail unit with new access and associated works.
- 3.3 PK14/4356/F Approve with Conditions 05.01.2015  
Installation of ATM to front elevation, 2no. satellite dishes and 3no. external air conditioning units to side elevation and a refrigeration condenser within external plant area.
- 3.4 PK17/0029/F Approve with Conditions 23.02.2017  
Installation of new shopfront and fire escape door to facilitate subdivision of existing retail unit into 2no. units.
- 3.5 PK17/2862/F Pending Consideration  
Change of use of retail unit (Class A1) to veterinary surgery (Class D1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and installation of 7no. external air conditioning units.

**4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
No objection.
- 4.2 Community Enterprise

No comments received

4.3 Environmental Protection  
*Original Comments*

No objection.

*Noise from Plant and Equipment*

*Some information on the sound pressure level of some of the equipment specified has been provided, however, this has not been used to provide us with information that demonstrates that the equipment will not cause unacceptable impacts to the amenity of nearby residents as stated in the Design and Access Statement. I would therefore request a condition is imposed in relation to the above.*

*Odour from Kitchen Extraction*

*The information submitted in the report by DeltaBravoLimited, dated 19/1/17 advises that the flue will terminate 1m above roof ridge. This is acceptable.*

*Operating Hours*

*The proposed development have requested opening hours as 10am until 11pm, 7 days per week. However, I would request that the premises should close at 22:00 to minimise late night noise from the premises.*

*Noise from Deliveries/ Refuse and Recycling facilities*

*I would request that deliveries and refuse collections are also restricted to minimise noise from the development affecting nearby residents.*

(Agent submitted Noise Report)

*Update 1*

*I have reviewed the noise report submitted recently: "Domino's, Bath Road, Bristol, Noise Survey Report" prepared by Cole Jarman, report ref: 17/0056/R1, dated 5<sup>th</sup> June 2017.*

*The details contained within the report appear accurate and indicate that the plant can operate at an acceptable level.*

*The only point I raise is that the cold room condenser that will operate 24 hours at the development is only just acceptable as calculated. i.e. it achieves a rating level of 34.9dB, and the limit is 35dB. I note that from experience, condenser units operate intermittently depending on the outdoor temperature and the desired temperature within, therefore, if this is the case, the calculations must be amended to reflect the 3dB penalty for such an acoustic feature and further attenuation would be required to meet the 35dB required to achieve the night time noise levels.*

*If the fan specified does not operate as I suggest, evidence should be provided to demonstrate this.*

*The 3dB correction within the calculations reflects that when noises occur intermittently, they are more noticeable and therefore, further attenuation should be provided to ensure the residents that are nearest are not going to be adversely affected by this development.*

(Agent confirmed that the cold room condenser would not be intermittent. Agent submitted a Delivery Noise Assessment to show likely noise levels between 22:00-23:00)

*Update 2*

*The report states that in line with BS4142:2014 the noise levels from cars arriving and departing are acceptable. I don't disagree, and the report is thorough enough in that respect, however, please note that this is based on no additional noise as per section 5.1.4. Therefore in practice the calculated noise levels will vary from those found within the report as noise from patrons is unlikely to be as controlled as they instruct their staff to be.*

*Overall though, the report demonstrates that the vehicle movements would not cause any adverse effects up to 23:00.*

#### 4.4 Sustainable Transport

*The site benefits from a shared car park with 22 spaces. This is considered to be more than adequate to serve customers and delivery needs of this and the others within the rank of shops at this location. It must be noted that the existing building subject to this application was previously used as a Class A1 convenience store which would have generated traffic on its own merit with good vehicular and pedestrian access off Bath Road. The site is also within a sustainable urban location and it is within easy walking distance of other shops and services and there are bus stops along Bath Road.*

*In view of the above mentioned therefore, there is no highway objection to this application.*

#### 4.5 Police Community Safety

No comments received

### **Other Representations**

#### 4.6 Local Residents

15no. objections were received from local residents. Concerns summarised as follows:

- Unacceptable late hours of opening
- Will result in litter and anti-social behaviour
- Already hot-food takeaway in the nearby area.
- Development would result in unacceptable noise levels
- Development would result in unacceptable odours
- Would encourage unhealthy eating
- Previous shop had deliveries outside of times stated in condition, this will continue if this is permitted.
- Anti-social delivery hours



- Result in increased traffic issues.
- Light pollution
- Nature of high street has changed and this will worsen the situation
- Not suitable in this residential location
- There is currently a green sign outside [used for previous shop] will this be turned into a Domino's sign
- There is no justification in town planning terms
- Loss of amenity to local residents.

## 5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission for the change of use of a Class A1 unit which is considered to be within a Local Centre within part of Longwell Green to a use falling within Class A5 of the Use Classes Order.
- 5.2 Principle of Development  
The two pertinent issues here are whether the proposed use is appropriate in this location and the impact of a change of use on the surrounding area.
- 5.3 The NPPF sets out in paragraph 23 that local planning authorities should recognise centres as the heart of communities and support their viability and vitality. It also goes on to state that centres should provide customer choice and a diverse retail offer.
- 5.4 Saved Policy RT11 sets out a number of criteria with regard to the change of use of existing retail premises within Local Centres. This includes;
- A - The proposed use would not result in an over-concentration of non-shop uses in a Local Centre or would be detrimental to the vitality, retail and social function of the centre.
  - B - There are satisfactory alternative retail facilities located in the locality; or
  - C - It can be demonstrated that the premises would be incapable of supporting a retail use; and
  - D - The proposed would not result in unacceptable environmental or transportation effects, and would not prejudice residential amenity.
- 5.5 Further to this, the emerging PSP32 sets out that development for main town centre uses (including Class A5) will be acceptable subject to a number of criteria which are similar to the above. In addition, it requests that development is of a scale appropriate to the location and that access for cyclists, pedestrians and those with impaired mobility is provided. It also sets out that this type of development would be acceptable where vacant floorspace would be brought back into active use and an active ground floor frontage is maintained.
- 5.6 Further to the above, the emerging PSP36 states that hot food takeaways will only be acceptable provided that, individually or cumulatively, they would not harm the character of the area, residential amenity and/or public safety. It goes

on to list that the following matters will be taken into account in assessment of the proposal;

- Concentration of food and drink uses
- The proximity of food and drink and hot food takeaways.
- Noise, general disturbance, fumes, smells, litter and late night activity
- Parking, servicing and highway safety
- Opening hours
- Availability of refuse storage and disposal facilities
- Appearance of external alterations.

5.7 Given the development would be located within a small rank of shops (a total of 3no. units) within the Local Centre of Longwell Green which is located within an established urban area, the change of use is acceptable in principle. This will be subject to assessment of relevant policies and other material considerations, as outlined above.

5.8 Use as Hot Food Takeaway Unit

The application for the change of use from Class A1 to a Hot Food Takeaway will be assessed under the context of relevant criteria as set out in Saved Policy RT11 as well the emerging PSP32 and PSP36.

5.9 *Overconcentration*

There is concern from local residents that the development may lead to an overconcentration of food and drink uses in the wider Local Centre. It is acknowledged that there are other food and drink uses relatively nearby, however, it is not thought that the development would result in an overconcentration of such. The building which includes the application site itself also currently includes an A2 unit and vacant A1 unit. Furthermore, the main Local Centre includes a convenience shop, estate agent and letting agent in addition to food and drink uses. It is therefore considered that food and drink uses are spread throughout the Local Centre and not bunched together.

5.10 *Retail facilities in the locality and the impact on function of the area*

As aforementioned there is an A1 unit adjacent to the development and there are other services within a short distance of the application site. As such the area is considered to offer satisfactory alternative retail opportunities. The case officer is also mindful that the 2no. sub-divided units have been vacant for a reasonable period of time and would bring back into use a ground floor frontage. Further to this, the development would improve customer choice in line with advice as set out in the NPPF. As such, it is not considered that the development would be detrimental to the vitality, retail and social function of the centre.

5.11 *Access for cyclists, pedestrians and those with impaired mobility*

The site has safe access for both pedestrians and those with impaired from pavements along Bath Road and within the wider site. Furthermore, the site provides numerous bike racks for cyclists, encouraging people to make sustainable travel choices.

5.12 *Environmental Impacts and Residential Amenity*

The application site is close to a number of residential properties particularly to the south and east. Concerns were expressed by local residents that the development would result in unacceptable noise, odours and light pollution to these nearby properties. The application proposes to install extraction and ventilation systems. Throughout the course of the application additional information was requested to enable relevant Council Officers to fully assess the impact of the development on nearby occupiers. A Noise Survey as well as a Delivery Noise Assessment were subsequently received.

- *Noise from Extraction and Ventilation Systems*

Environmental Protection colleagues reviewed the submitted Noise Report. They confirmed that the details contained within the report appeared accurate and indicate that the plant can operate at an acceptable level. They queried whether the cold room condenser would operate intermittently. The agent confirmed following this that it would not operate intermittently and therefore it is not considered that the noise generated from the extraction and ventilation systems would result in adverse impacts to nearby occupiers. Having said this, a condition is recommended to ensure that development proceeds in accordance with the Noise Report and that mitigation measures are in place prior to commencement of the use.

- *Noise associated with Delivery Service*

A number of local residents raised concerns in relation to the noise generated by the delivery service associated with the proposed hot food takeaway, particularly during later hours of the evening. The agent submitted a Delivery Noise Assessment that assesses the potential impact of delivery noise on nearby sensitive receivers. It concluded that no adverse noise impacts will occur. Environmental Colleagues also reviewed this document and confirmed that overall the report demonstrates that the vehicle movements would not cause any adverse effects up to 23:00. The case officer is also mindful of the previous use as a convenience store and that, due to its nature it is likely that similar movements would occur. Having said this, it is recommended that a condition is imposed to control the opening hours and delivery service of the proposed takeaway.

- *Noise relating to Deliveries to the unit*

Comments received through consultation suggested that food deliveries to the site could be at anti-social hours. It is acknowledged that this could be detrimental to the residential amenity of nearby occupiers. As such, a condition is recommended to ensure that deliveries as well as refuse or recycling collections are restricted.

- *Odours*

Local residents also expressed concerns in relation to the release of odours. Detailed information on the ventilation and extraction systems have been submitted in support of the application. Comments were sought from Environmental colleagues, who confirmed that the flue would terminate 1 metre above the roof ridge which would be acceptable. In addition, it is not unusual for a takeaway to be located in a residential area such as this, or to be in close proximity to residential properties. Having said this, a condition

is recommended to ensure that the ventilation and extraction systems are implemented in accordance with the submitted details. A condition is also recommended in relation to the cooking method of food at the site.

- *Anti-social behaviour*

Concern has been raised over the potential for anti-social behaviour as a result of the development. These considerations are not necessarily associated with the proposed use. Furthermore, there has been no evidence presented to provide certainty that the proposal would create these issues. In the event that anti-social behaviour does occur this would be a matter for the police and is beyond the remit of the Local Planning Authority.

- *Littering*

Another concern expressed by residents was the potential litter that the proposed takeaway may generate in the locality. These concerns are noted. Whilst it is likely that the type of food being produced would be taken home for consumption, it is considered reasonable to recommend a condition that an external litter bin is provided prior to commencement of use of the development.

- *Summary*

Given all of the above, and in light of comments from environmental colleagues, it is considered that overall, the development would not have an unacceptable impact on the residential amenity of nearby occupiers. It should be noted that if there were a suspected breach in relation to noise or odour it would be investigated by Environmental Health and enforcement would take place under different legislation. Therefore any speculation over the potential for this to occur is outside of the consideration of this planning application.

### 5.13 *Design and Visual Amenity*

This application also proposes some minor external alterations which include the removal of existing shopfront and replacing with a new, aluminium shopfront with new entrance door. The proposed extraction and ventilation systems may also be evident in the wider public realm. Overall, these changes are considered minimal, and are considered appropriate for a Local Centre. As such the proposal is deemed to comply with Policy CS1 of the Core Strategy as well as the emerging PSP1 of the PSP Plan. It should be noted that any signage/advertisements for the site would be required to be submitted separately through an advertisement consent application, and do not form part of this assessment.

### 5.14 *Transportation Impact*

Local Residents raised concerns that this would generate further traffic issues. The change of this unit to an A5 use would give rise to some transport impacts. However, Officers are mindful that the existing building subject to this application was previously used as a Class A1 convenience store (prior to subdivision) which would have generated similar traffic movements. The site has good vehicular and pedestrian access off Bath Road and is within a sustainable location close to bus stops along Bath Road and within easy walking distance of other shops and services.

- 5.15 The site benefits from a shared car park with 22 spaces. Transportation Colleagues consider that this would be more than adequate to serve customers and delivery needs of this and the others within the rank of shops at this location. No objection is therefore raised to these matters.
- 5.16 *Refuge Storage*  
There is existing refuse and recycling area in the adjacent yard which is already provided for the use of the occupants of the site. The proposed takeaway would utilise these existing facilities, which are considered acceptable.
- 5.17 Other Matters  
Other objection comments were concerned with the introduction of a takeaway and the potential for it to encourage unhealthy eating. The proposal is for a change of use to a hot food takeaway and consideration is not given to the particular type of food being produced. The wider impact on health is particularly difficult to assess given that primarily eating habits are a personal responsibility and are not controlled by a Local Planning Authority. This issue has in some cases attracted more weight where such a use is proposed in close proximity to a school and it is considered that there may be a disproportionate impact on children for example. However in these circumstances it is not considered this is the case, and little weight can be given to this issue.
- 5.18 One comment raised was in relation to an existing green sign outside the site. Local Residents queried whether this would now be altered to reflect the new takeaway at the site. Plans do not show this incorporated into the development, and in any case any advertisement or signage would be required to be submitted separately through an advertisement consent application.
- 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. With regards to the above this planning application is considered to have a neutral impact on equality.
- 5.20 Conclusions  
The development is located within a Sustainable urban location and part of a Local Centre. The preceding assessment has found that it would not result in an overcrowding of food or drink uses, it would bring back into use a currently vacant unit, and would not be detrimental to the function of the centre. The development would have an acceptable environmental and residential amenity impact. It would result in minimal external alterations and would have good

vehicular, pedestrian, cyclist and impaired mobility access. On balance, therefore, Officers recommend that permission is granted.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 It is recommended that planning permission is GRANTED subject to the conditions listed on the decision notice.

**Contact Officer: Lucy Paffett**  
**Tel. No. 01454 863436**

## **CONDITIONS**

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

Reason

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

2. The use hereby permitted shall not be open to customers, nor shall any dispatches of food be made, outside the following times 10:00 to 23:00 daily.

Reason

To protect the residential amenities of nearby occupiers and to ensure the development does not have an unacceptable environmental effect and to accord with policy CS1, and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework.

3. The use hereby approved shall not commence until all of the associated plant, ducts, flues, compressors and cold room unit have been installed in full accordance with the mitigation measures within the approved Noise Report by Cole Jarman dated 5th June 2017, and as shown on the submitted plans, manufacturer's specifications and details.

Reason

To protect the residential amenities of nearby occupiers and to ensure the development does not have an unacceptable environmental effect and to accord with

policy CS1, and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework.

4. The use hereby permitted shall be limited to producing hot food through the use of multi-deck or conveyor feed, gas or electric, 'Pizza' style convection ovens only, with no additional cooking or food reheating equipment being operated at the premises. For the avoidance of doubt, there shall be no sales of fish and chips or Curry from the site.

Reason

To protect the residential amenities of nearby occupiers and to ensure the development does not have an unacceptable environmental effect and to accord with policy CS1, and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework.

5. The use hereby approved shall not commence until an external litterbin is provided. It shall be thereafter retained.

Reason

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

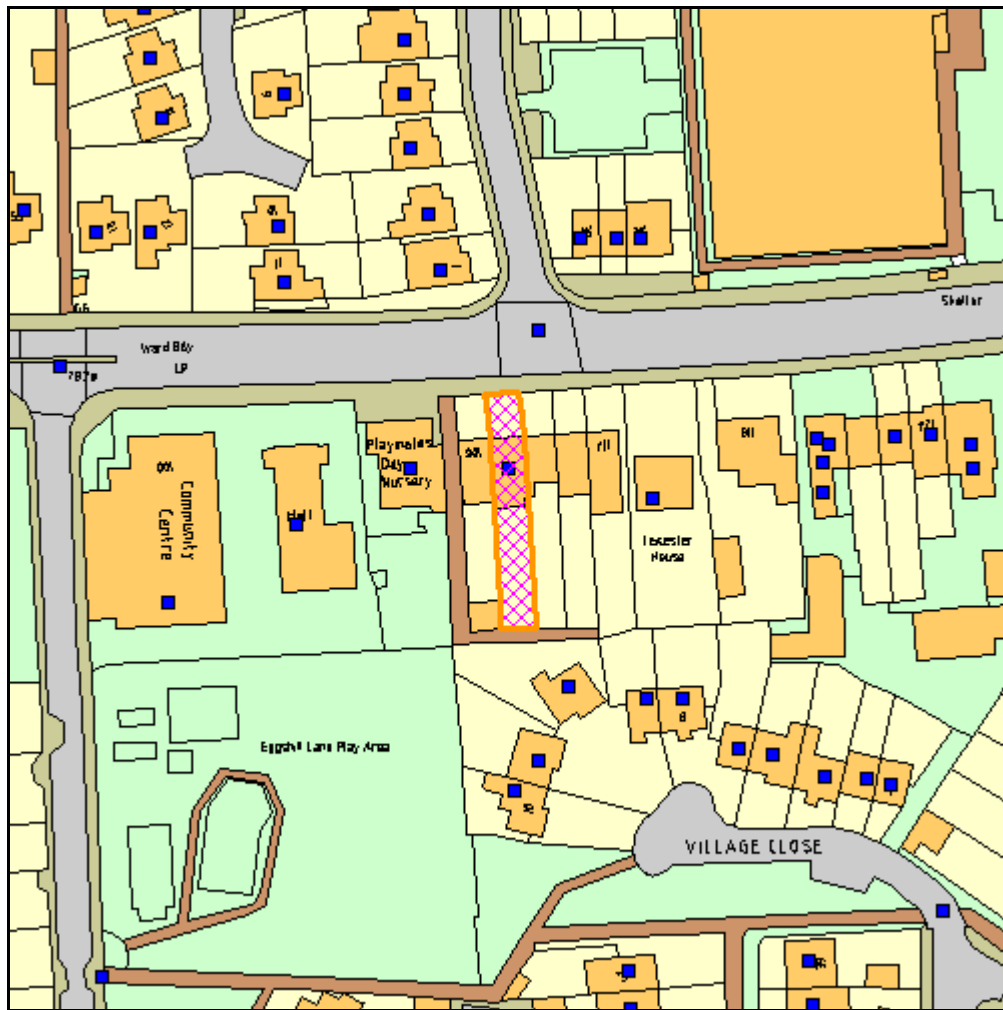
6. Hours for deliveries between Monday and Saturday inclusive shall be restricted to between 0700 and 2000 hours. All deliveries shall be completed and delivery vehicles departed by 2000 hours. Hours for deliveries on Sundays and Bank/Public Holidays shall be restricted to between 0800 and 2000 hours. All deliveries shall be completed and delivery vehicles departed by 2000 hours. No roll cage or pallet truck activity shall be permitted on the premises outside of these hours.  
Note: For the purposes of this condition "deliveries" relates to deliveries made to the store (not food dispatch which is covered by condition 2); it also includes the collection of refuse/recycling services.

Reason

To protect the residential amenities of nearby occupiers and to ensure the development does not have an unacceptable environmental effect and to accord with policy CS1, and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 35/17 – 01 SEPTEMBER 2017**

<b>App No.:</b>	PK17/1935/F	<b>Applicant:</b>	Mr Jason Rice
<b>Site:</b>	108 Station Road Yate Bristol South Gloucestershire BS37 4PQ	<b>Date Reg:</b>	9th June 2017
<b>Proposal:</b>	Erection of a first floor rear and a single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370842 182489	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Householder	<b>Target Date:</b>	21st July 2017



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

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation the application is required to be taken forward under circulated schedule as a result.

### **1. THE PROPOSAL**

- 1.1 The proposal seeks to erect a two storey and single storey rear extension in order to provide additional living accommodation.
- 1.2 The subject property is a two storey mid-20th century mid-terrace property with rendered elevations and a hipped roof to the end of the terrace. As existing there is a single storey flat roofed extension to be replaced.
- 1.3 The proposal would extend to the rear to form a lean-to at ground floor and a less steep pitch to the roof.
- 1.4 The subject property is situated in the built up residential area of Yate.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance

#### 2.2 Development Plans

##### South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

H4 Development within Existing Residential Curtilages  
T12 Transportation

##### South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

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

#### 2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006  
Residential Parking Standards SPD (adopted) December 2013

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

N3424/1 – Approval – 26/04/1979 – Erection of single storey rear extension to provide kitchens and dining rooms.  
N3424 – Approval – 07/04/1977 – Construction of vehicular access.

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

##### **4.1 Yate Town Council**

Note concerns over the impact on highway safety as a result of the additional bedroom.

##### **4.2 Other Consultees**

###### **Transport Officer**

Requested additional information; this is discussed in detail in the transport section of the report.

##### **Other Representations**

##### **4.3 Local Residents**

One comment received that is not in objection to the development as a whole but questions surface water runoff provisions.

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

##### **5.1 Principle of Development**

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development with the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The proposal is subject to the consideration below.

##### **5.2 Design and Visual Amenity**

The proposal consists of the erection of a two storey and single storey rear extension to form additional living accommodation. Following advice from the case officer the size of the two storey portion has been reduced. Rear extensions are relatively common in the area and the proposal will be entirely screened from the public realm. Consequently there is no objection to the appearance of the proposal.

5.3 The proposal will utilise materials of a similar appearance to those in the existing dwelling. There is no objection with regard to materials.

5.4 A comment was received from an adjoining occupier concerned with the impact due to rain water runoff from the proposal. It should be noted that no detail of the proposed water runoff mechanisms have been included on the plans provided. In addition it is considered that these details would be adequately addressed by the Building Regulations for a development of this scale, and as

- such there is no need to consider this in further detail as part of this planning application.
- 5.5 Overall, it is considered that the proposed alterations would not harm the character or appearance of the area and as such are considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 and H4 and conforms to the criteria in the adopted Local Plan.
- 5.6 Residential Amenity  
Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.
- 5.7 The host property is mid-terrace and as a result a two storey extension could potentially harm the amenity of its neighbours. The proposal has been reduced in scale following advice from the case officer. The two storey portion will now be around 3 metres in depth and it is thought sufficient outlook would be provided from the neighbouring properties primary living accommodation. In addition other properties have been extended at ground floor to a greater degree and as a result the proposal is not considered to have an overbearing impact on adjoining occupiers.
- 5.8 Dwellings to the rear are separated by private gardens and the rear access lane and are significant distance from the proposal and consequently are not considered to be affected by the development.
- 5.9 The proposal will occupy a small amount of additional floor space, however sufficient private amenity space will remain following development and there is no objection with regard to this.
- 5.10 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.
- 5.11 Sustainable Transport and Parking Provision  
The proposal will include an additional bedroom, bringing the total to 4. Comments from the transport officer requested additional information however it should be noted that the change does not lead to an additional parking requirement. The additional bedroom would not be considered to have a material impact on highway safety, furthermore it is understood that sufficient space will be provided for the parking of 2 cars as existing and the proposal is therefore in accordance with the provisions of the Residential Parking Standards SPD. The proposal would not be considered to have a negative impact on highway safety or the provision of off-street parking facilities, meaning the proposal is in accordance with saved policy T12 of the Local Plan

(2006). The council has no objection to the proposal in relation to highway safety or parking provision.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

**Contact Officer: Hanni Osman**  
**Tel. No. 01454 863787**

## **CONDITIONS**

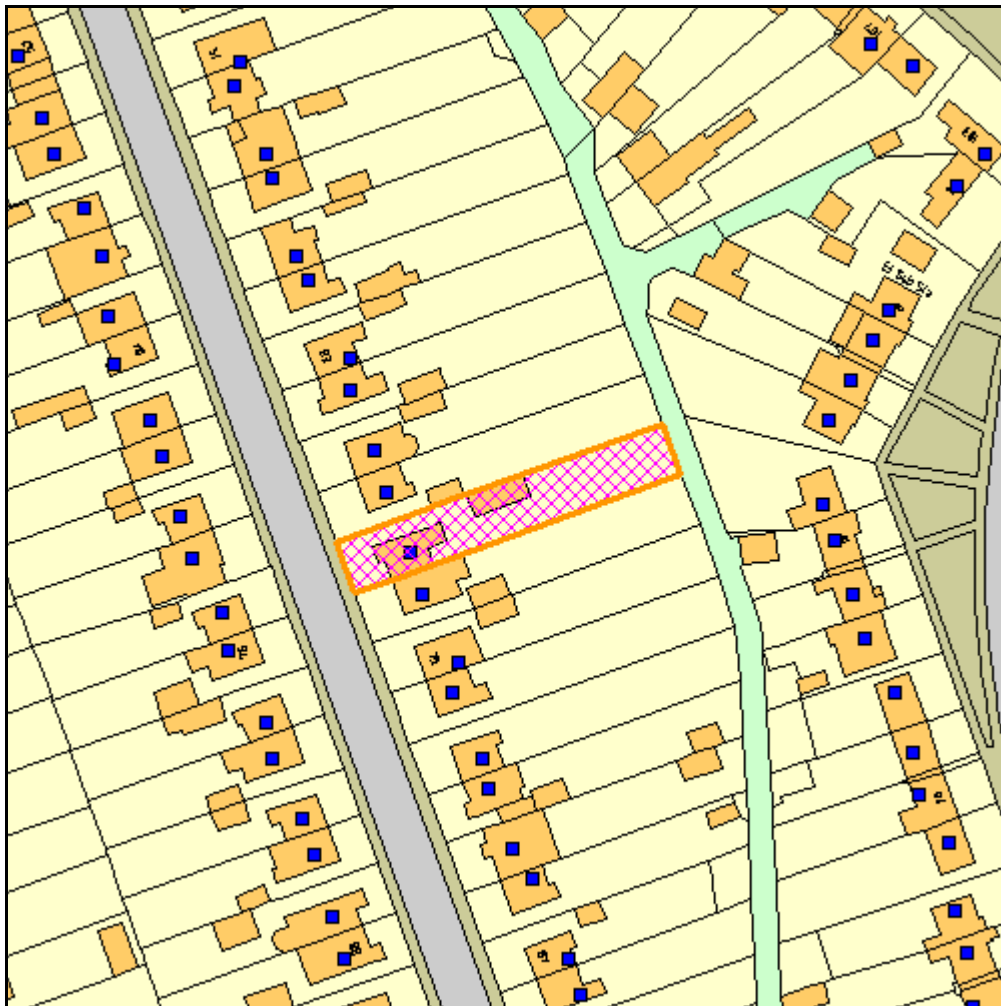
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 35/17 – 01 SEPTEMBER 2017**

<b>App No.:</b>	PK17/2567/F	<b>Applicant:</b>	Mr Philip Pratt
<b>Site:</b>	71 Burley Grove Mangotsfield Bristol South Gloucestershire BS16 5QD	<b>Date Reg:</b>	7th July 2017
<b>Proposal:</b>	Erection of single storey rear extension to garage and erection of front porch and single storey rear extension to provide additional living accommodation.	<b>Parish:</b>	None
<b>Map Ref:</b>	365898 176410	<b>Ward:</b>	Rodway
<b>Application Category:</b>		<b>Target Date:</b>	28th August 2017



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## 1. **PROPOSAL AND SITE DESCRIPTION**

- 1.1 The proposal seeks permission to erect a single storey extension to an existing domestic garage and a single storey rear extension and front porch to provide additional living accommodation at 71 Burley Grove, Mangotsfield.
- 1.2 The application site relates to a two storey, semi-detached property which is located in a built up area of Mangotsfield and part of the East Fringe of Bristol Urban Area. It has pebble dash and brick elevations with hanging tile detailing, a tiled roof and UPVC windows. Burley Grove is largely comprised of semi-detached pairs of a similar design to the host.
- 1.3 Throughout the course of the application revised plans have been submitted which now show that the porch would match materials on the existing property.

## 2. **POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

### 2.2 Development Plans

#### South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design  
CS4a Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS29 Communities of the East Fringe of Bristol Urban Area

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

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

#### Emerging Plan

#### South Gloucestershire Local Plan, Proposed Submission: Policies, Sites and Places, June 2016

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
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)  
Residential Parking Standard SPD (Adopted) December 2013

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

- 3.1 K927 Approval 14.08.1975  
SINGLE STOREY EXTENSION TO EXISTING DWELLING TO PROVIDE  
ADDITIONAL LOUNGE & KITCHEN SPACE, ERECTION OF A DOMESTIC  
GARAGE. (Previous ID: K927)

### **4. CONSULTATION RESPONSE**

#### **4.1 Sustainable Transport**

*Although, our examination suggests that once this application has been implemented there will be no more than three bedrooms, no definitive information about this matter is included in the information made available by the applicant. On the understanding that no more than three bedrooms are present in the completed development, then the applicant must provide at least two car parking spaces, which appears to be the case, hence it seems likely that this property conforms to these requirements.*

#### **Other Representations**

#### **4.2 Local Residents**

2no. objections from local residents were received. Comments as follows;

- Regarding the proposed void between proposed rear extension and neighbouring extension. Concerns relating to how this would be sealed and what drainage would be in place.
- Concerns regarding parking, the porch will prevent off-street parking at the property.
- The garage would be used for commercial use.
- Materials do not match the existing property.

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

#### **5.1 Principle of Development**

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

#### **5.2 Permitted Development**

Development of this kind can be considered through The Town and Country Planning (General Permitted Development) (England) Order 2015. The garage extension would be considered under Part 1, Class E. However, the building does not comply with E.1 (e), (ii). It would be within 2 metres of the boundary of the curtilage of the dwelling and its height would exceed 2.5 metres. As such, the development does not constitute permitted development.

- 5.3 The proposed extension could be considered under Part 1, Class A, (g), however, this would be subject to a Prior Notification Householder application, and instead the applicant wishes for this to be assessed as part of this application.
- 5.4 The porch does not comply with criteria as set out in Part 1, Class D and nor does it constitute permitted development.
- 5.5 Design and Visual amenity  
The proposal involves 3 elements; the erection a single storey extension to an existing domestic garage, a single storey rear extension and a front porch.
- 5.6 *Extension to Garage*  
There is an existing single storey garage to the side and beyond the main rear building line of the property. It is proposed that it would see a rear extension as part of this development. It is proposed that the extension would have a depth of 6.5 metres and a width of 3.6 metres. It would replicate the existing flat roof of the garage and would have a maximum height of 5 metres. Plans also show that the development would also introduce 3no. windows and a side access door.
- 5.7 *Single Storey Rear Extension*  
The property has an existing single storey extension which runs along part of its rear elevation. It is proposed that this would be demolished and replaced with a larger equivalent, which would run along the entire rear elevation. Plans show that the proposed extension would extend by a depth of 3.7 metres and a width of 5.9 metres. It would have a lean to roof which would have a maximum height of 3.6 metres to the ridge and 2.6 metres to the eaves. 2no. rooflights, 1no. window and patio doors would be introduced to the rear elevation and 1no. introduced to the side (north) elevation. The existing property is comprised of some pebble dash, as such the proposed rendered finish is thought to be acceptable, especially to the rear.
- 5.8 *Front Porch*  
The development also proposes to replace a front porch. The existing porch at the site would be demolished, the proposed porch would reinstate an entrance to the front of the property. It would also introduce 1no. window to the front and 1no. window to the side. Original plans submitted showed that the porch would have a render finish. However, revised plans submitted now show that it would be formed of brick to match the existing property. The porch would be a similar scale to the existing. It would have a depth of 1.3 metres and a width of 2.5 metres. Plans show it would have a lean-to pitched roof with a maximum height of 4.1 metres.
- 5.9 *Cumulative Impact*  
The overall design, scale and massing of the proposals, are considered acceptable in the context of both, the main dwelling and the wider area surrounding the application site. The case officer is particularly mindful that similar porches, extensions and garages are evident in the vicinity. Accordingly, the proposal is deemed to comply with Policy CS1 of the Core Strategy (Adopted) December 2013.



#### 5.10 Residential Amenity

The property lies adjacent to Nos. 73 and 75 Burley Grove. The new additions to the application site are likely to be visible to these occupiers. However, given their single storey scale and the appropriate boundary treatment separating the site, it is not considered that it would result in unacceptable impacts to their residential amenity.

5.11 The main dwelling benefits from a relatively large rear garden, and following the construction of the development, an adequate amount of garden area would remain to serve the property. Overall, therefore, the proposal is acceptable in terms of Policy H4 of the Local Plan (Adopted) January 2006.

#### 5.8 Transport and Parking

The site has parking for up to 3 cars on hardstanding to the front and side in excess of the detached garage. Comments from neighbours suggested that the erection of the porch would impact parking provision at the site. However, Officers are mindful that the porch would be of a similar size to the existing. As such, it is not thought that the development would impact existing parking provision at the site. No objection is therefore raised to this matter.

#### 5.9 Use of Garage

The garage has been assessed as giving incidental uses to the main house, and it is felt necessary to recommend a condition that the garage remains incidental to the main property.

#### 5.10 Other Matters

Comments regarding the proposed void, how this would be sealed and what drainage would be in place are noted. However, these matters would be considered through building control and are beyond the scope of the assessment of this application.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Contact Officer:** Lucy Paffett  
**Tel. No.** 01454 863436

## **CONDITIONS**

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

Reason

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

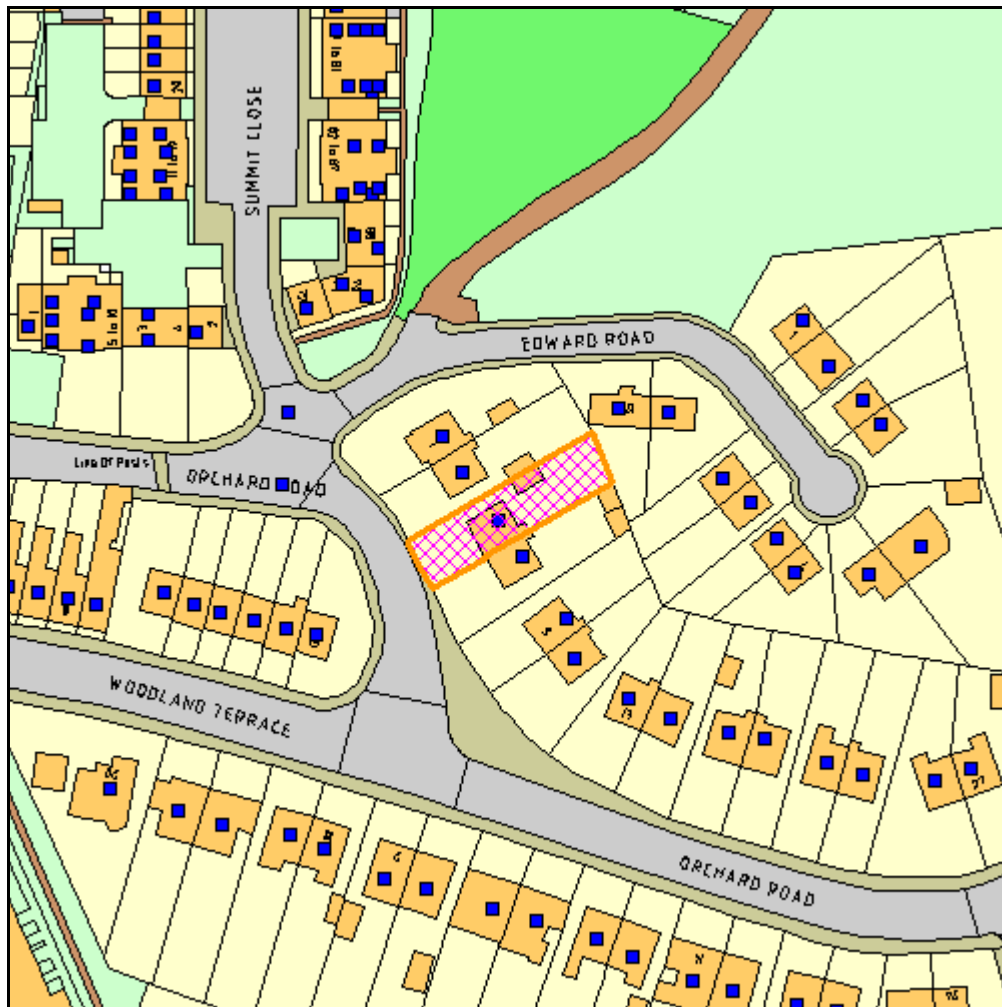
2. The garage hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as 71 Burley Grove, Mangotsfield.

Reason

The proposal has been assessed on the basis that the garage provides parking or other uses incidental to the main house, rather than primary accommodation in its own right. If this changes then the implications in terms of residential amenity and off street parking provision would need to be reassessed to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the adopted Residential Parking Standards SPD. The implications for flood risk would also need to be assessed under policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

**CIRCULATED SCHEDULE NO. 35/17 – 01 SEPTEMBER 2017**

<b>App No.:</b>	PK17/2693/F	<b>Applicant:</b>	Mr Donaldson
<b>Site:</b>	5 Orchard Road Kingswood Bristol South Gloucestershire BS15 9TQ	<b>Date Reg:</b>	26th June 2017
<b>Proposal:</b>	Erection of a two storey rear extension to form additional living accommodation.	<b>Parish:</b>	None
<b>Map Ref:</b>	365107 173522	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Householder	<b>Target Date:</b>	31st July 2017



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## **CIRCULATED SCHEDULE**

This report appears on the Circulated Schedule following an objection from local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a two storey rear extension to form additional living accommodation. The application site relates to 5 Orchard Road, a two-storey semi-detached property situated within the established residential area of Downend.
- 1.2 During the course of the application the proposal was reduced in overall depth from about 4.1 metres to 2.8 metres but would now stretch across the entire rear elevation.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Guidance

#### 2.2 Development Plans

##### South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage

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

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

#### 2.3 Supplementary Planning Guidance

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

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

- 3.1 No planning history

### **4. CONSULTATION RESPONSES**

#### 4.1 Parish Council

The area is un-parished.

## **Other Representations**

### 4.2 Local Residents

One letter of objection has been received from a local resident who makes the following points:

- The extension will cover the view to the park
- It will take the light from our house
- It will be necessary to move my greenhouse to another part of the garden
- Concerned about the noise of construction
- Delay in receiving notification

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular importance is the resulting appearance and its impact on the host property and the area in general (CS1); the impact on the residential amenity of the application site and its neighbours must also be assessed (H4) as must the impact on highway safety and off-street parking (T12, CS8, Residential parking standards SPD).

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

#### *Design and Visual Amenity*

5.2 The application site, No. 5 Orchard Road, is a two-storey semi-detached property set within an area of similar proportioned and aged houses. Under this proposal an existing single storey rear addition would be removed and replaced by a two-storey extension stretching almost the entire width of the property. The two-storey addition would achieve a modest depth of around 2.8 metres and extend across the rear of the house for about 6 metres. The proposal would accommodate a large kitchen/living area, at ground floor and extend the bedroom and create a shower room and an en-suite at first floor level. The property would remain three-beds.

5.3 Good quality materials of painted render to match the existing house are proposed. In terms of design, scale and massing the proposal is considered acceptable and can be recommended for approval.

#### *Residential Amenity*

5.4 Openings are proposed in the front and rear elevations with the exception of two first floor obscure glazed windows to serve the new shower room and the new en-suite. It is considered there would be no adverse impact on neighbours to the north over and above the existing situation. Comments from neighbours at No. 7 to the south are noted but these relate to the original larger extension and the subsequent reduction in the depth of the proposed extension to around 2.8 metres over two storeys is considered to an acceptable scale. Furthermore, although there would be some changes for this neighbour, given its reduced depth the extension would not adversely impact on the amount of light entering the neighbour's dwelling sufficient to warrant a refusal of the application. An extension of this size is not an excessive addition to a

- dwellinghouse and there would be no resulting impact with regards to overbearing or overshadowing from such a rear extension of this scale.
- 5.5 Sufficient garden would remain to serve No. 5 following the proposal and given the above the scheme is deemed acceptable and can be recommended for approval.
- Sustainable Transport*
- 5.6 Planning permission is sought to extend the existing dwelling but there would be no increase in the number of bedrooms to the property. These would remain at three. Parking standards are calculated on the number of bedrooms and as there would be no change, there can be no objection to the scheme on this basis.
- 5.7 Other matters  
Noise during construction has been given as a reason for objection. It is recognised that there would be some disturbance to immediate neighbours when development takes place however, the scale of the proposal must be taken into consideration. As an extension to an existing property the construction time should be fairly limited and on this basis an objection due to disruption of peace and quiet could not be upheld. However, it is considered reasonable for a condition to be attached to the decision notice to limit the hours of construction to certain times.
- 5.8 It has been brought to the attention of officers that the notification letter to neighbours was delayed. The LPA is aware of issues regarding deliveries and is currently investigating the cause of the problem.
- 5.9 It has been mentioned that there may be a requirement for the neighbour to move a greenhouse if the extension proceeds. This is a civil matter not a planning matter and as such falls outside the remit of this report.
- 5.10 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 (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

**7. RECOMMENDATION**

- 7.1 That the application be **APPROVED** subject to the conditions written on the decision notice.

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

**CONDITIONS**

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

Reason

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

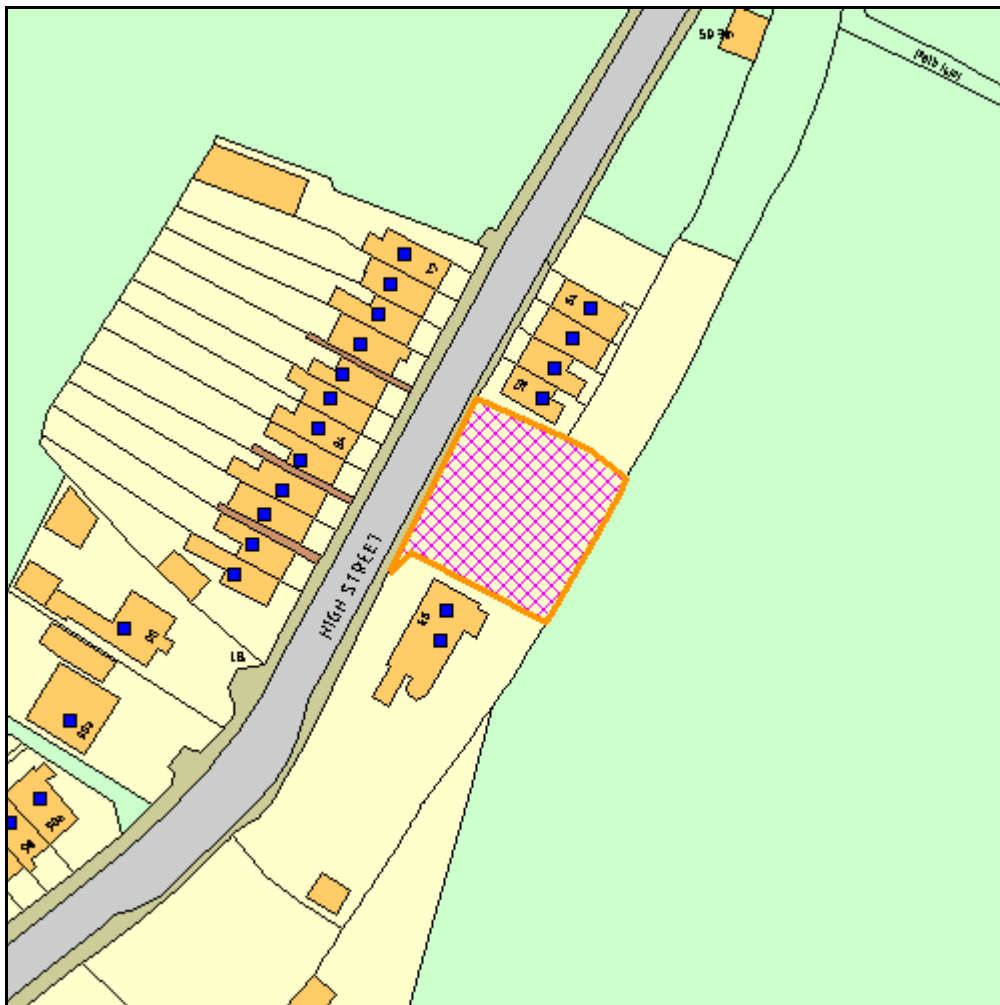
- 2. The hours of working on site during the period of construction shall be restricted to  
Monday - Friday.....7:30am - 6:00pm  
Saturday.....8:00am - 1:00pm  
No working shall take place on Sundays or Public Holidays.  
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

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

**CIRCULATED SCHEDULE NO. 35/17 – 01 SEPTEMBER 2017**

<b>App No.:</b>	PK17/2873/O	<b>Applicant:</b>	Mr M Winkworth
<b>Site:</b>	93 High Street Oldland Common Bristol South Gloucestershire BS30 9TJ	<b>Date Reg:</b>	3rd July 2017
<b>Proposal:</b>	Erection of 1no. detached dwelling (Outline) with means of access to be determined (all other matters reserved)	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367831 171710	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd August 2017



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## **REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE**

This application has been submitted to the Council's circulated schedule procedure as comments received have been contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks outline planning permission for the erection of 1 no. single storey dwelling with access to be determined on a piece of land to the north of 93 High Street, Oldland Common. All other matters are reserved.
- 1.2 The site is situated slightly outside of the settlement boundary of the East Bristol Urban Fringe area, within the open countryside, and is also situated within the Bristol/Bath Green Belt.
- 1.3 The location plan and access plan were changed within the course of the application. These changes underwent a full reconsultation process.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance.

#### 2.2 Development Plans

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

H3 Residential Development in the Countryside

L1 Landscape

T12 Transportation Development Control Policy for New Development

T7 Cycle Parking

##### 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

CS16 Housing Density

CS17 Housing Diversity

CS34 Rural Areas

##### Policies Sites and Places Development Plan Document (Submission Draft) June 2016

PSP1 Local Distinctiveness

PSP2 Landscape

PSP7 Development in the Green Belt

PSP8 Residential Amenity

PSP40 Residential Development in the Countryside

PSP43 Private Amenity Standards

#### 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

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

- |     |   |          |            |
|-----|---|----------|------------|
| 3.1 | K312/4  | Approval | 08.06.1993 |
|     | CONSTRUCTION OF A VEHICULAR/PEDESTRIAN ACCESS. ERECTION OF GATES AND PIERS. (Previous ID: K312/4) |          |            |
| 3.2 | K2181/1   | Refusal  | 14.03.1988 |
|     | ERECTION OF 3 NO. DETACHED HOUSES (Previous ID: K2181/1)  |          |            |

#### Refusal Reasons:

1. The site lies within the Green Belt on the Kingswood District Plan Proposals Map and the development does not fall within the limited categories of development which is the policy of the Local Planning Authority to permit there.
2. The proposed development will give rise to vehicles reversing onto or off the principal classified road A4175 and Redfield Hill to the detriment of highway safety
3. The formation and use of an additional access to the principal classified road A4175 at this point would add unduly to the hazards of highway users.
4. The proposed development will give rise to additional pedestrian movement on the carriageway of Redfield Hill which would be detrimental to highway safety
5. The increased use of the existing access to Redfield Hill without the provision of adequate visibility would add unduly to the hazards of highway users.

### 4. **CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
Councillors objected to this application as the proposals constitute development of a Green Belt site. However, should South Gloucestershire Council decide that other considerations override this policy objection then Councillors have no objection to the development of this site as infill.

#### Other Consultees

##### Sustainable Transport

##### *Original Access Plans:*

There is no in-principle Transport objection to a dwelling on this site which is reasonably well located in terms of access to local facilities and bus services.

The access however should be relocated to a more central position so that the required visibility splays of 2.4m x 43m can be provided to the nearside carriageway edge in both directions.

The footway across the site frontage should be widened to at least 1.5m to provided a suitable pedestrian link to the adjacent footways.

The visibility splays and footway widening will necessitate the removal of the existing boundary vegetation and the relocation of the boundary wall.

Could you please ask the Applicant to revise the access drawing to show these changes which are required for highway safety reasons.

*After revised plans received:*

Plans would be acceptable provided that the application site red line boundary is also changed to incorporate the visibility splay to the south or it can be demonstrated that the applicant owned the land (apart from that which falls within the public highway) outside the application site required for the visibility splay.

It would not be acceptable without this change or information.

An onsite turning area is needed and should be conditioned.

#### Environmental Protection

No objection in principle, subject to pre-commencement conditions as historic use of land within 250m of the site as a colliery/filled ground.

#### Lead Local Flood Authority

No objection in principle subject to pre-commencement conditions.

### **Other Representations**

#### 4.3 Local Residents

Four objections received who make the following points

- New access would cause hazard to road users
- Loss of privacy concerns
- Suggests that access to Number 93 is used, trees are maintained and dwelling sits lower than these trees.
- Widened pavement would become an additional hazard
- House is not overlooked and has views over open fields, and would like the new development to not compromise view or privacy
- Land is green belt
- Should be rejected as no plans have been submitted and may cause privacy/ loss of light
- Single dwelling does not make a significant contribution to affordable housing which would make it worth losing green belt land.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

### 5.2 *Five Year Housing Supply*

The application site is in the Green Belt and is just outside of the East Fringe of Bristol Settlement Boundary. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph goes on to suggest that if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date. South Gloucestershire Council's Authority Monitoring Report states that the Council cannot demonstrate a five year housing land supply, meaning paragraph 49 of the NPPF is engaged. With reference to this proposal policies CS5 and CS34 of the adopted Core Strategy are therefore considered not to be up-to-date. Regardless of this, the starting point for any decision-taker is the adopted Development Plan, but the decision-taker is now also required to consider the guidance set out within paragraph 14 of the NPPF. Paragraph 14 states a presumption in favour of sustainable development, and states that proposal 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 Accordingly, saved policy H3 of the Local Plan is now considered out of date, as are policies CS5 and CS34 of the Core Strategy for the purposes of housing provision; all of these policies were concerned with the retention of settlement boundaries; generally not supporting residential development outside of settlement boundaries or urban areas. The aspects of policy CS34 that relate to the protection of the Green Belt should still be considered up-to-date.

### 5.4 *Green Belt*

Paragraph 89 of the NPPF states that, other than the types of development listed as exceptions in that paragraph, the construction of new buildings in the Green Belt is inappropriate. One of the exceptions is 'limited infilling in a village' and this proposal is considered to meet that exception for the reasons discussed below.

5.5 The Council's Development in the Green Belt SPD states that infill development is defined as '*development that is small in scale and which fits into an existing built up area in a defined settlement boundary, normally in between existing buildings in a linear formation.*' The definition of infill development within the Core Strategy also states the same criteria. Whilst it is acknowledged that the settlement boundaries have little weight with regards to the location of residential development, the rest of the description still applies. It would be considered that High Street, Oldland Common is a residential street, and the application site is bounded by dwellings to the north and south, with dwellings across the road to the west. Currently the land forms part of the residential curtilage for 93 High Street, Oldland Common. As the development proposes only one house, it can be reasonably described as 'limited' infill

development. Despite being outside of the settlement boundary, the development is well associated with Oldland Common, and is reasonably well located in terms of access to local facilities and bus services. To conclude, the proposal is accepted by officers as '*limited infilling in a village*' and is therefore appropriate development in the Green Belt which is acceptable in principle. It is acknowledged that any new building will harm openness on Green Belt land to some extent, however the harm is not considered to be significant, and therefore the development is acceptable in terms of paragraph 89 of the NPPF, policy CS34 of the Core Strategy, and the Development in the Green Belt SPD.

#### 5.5 Access, Parking Provision and Road Safety

It is noted that numerous commenters objected to the proposal due to the effect it would have on the safety of High Street. In line with transport officer comments on this application, the proposed access on to High Street is considered suitable. However, a condition would be added to the decision notice to ensure that a turning area would be located onsite, to ensure the adequate safety of road users. It is noted that a comment suggested using the existing driveway access associated to No. 93 High Street; however, the Transportation officer was opposed to this idea.

5.6 No information has been submitted in regards to the size of the property, or the number of bedrooms it is likely to have. However, it is considered that the plot would be big enough to have three parking spaces on-site, with adequate outdoor amenity space. Whilst no details of parking arrangements have been submitted, the plot is considered to be of sufficient size as to provide appropriate on-site parking facilities.

5.7 The parking provision provided on site would not remove any parking spaces from 93 High Street. Therefore, it is not considered that there would be any transport concerns relating to this development, with the inclusion of suitable conditions. It is noted that one transport condition sought the installation of a 1.5m wide footway across the site frontage. This condition is not considered reasonable, as the site has an existing footpath to the front; the proposed development would not be considered to make a significant difference to the safety of users of the footpath. As such it is not considered the condition would be proportionate to the scale of the development.

#### 5.8 Siting and Density

Policy CS1 of the Core Strategy seeks 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. Although the final layout, scale and design of the proposed dwelling and garage is to be determined at reserved matters stage, the capacity of the plot to successfully accommodate a 4-bed dwelling and double detached garage will be assessed.

5.9 Overall it is considered that the plot could accommodate a dwelling without the development appearing cramped or contrived. The size of the plot would also allow for outdoor private amenity space as well as parking space to be provided.

- 5.11 On the basis of the information submitted at outline stage, the proposal is considered to satisfy design criteria set out in policy CS1 of the Core Strategy. However further details relating to the layout, scale, design and finish of the proposed dwelling and garage will need to be submitted at reserved matters stage for further consideration.
- 5.12 Residential Amenity  
Policy H4 of the Local Plan outlines that development should not be permitted that has a prejudicial impact on the residential amenities of nearby occupiers or which results in poor living conditions for the future occupiers of the development.
- 5.13 Due to the limited information submitted as part of this application, only a preliminary assessment of potential impacts on the residential amenity of neighbouring residents can be made. As the proposed dwelling would sit within a moderately sized plot it is unlikely that its erection would result in a significant increased sense of overbearing or overshadowing on to neighbouring properties. However this is a factor that will be assessed in greater detail at reserved matters stage. Two commenters noted the loss of privacy, and one commenter spoke about the possible loss of sunlight that the erection of the new dwelling may cause.
- 5.14 Overall, given probable window to window distances, it is considered unlikely that the erection of the proposed dwelling would be detrimental to privacy at neighbouring properties through an increased sense of overlooking in to neighbouring windows. However it is noted that first floor windows at the proposed dwelling could provide views on to neighbouring gardens, with potential impacts on privacy through an increased sense of overlooking. As such, it is recommended that boundary treatments or other methods are utilised in order to mitigate any potential overlooking effects. Details of these mitigation measures should be submitted at reserved matters stage. Objection comments were received in regards to the loss of the view that the dwelling would cause; in this instance these appear to be private views and it is not considered these should be given weight in the assessment of the proposal.
- 5.15 From the information submitted, it is considered that sufficient outdoor private amenity space could be provided within the curtilage of the proposed dwelling. Overall, whilst potential issues relating to overlooking have been identified, it is considered that this is an issue that can be addressed at reserved matters stage. As such the proposal at this stage is considered to accord with policy H4 of the Local Plan. However a further assessment of impacts on residential amenity will be undertaken at reserved matters stage.
- 5.16 Flood Risk  
The site sits within flood zone 1. Accordingly, the Lead Local Flood Authority has no objection in principle, but have asked for the following condition to be attached the decision:

“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.”

Considering that this is a single dwelling, this condition is not considered necessary as the likely impact from drainage will be adequately covered by the Building Regulations for a development of this scale.

#### 5.17 Environmental Protection

There is evidence of historic use of land within 250m of the site as a colliery/filled ground. Conditions relating to contamination will be added to the decision notice to ensure that the site is safe and suitable for a new dwelling.

#### 5.12 Planning Balance

Paragraph 14 states a presumption in favour of sustainable development, and states that proposal 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. While the dwelling would sit outside of the settlement boundary, the houses across the street are inside the settlement boundary, and the site is closely linked to Oldland Common. Officers are now in a position to confirm that the access is suitable for intensification based on the additional information submitted, and that the provision of one unit towards the housing land supply is considered a small benefit. No harm has been identified that would significantly and demonstrably outweigh the benefits of a dwelling at this location, so it is therefore recommended that the application is approved.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That planning permission is **GRANTED** subject to conditions on the decision notice.

**Contact Officer: Owen Hoare**  
**Tel. No. 01454 864245**

## **CONDITIONS**

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

### Reason

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

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

### Reason

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

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

### Reason

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

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

### Reason

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

5. Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably competent person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.

### Reason

The historic use of land within 250m of the site as a colliery/filled ground may have caused contamination which could give rise to unacceptable risks to the proposed development. The details are required prior to commencement as they relate to existing ground conditions.

6. Where potential contaminants are identified under (5), prior to the commencement of development an investigation shall be carried out by a suitably competent person to ascertain the extent, nature and risks the contamination may pose to the development



in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks (Remediation Strategy). The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures. (Note (A) and (B) may be combined if appropriate).

Reason

The historic use of land within 250m of the site as a colliery/filled ground may have caused contamination which could give rise to unacceptable risks to the proposed development. These details are required prior to commencement as they relate to existing ground conditions.

7. Prior to occupation, where works have been required to mitigate contaminants (under Condition 6) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

The historic use of land within 250m of the site as a colliery/filled ground may have caused contamination which could give rise to unacceptable risks to the proposed development.

8. If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason

The historic use of land within 250m of the site as a colliery/filled ground may have caused contamination which could give rise to unacceptable risks to the proposed development.

9. No other development shall commence until the visibility splays shown on Location Plan Rev A have been provided clear of any obstruction 1m above the carriageway level.  
The visibility splays shall be retained as such thereafter.

Reason

In the interest of highway safety and to accord with policy CS8 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013 and Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006..

10. The layout plans to be submitted as part of condition 1 (layout) shall include details of the access, turning and car parking areas for the development. The approved details shall be completed prior to occupation of the dwelling.

Reason

In the interest of highway safety and to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006; policy CS8 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013; and South Gloucestershire Council residential parking standards SPD (adopted) December 2013..

11. A site specific Construction Environmental Management Plan (CEMP), shall be agreed in writing with the Local Planning Authority prior to commencement of work. The CEMP as approved by the Council shall be fully complied with at all times.

The CEMP shall address the following matters:

- (i) Details of temporary access arrangements for construction vehicles and contractors.
- (ii) Adequate provision for the delivery and storage of materials.
- (iii) Adequate provision for contractor parking.
- (iv) Details of temporary traffic control and use of banksman for deliveries.
- (v) Contact details for the site manager.

Reason

In the interests of residential amenity and highway safety and to accord with Policies EP1 and T12 of the adopted South Gloucestershire Local Plan January 2006. These details are required to be agreed prior to the commencement of development as they relate to the manner of construction.

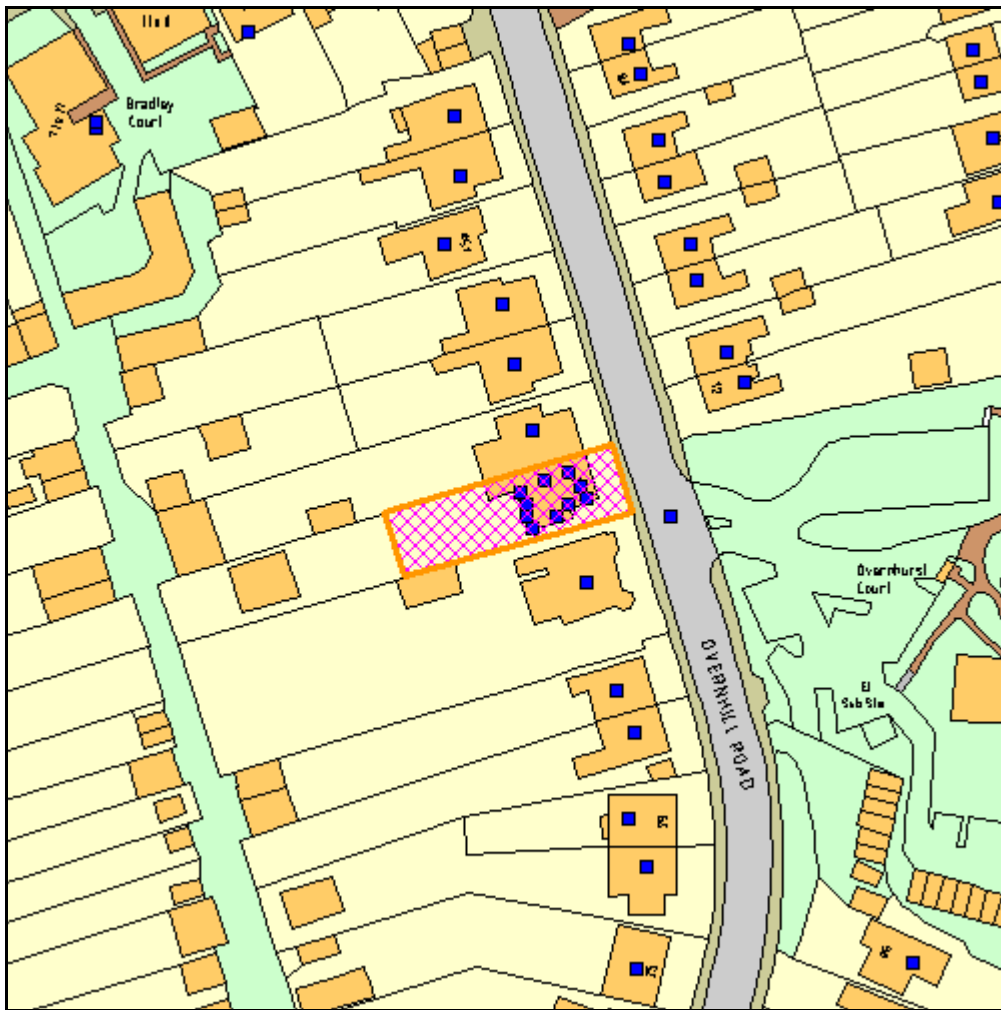
12. The dwellings shall not be occupied until covered and secure cycle parking has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To promote sustainable transport choices and to accord with Policy T7 of the South Gloucestershire Local Plan (adopted) January 2006.

**CIRCULATED SCHEDULE NO. 35/17 – 01 SEPTEMBER 2017**

<b>App No.:</b>	PK17/3178/CLE	<b>Applicant:</b>	Connolly and Callaghan Ltd
<b>Site:</b>	Norfolk House 37 Overhill Road Downend Bristol South Gloucestershire BS16 5DS	<b>Date Reg:</b>	25th July 2017
<b>Proposal:</b>	Application for Certificate of Lawfulness for existing use of building for 9 no. self contained flats	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	364491 176324	<b>Ward:</b>	Downend
<b>Application Category:</b>		<b>Target Date:</b>	1st September 2017



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 100023410, 2008. N.T.S. PK17/3178/CLE

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

This application is referred to the Circulated Schedule in accordance with the Council's adopted scheme of delegation.

### **1. THE PROPOSAL**

- 1.1 The application seeks a Certificate of Lawfulness for the existing use of a building as a block of 9no. separate flats.
- 1.2 The certificate of lawfulness is sought on the basis that the use of the building as 9 no. separate flats is immune from enforcement action under section 191 of the Town and Country Planning Act 1990 as amended by section 10 of the Planning and Compensation Act 1991 and is therefore, lawful.
- 1.3 The application site relates to a two-storey semi-detached large Victorian type villa situated in the settlement boundary of Downend.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - i. Town and Country Planning Act 1990: S171B and S191
  - ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
  - iii. National Planning Practice Guidance: 17C (2014)

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

- |     |   |          |          |
|-----|---|----------|----------|
| 3.1 | PK00/2371/F   | Approved | 30.10.00 |
|     | Erection of single storey rear extension  |          |          |
| 3.2 | P99/4229  | Approved | 5.5.99   |
|     | Change of use from nursing home (C2) to residential dwelling (C3)   |          |          |
| 3.3 | P99/4828  | Approved | 16.12.99 |
|     | Erection of double garage/store   |          |          |
| 3.4 | P99/4122  | Approved | 15.6.99  |
|     | Change of use from nursing home (C2) to hostel (sui generis)  |          |          |
| 3.5 | K474  | Approved | 16.1.75  |
|     | Single storey extension to existing elderly persons home to provide 2 bedrooms, bathroom utility room and lounge. Erection of domestic garage |          |          |

### **4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION**

- 4.1 List of supporting evidence provided to the LPA:
  - a. Land registry title plan
  - b. Statutory declaration by Mr Martin Connolly
  - c. Council tax valuation list
  - d. Screenshots of billing by Wessex Water regarding the metered water supply to the property

## **5. SUMMARY OF CONTRARY EVIDENCE**

5.1 The LPA does not have any contrary evidence.

## **6. OTHER REPRESENTATIONS RECEIVED**

6.1 Downend and Bromley Heath Parish Council  
No objection

6.2 Sustainable Transport  
This application will involve the test of facts as well as legal issues and as such Transportation Development Control team has no comment to make.

6.3 Local Residents  
One letter of objection has been received from a local resident. The comments made do not specifically relate to the certificate of lawfulness application but are included in this section as being:

- Rubbish

Lots of bins left out on the pavement to the front of the property and not removed after bin collection, sometimes overfilled and spilling onto the pavement. Trip hazard for pedestrians. Litter and inappropriate rubbish left in the street which ends up being cleared away by neighbours e.g. broken glass and litter some of which blows into neighbours gardens.

- Antisocial Behaviour

From some residents including domestic rows, marijuana smoking and loud music remarked on by ourselves and neighbours (some of whom have young children). The police visit property on a fairly regular basis which is disconcerting.

- Road Traffic -9 flats in one building causes increased traffic to the lower end of the street together with associated parking problems

## **7. EVALUATION**

7.1 An application for a certificate of lawfulness is not a planning application. It is purely an evidential test and therefore, should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the building has been used as 9no. independent flats.

7.2 The letter of objection from a local resident is noted but it cannot form part of this assessment for a certificate of lawfulness application. Regardless of this fact, the comments regarding rubbish and anti-social behaviour would constitute civil matters and would not even fall under the remit of a planning application. With regard to the road traffic and parking issues this is an existing situation which again is not being assessed under a certificate of lawfulness application.

7.3 The guidance contained within the National Planning Practice Guidance states that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application. This is however

with the provision that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

7.4 In this instance, it must be proven by the applicant that the building in question has been used as 9no. independent dwellings for a period of 4 years or more, prior to the date of this application (7<sup>th</sup> July 2017). Therefore, the use of the building as separate flats must have commenced on or before 7<sup>th</sup> July 2013.

7.5 Background information included with the application

A covering letter included with the application details states:

*The site was historically used as a nursing home (C2), before planning permissions were granted in 1999 for the change of use of the building to a C3 residential dwelling house (planning permission P99/4229) and as a Sui Generis hostel (planning permission P99/4122). Planning permission P99/4229 was implemented, and a later planning permission (PK00/2731/F) was granted for the erection of a single storey rear extension.*

*In 2009, work commenced to convert the dwelling to 9no. self-contained flats. As evidenced by both the Statutory Declaration, and the screenshots from the Valuation Office Agency, the use of Norfolk House as a single dwelling house ceased in 2009, and the nine flats were registered as individual properties on the 1st April 2009, and have remained in use since that date.*

7.5 Assessment of Lawfulness

Each item of evidence will be discussed in turn below. The land registry title document clearly identifies the site and the owner of the site as being Mr Martin Connolly since 16.7.14.

7.6 The sworn statement by Mr Martin Connolly states that he is the freeholder of the property known as Norfolk House and that this property has been arranged as 9no. self-contained flats since 1<sup>st</sup> April 2009. The statement confirms that each have been registered individually for Council Tax.

7.7 As further supporting evidence screenshots of a Council Tax valuation list have been provided for all 9no. flats. This document clearly indicates the flats were first registered on 1<sup>st</sup> April 2009 for council tax.

7.8 Additional evidence in the form of water bills from Wessex Water show the flats, other than flats 1 and 5, having individual metered water supply. Flats 1 and 5 share a water supply and so do not have individual meters. The bills show dates from September 2011, 2012 and 2013, and 2016 and 2017.

7.9 When analysing the evidence supplied, the sworn statement is given the greatest weight, with the evidence of the 9no. flats being registered for Council Tax since 1.4.09 also holding a large amount of weight. Bills from Wessex Water indicate that each flat has a different customer number for the individual water metres. This holds weight in the evidence to show the building has been occupied as individual residential units, but as the dated bills are not continuous these details hold the least amount of weight in the assessment.

7.10 On balance of probabilities and in the absence of contradictory information it is considered that the evidence provided is sufficient to demonstrate that Norfolk House has been in use as separate flats for a period of over 4 years. As such it is lawful and immune from planning enforcement action.

## 8. **CONCLUSION**

8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the use of the building as 9no. separate flats at Norfolk House, 37 Overnhill Road, Downend, Bristol, BS16 5DS has been established for a continuous period of over four years and so the use is considered to be lawful.

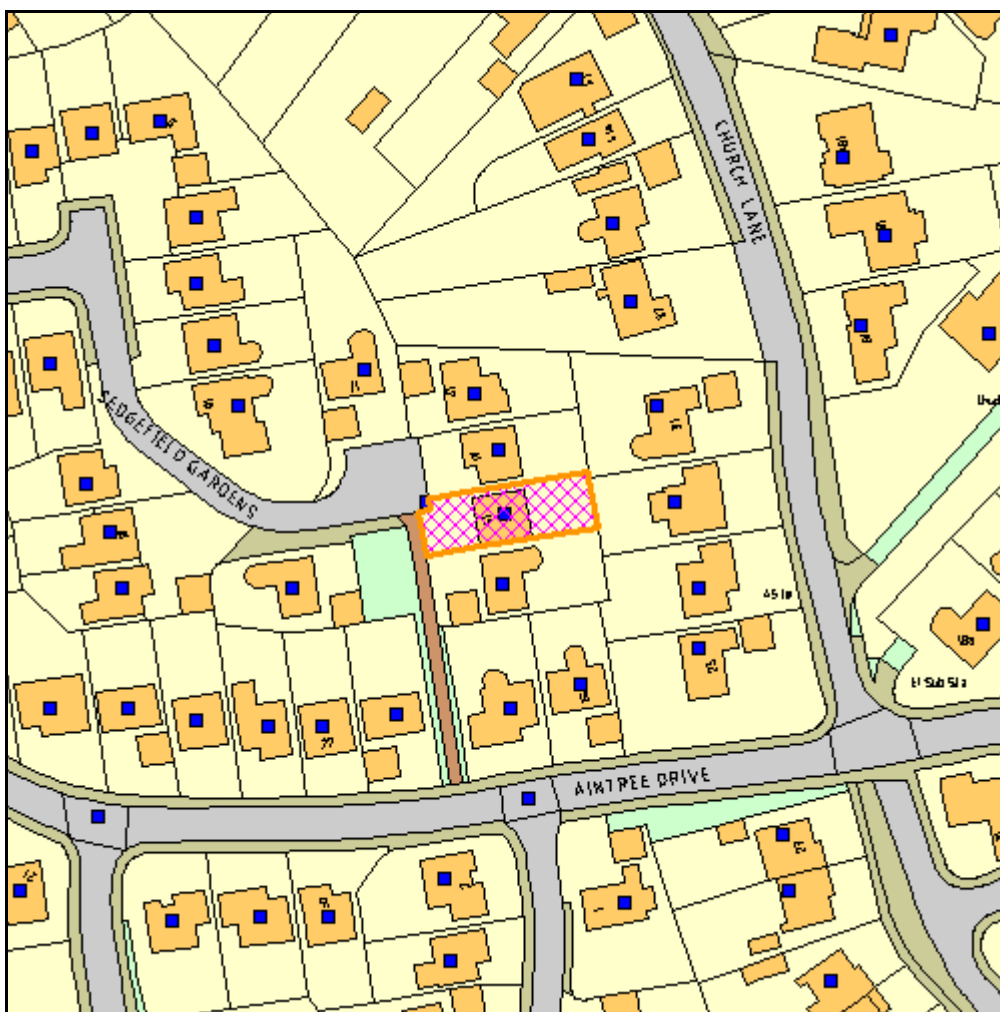
## 9. **RECOMMENDATION**

9.1 That the Certificate of Lawfulness of **GRANTED**.

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

## CIRCULATED SCHEDULE NO. 35/17 – 01 SEPTEMBER 2017

<b>App No.:</b>	PK17/3254/CLP	<b>Applicant:</b>	Mr & Mrs Townsend
<b>Site:</b>	15 Sedgefield Gardens Downend Bristol South Gloucestershire BS16 6SU	<b>Date Reg:</b>	31st July 2017
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed erection of rear conservatory	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365734 178247	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>		<b>Target Date:</b>	5th September 2017



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PK17/3254/CLP



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a rear conservatory at No. 15 Sedgefield Gardens, Downend, would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented. It is noted that condition (q) (i) of K4989 restricts the erection of gates, fences, walls and other means of enclosure beyond the front wall, or side wall of a dwelling facing the highway. This will not affect the proposed rear conservatory.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

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

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

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

K4989	Approved	09.01.1987
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COMPREHENSIVE RESIDENTIAL DEVELOPMENT INCLUDING ANCILLARY FACILITIES AND MAJOR OPEN SPACE (Previous ID: K4989)

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
No Objection

#### **Other Representations**

- 4.2 Local Residents  
No Comments Received

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

- 5.1 Site Location Plan

Combined Existing Plans  
Combined Proposed Plans  
Block Plan  
(All received by the Local Authority 11<sup>TH</sup> July 2017).

## 6. ANALYSIS OF PROPOSAL

### 6.1 Principle of Development

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

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

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

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

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

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

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

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

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

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

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

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

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**
- (i) forms the principal elevation of the original dwellinghouse;**
  - or**
  - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The proposed conservatory does not extend beyond a wall which fronts a highway or the principal elevation of the original dwellinghouse.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
  - (ii) exceed 4 metres in height;**

The proposal does not extend beyond the rear wall of the original detached dwellinghouse by more than 4 metres, or exceed 4 metres in height.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
  - (ii) exceed 4 metres in height;**

Not applicable.

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
  - (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**
- The conservatory would be single storey.

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

**height of the eaves of the enlarged part would exceed 3 metres;**

The conservatory would be within 2 metres of the boundary, however the eaves would not exceed 3 metres in height.

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

The proposal does not extend beyond a side wall of the original dwellinghouse.

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

The development would not include any of the above.

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

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

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

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

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

The proposal relates to a conservatory. As such this condition does not apply.

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

Not applicable.

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

Not applicable.

## **7. RECOMMENDATION**

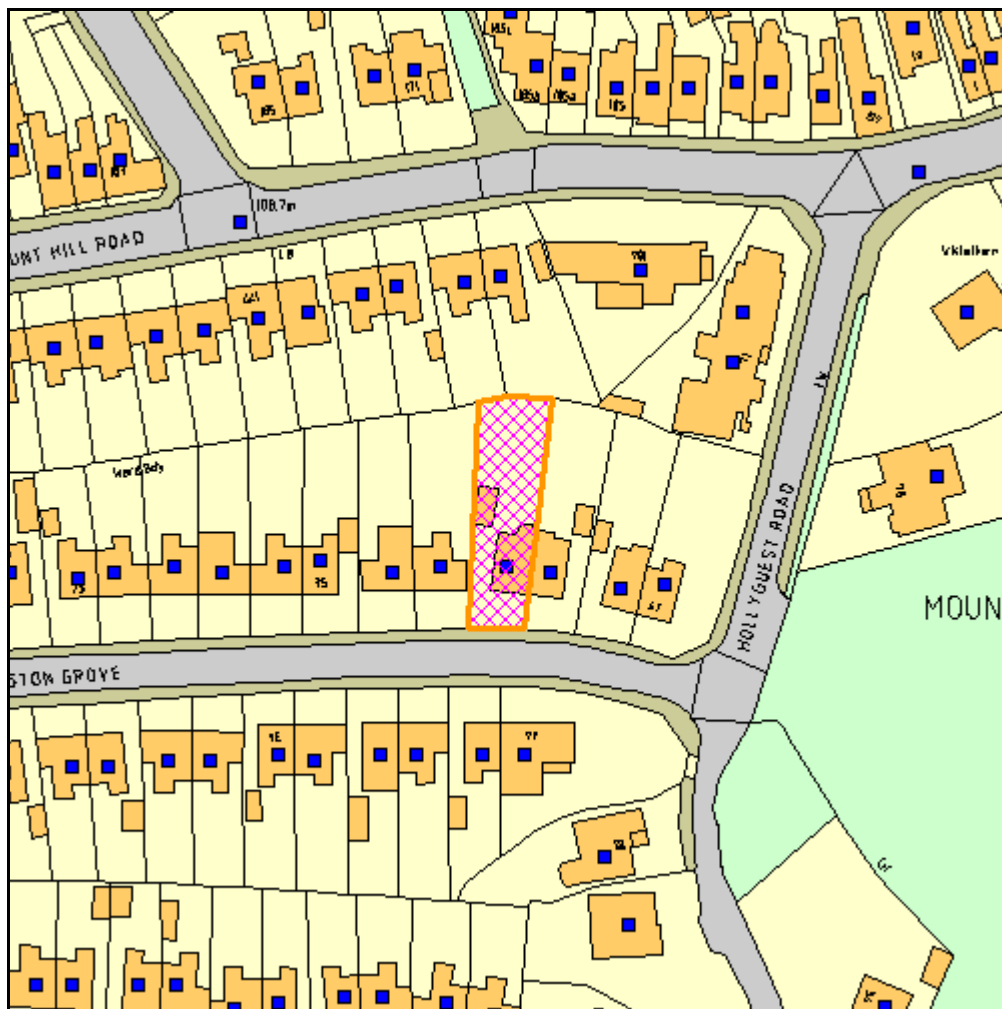
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

**Contact Officer: Owen Hoare**  
**Tel. No. 01454 864245**

Evidence has been provided to demonstrate that on the balance of probabilities the proposed erection of a single storey rear extension would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

**CIRCULATED SCHEDULE NO. 35/17 – 01 SEPTEMBER 2017**

<b>App No.:</b>	PK17/3280/CLP	<b>Applicant:</b>	Mr A Richings
<b>Site:</b>	41 Kelston Grove Hanham Bristol South Gloucestershire BS15 9NJ	<b>Date Reg:</b>	21st July 2017
<b>Proposal:</b>	Certificate of lawfulness for the proposed erection of 1no side dormer and 1no rear dormer window.	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	365213 172636	<b>Ward:</b>	Hanham
<b>Application Category:</b>		<b>Target Date:</b>	14th September 2017



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

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

### **1. THE PROPOSAL**

- 1.1. The applicant is seeking a formal decision as to whether the proposed erection of 1no side dormer; and 1no rear dormer at 41 Kelston Grove Hanham would be lawful.
- 1.2. The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

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

The submission is not a planning application. Therefore the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

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

- 3.1. None available.

### **4. CONSULTATION RESPONSES**

- 4.1. Hanham Parish Council  
"No objections from Hanham Parish Council".

#### **Other Representations**

- 4.2. Local Residents  
No comments received.

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

Location Plan  
Received by the Council on 12<sup>th</sup> July 2017

Location Plan- Proposed

Received by the Council on 12<sup>th</sup> July 2017

Existing Plans and Elevations

Received by the Council on 12<sup>th</sup> July 2017

Proposed Plans and Elevations

Received by the Council on 12<sup>th</sup> July 2017

## **6. ANALYSIS OF PROPOSAL**

### **6.1. Principle of Development**

The application for a Certificate of Lawfulness is purely an evidential test that is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the evidence presented. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

6.2. The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015. It should be noted that there is no restriction on permitted development rights at the subject property.

6.3. The proposed development consists of the installation of a 1no side dormer and 1no rear dormer to facilitate a loft conversion. The dormer development would fall within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows dormer additions and roof alterations subject to the following:

### **B.1 Development is not permitted by Class B if –**

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

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

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

The height of the proposed dormers would not exceed the highest part of the roof.



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

The proposed dormer windows would be located to the rear and side of the property, and as such would not extend beyond any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway.

- (d) **The cubic content of the resulting roof space would, as a result of the works, exceed the cubic content of the original roof space by more than –**
- (i) **40 cubic metres in the case of a terrace house, or**
  - (ii) **50 cubic metres in any other case**

The property is a semi-detached house. Volume calculations extrapolated from the Proposed Plans and Elevations drawing (received by the Council on 12<sup>th</sup> July 2017) indicate that the total increase in roof space of the original dwelling would be 38m<sup>3</sup>.

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

- (i) **the construction or provision of a verandah, balcony or raised platform, or**
- (ii) **the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

The proposal does not include the construction or provision of a verandah, balcony or raised platform.

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

The host dwelling is not on article 2(3) land.

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

- (a) **the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**
- (i) Submitted plans indicate that the proposed dormers will be finished in materials to match the finish of the existing roof.
- (b) **the enlargement must be constructed so that –**
- (i) **other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**

- (ab) **the eaves of the original roof are maintained or reinstated; and**
  - (bb) **the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and**
- (ii) **other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The dormers would be approximately 40cm from the outside edge of the eaves of the original roof and the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse. The eaves are maintained.

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

The window proposed to the side elevation would be non-opening and obscure glazed.

## **7. RECOMMENDATION**

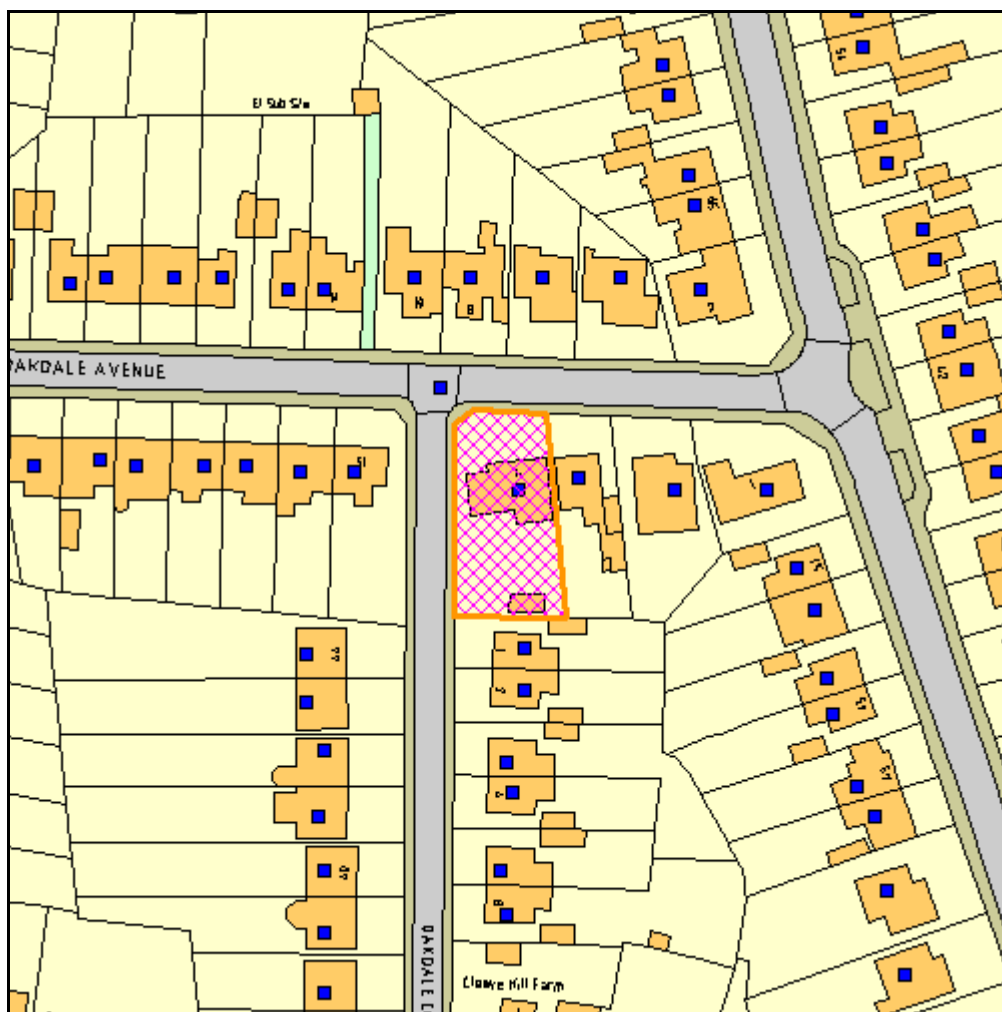
7.1. That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

7.2. Evidence has been provided to demonstrate that on the balance of probabilities the proposed installation of 1no side dormer and 1no rear dormer would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015.

**Contact Officer: David Ditchett**  
**Tel. No. 01454 863131**

**CIRCULATED SCHEDULE NO. 35/17 – 01 SEPTEMBER 2017**

<b>App No.:</b>	PK17/3334/CLP	<b>Applicant:</b>	Mr And Mrs Fowles
<b>Site:</b>	7 Oakdale Avenue Downend Bristol South Gloucestershire BS16 6DT	<b>Date Reg:</b>	2nd August 2017
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed installation of a rear dormer window and 3no. rooflights.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365013 177544	<b>Ward:</b>	Downend
<b>Application Category:</b>		<b>Target Date:</b>	13th September 2017



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a rear dormer and 3no. roof lights at 7 Oakdale Avenue, Downend would be lawful development. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

Town and Country Planning Act 1990 (As Amended) 1990 section 192  
Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

The submission is not a full planning application thus the Adopted Development Plan is not of relevance to the determination of this application; the decision rests on the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming the proposed development is lawful against the GPDO.

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

- |     |             |          |            |
|-----|-------------|----------|------------|
| 3.1 | PK07/1129/F | Approved | 06.07.2007 |
|-----|-------------|----------|------------|
- Installation of dormer window to rear elevation to facilitate loft conversion and erection of front porch.

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
No objection

#### **Other Representations**

- 4.2 Local Residents  
No Comments Received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully, without the need for planning permission. Accordingly there is not consideration of planning merit, the application is based on the facts presented. This submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

5.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to the householders under Schedule 2, Part 1 Classes B and C of the GPDO (2015).

5.3 The proposed development consists of the introduction of a rear dormer and 3no. rooflights to facilitate a loft conversion. This development would be within Schedule 2, Part 1 Classes B and C of the GPDO (2015), which allows additions etc. to the roof of a dwellinghouse provided it meets the criteria detailed below:

### 5.4 Assessment of Evidence: Dormer Window

Schedule 2 Part 1 Class B allows for alteration to the roof of a dwellinghouse subject to meeting the following criteria:

#### **B.1 Development is not permitted by Class B if –**

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

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

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

The proposal would not exceed the height of the highest part of the existing roof.

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

The proposal will be situated to the rear elevation and does not front a highway.

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

- (i) 40 cubic metres in the case of a terrace house, or**
- (ii) 50 cubic metres in any other case**

Although it is noted that the roof of the dwelling differs from those on the surrounding houses, suggesting that it may have been extended in the past, no evidence can be found to prove this. It is therefore considered that the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 40m<sup>3</sup>.

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

- (i) the construction or provision of a verandah, balcony or raised platform, or**
- (ii) the installation, alteration or replacement of a chimney, flu or soil and vent pipe;**

Not applicable.

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

The host dwelling is not on article 2(3) land.

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

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

The materials used will be of a similar appearance of the existing dwelling.

**(b) the enlargement must be constructed so that –**

- (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
  - (aa) the eaves of the original roof are maintained or reinstated; and**
  - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measure along the roof slope from the outside edge of the eaves; and**
- (ii) other than in the case of an enlargement which joins the original roof to the roof of a side or rear extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The proposal would be greater than 0.2 metres from the outside edge of the eaves of the original roof and does not protrude beyond the outside face of any external wall of the original dwellinghouse.

- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be-
- (i) **Obscure-glazed, and**
  - (ii) **Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is to be installed.**

Not Applicable

5.4 Assessment of Evidence: Roof Lights

Schedule 2 Part 1 Class C allows for any other alteration to the roof of a dwellinghouse subject to meeting the following criteria:

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

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

The dwellinghouse was not granted permission for use as a dwelling under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

The proposed roof lights do not protrude more than 0.15 metres from the roofline.

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

The proposed rooflights do not exceed the highest part of the original roofline.

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

- (i) The installation, alteration or replacement of a chimney, flue or soil and vent pipe or**
- (ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

The proposed development does not consist of any of these features.

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

- (a) Obscure-glazed; and**
- (b) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

The proposal does not include any side elevation windows.

## 6. **RECOMMENDATION**

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

Evidence has been provided to demonstrate, on the balance of probabilities, that the proposed extension would fall within the permitted rights afforded to householders under Schedule 2; Part 1, Classes B and C of the Town and Country Planning General Permitted Development Order 2015.

**Contact Officer: Owen Hoare**  
**Tel. No. 01454 864245**

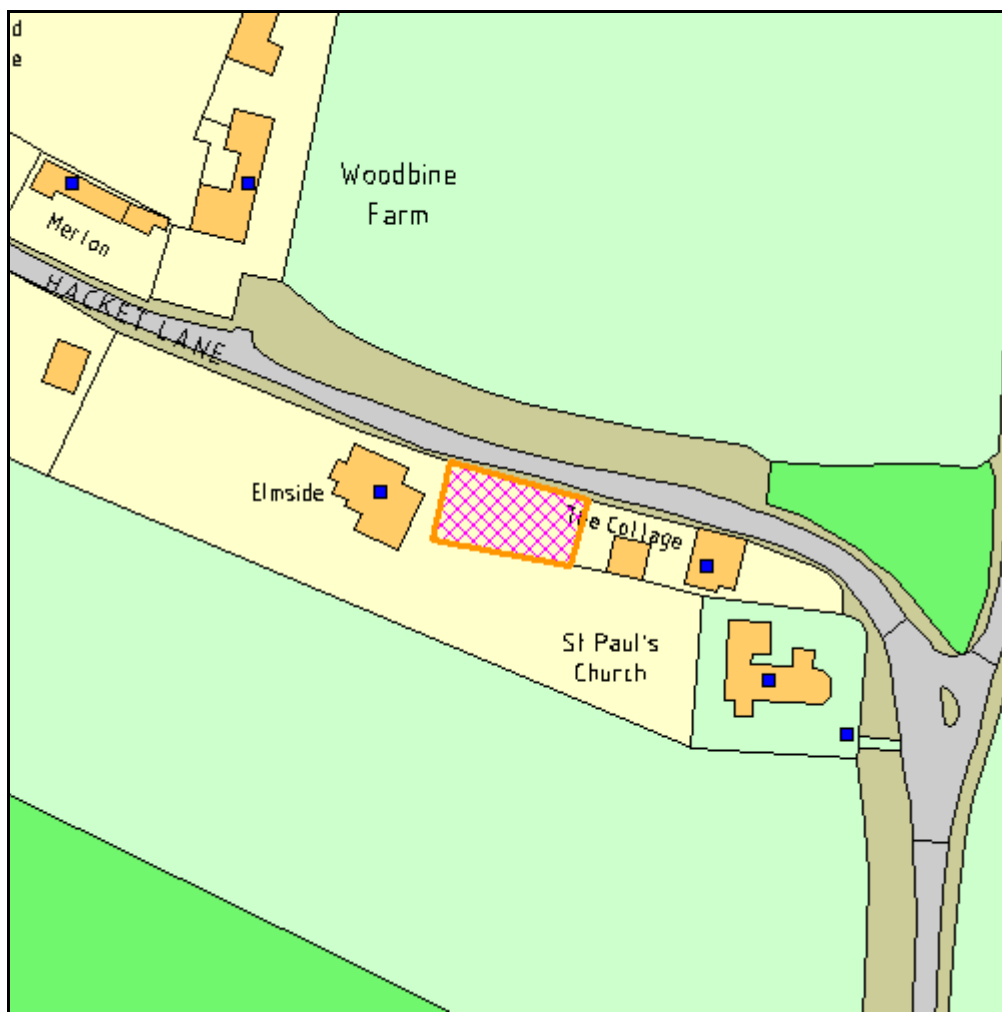
## **CONDITIONS**

1. Evidence has been provided to demonstrate, on the balance of probabilities, that the proposed extension would fall within the permitted rights afforded to householders under Schedule 2; Part 1, Classes B and C of the Town and Country Planning General Permitted Development Order 2015.



**CIRCULATED SCHEDULE NO. 35/17 – 01 SEPTEMBER 2017**

<b>App No.:</b>	PT17/1369/O	<b>Applicant:</b>	Mr Hill
<b>Site:</b>	The Cottage Hacket Lane Thornbury Bristol South Gloucestershire BS35 3TZ	<b>Date Reg:</b>	31st March 2017
<b>Proposal:</b>	Erection of 1no. dwelling (Outline) with access to be determined. All other matters reserved.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	365360 190139	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd May 2017



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## **INTRODUCTION**

This application has been referred to the Circulated Schedule due to the receipt of the objection from residents and Thornbury Town Council

### **1. THE PROPOSAL**

- 1.1 This application seeks an outline planning permission for an erection of one dwelling at The Cottage, Hacket Lane, Thornbury. Access is to be determined, with all other matters reserved. Planning Statement including Statement of Significance has also been submitted with the proposal. During the course of the application, a revised plan was submitted to show the visibility splay for the proposed development.
- 1.2 The agent submitted an indicative housing design and a proposed street scene. The proposed two-storey dwelling would be located within the residential curtilage of the Cottage, siting between The Cottage and Elmside. The development site is approximately 0.0325 hectare in size, locating outside the nearest settlement boundary of Thornbury. It is not situated within the Bristol / Bath Green Belt or any land-use designation, however it is situated within the setting of a grade II listed building, Woodbine Farm and a locally listed building, St Paul's Church.
- 1.3 Given the unique location of the site, it is considered that the Rural Settlements and Villages 2015 Topic Paper; Sustainable Access to Key Services and Facilities & Demographic Information (November 2015) would be particularly relevant to this case. The document provides technical evidence for the Policy Sites and Places Development Plan (PSP) to provide an understanding of the relative sustainable access to services and facilities in the rural villages and settlements of South Gloucestershire. This can be used to form a view of the services and facilities that would be accessible via sustainable modes of transport from Alveston and the application site.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Section 6 Delivering a wide choice of high Quality homes  
Section 7 Requiring good design  
Section 9 Protecting Green Belt Land  
Section 12 Conserving and Enhancing the Historic Environment' and accompanying Historic Environment Planning Practice Guide.
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T12 Transportation Development Control Policy for New Development  
L1 Landscape Protection and Enhancement  
L13 Listed Buildings

### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving accessibility
CS9	Managing the Environment and heritage
CS16	Housing Density
CS17	Housing Diversity
CS34	Rural Areas.

### Emerging Policies Sites and Places Development Plan document June 2016

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP37	Internal Space and Accessibility Standards for Dwelling
PSP38	Development Within Existing Residential Curtilage, Including Extensions and New Dwellings
PSP40	Residential Development in the Countryside
PSP41	Rural Workers Dwellings
PSP42	Custom Build dwellings

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Supplementary Planning Document) Adopted 2007

South Gloucestershire Council Affordable Housing Supplementary Planning Document (Adopted) September 2008

Residential Parking Standards Supplementary Planning adopted December 2014

South Gloucestershire Landscape Character Assessment as amended and adopted Nov 2014:- Area 18 – Severn Ridges

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

- 3.1 N5887          Erection of front and rear entrance porches. Approved 23.08.79

### **4. CONSULTATION RESPONSES**

#### 4.1 Thornbury Town Council

Objection for the following reasons:

- Outside the settlement boundary
- To protect the rural aspect
- Increase traffic on rural road
- Highway access and safety concerns
- Support the Council Listed Building Officer's comments regarding the design

## 4.2 Other Consultees

Lead Local Flood Authority (LLFA) – No objection subject to a condition seeking appropriate surface water drainage details. Also advised that no public surface water sewer is available, therefore details of foul sewage disposal is required.

Highway Officer – No objection subject to a condition securing the wall fronting both the application site and the host site up to the cottage is no greater than 900mm high.

Conservation Officer – No objection in principle, but concerns that the design of the proposed dwelling and the removal of the stone wall along northern boundary..

Arboricultural Officer – No objection, but advised that an arboricultural report is required to accord with BS:5837:2012 to include a Tree constraints plan and a tree protection plan.

## **Other Representations**

### 4.3 Local Residents

Four letters of objection and 1 letter of support from a local resident have been received. The residents' concerns are summarised as follows: (Full comments can be viewed from the Council website.)

- Detrimental effect on its country nature
- Opposite a grade 2 listed building, thus detracting from its visual impact
- Difficult access, dangerous with the busy narrow lane in daily used by agricultural machinery and local traffic
- The site is close to a blind bend
- Parking in a confined area as depicted on plan would present another problem for the residents park on the council owned grassy bank opposite.
- The site is cramped and shoe-horning a house into such a small area
- Distinctly out of place among the well-spaced buildings already existing on the lane
- Would set a precedent, open flood gates to new development throughout the Hackets
- The development is outside the scope of the 10 year local plan, there are already several large housing development in the areas to address housing requirement
- Thornbury creaking infrastructure is not coping with the expansion, Thornbury has provided more than its fair share of contribution towards the Council's 5 year land supply.
- It is the time to say no to the endless stream of further additional development around the fringe of Thornbury, the Council can easily fulfil its 5 year land supply target within the required time frame without letting go the planning policies that long established and designed to protect the rural character of Thornbury's fringe, especially the Hackets.
- The building would be of a modern type and out of character

- The removal of old stone wall makes an important contribution to the character and identity of the lane
- A significant loss of attractive trees and shrubbery
- The site boundary is on a level of 3 flood zone
- The discharge of surface water will end up add to the existing flood risk problems adjacent to the site.
- No indication as to how foul drainage will be dealt with.
- Several mature trees would to be felled so that building could take place, they do contribute to the greenery and rural nature of the area
- Support the proposal provided that the height of the building limited to 7.5 metres, so that the new dwelling does not overbear or overlook the neighbouring property
- Request the new boundary be located within 1 metre of the further boundary to provide the privacy of both properties
- Request a hedge or fence to a height of 1.8 metres be established to protect the privacy

Supporting comments:

- The proposed dwelling sits within an existing domestic curtilage
- It would not form any further encroachment into 'Thornbury's Open Countryside'
- It is a self-build project
- The lane experiences a very small amount of local traffic, there is no problem in regard of the small increase in traffic that will occur with the additional house
- The proposed vehicular access is next to an existing driveway, and it is not close to the nearest blend.

## 5. **ANALYSIS OF PROPOSAL**

### Principle of Development

- 5.1 The application stands to be assessed against the above listed policies and all material considerations. On 27<sup>th</sup> March 2012 the National Planning Policy Framework (NPPF) was published. The policies in this Framework are to be applied from this date with due weight being given to the saved policies in the South Gloucestershire Local Plan 2006 (SGLP) subject to their degree of consistency with this Framework. It is considered that the Local Plan policies as stated in this report are broadly in compliance with the NPPF.
- 5.2 The Annual Monitoring Report (December 2016) shows that South Gloucestershire Council does not currently have a five year housing land supply (i.e. 4.54 years according to the 2016 Report). As such paragraph 49 of the NPPF is engaged. Paragraph 49 declares that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF goes on to state 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.

Notwithstanding the above, the adopted development plan is the starting position.

5.3 As the site is located outside any settlement boundaries, Policies CS5 and CS34 would be particularly important. Policy CS5 states that development, which is located in the open country outside a settlement boundary, should be strictly limited. In addition, Policy CS34 focusing on Rural Areas states that the settlement boundaries around rural settlements should be maintained and that development outside those boundaries should be strictly controlled. Accordingly on the face of it the proposal runs counter to the adopted plan; however in light of the NPPF national policy this attracts less weight, and more weight is given to the paragraph 14 test in the NPPF in the assessment of this proposal.

5.4 Para 55 of NPPF resists “isolated homes” in the countryside unless there are special circumstances. Para 55 reads as follows;

‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby (officer underlining). Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

5.5 Although the site is outside the settlement boundaries, it is considered that it is located within a reasonable sustainable location due to the close proximity to the Thornbury settlement boundary. The nearest primary school would be within approximately 500 metres of the site. The closest bus stops would be less than 350 metres of the site and a number of public transports provide residents travelling to Thornbury Heath Centre and Bristol Bus Station. As such, officers do not consider that the proposal would result in a provision of an isolated home in the countryside as the site would have reasonable access to day to day facilities and transportation links. Therefore, the proposal would not be contrary to the principle of Paragraph 55 of the National Planning Policy Framework as the site is situated within a sustainable location.

## 5.6 Self Build

Although residents have mentioned that it is a self-build project, the applicant has not submitted clear information to confirm that this is the case.

Notwithstanding this, whilst a self-building proposal is generally supported by national and local planning policies, including PSP42. This is considered to the attract limited weight in favour of the development in the circumstances.

## 5.7 Density and Affordable Housing

The proposal is to erect one detached dwelling on the ground of approximately 0.033 hectare, this would equate to a density of approximately 30 houses per hectare. This is a reasonable density development and it is necessary to consider whether this represents the most appropriate approach to this site. As described above, the site is sandwiched between two existing detached dwellings, known as The Cottage and Elmside. Along this section of road, existing properties are all two-storey detached with different architectural features and frontage. The submitted street scene shows that the proposed two-storey detached dwelling would be similar to these neighbouring properties in terms of its height. Furthermore, given the close proximity to the adjacent properties, it is considered that any higher density development would likely result in an unreasonable adverse impact upon the amenity of the adjacent properties and also may result in the lack of off-street parking facilities within the site. In this instance, officers are satisfied with this design approach.

- 5.8 A further reason for questioning the appropriateness (or otherwise) of the density is in relation to whether there is an attempt to avoid affordable housing triggers. This is clearly not the case here as the site area for the new dwelling would fall below the threshold, which is 0.2 hectare irrespective the number of dwellings. Even taking into consideration the applicant's entire site, the area would still be lower than the threshold, as such, no affordable housing is required from this site.

## **Assessment on other main issues**

- 5.9 The main issue to consider in this instance is whether or not the proposal would are the appearance/form of the proposal and the impact on the character of the area, the impact on the residential amenity of neighbouring occupiers, whether the proposal provides a sufficient level of private amenity space and transportation effects. Also the site is situated within a setting of a grade II listed building, Woodbine Farm, a locally listed building, St Paul's Church. The NPPF and Policy CS9 of the adopted Core Strategy and saved Policy L15 of the adopted Local Plan require that heritage assets of historical importance are protected and where appropriate, enhanced. Therefore, careful consideration is required with regards to the effect on the appearance of the dwelling, which contributes positively to the character of the area.

## 5.10 Landscape & Visual Amenity

The site is located within the curtilage area of a two storey detached dwelling on Hacket Lane. It is outside the settlement boundary of Thornbury, but it is not within the green belt or any land-use designation. It is noted that the proposal would result in a loss of existing trees and shrubbery. The Council Arboricultural Officer do not raise objection to the principle of the proposed

development, and officers consider that the proposal would not have a significant impact on the landscape character of the site itself and the wider area subject to a condition seeking a detailed soft landscaping scheme and an aboriginal report. These are reserved matters in any event.

#### 5.11 Design and Historic Setting

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 5.12 The Council Conservation Officer has no objection in principle due to the separation distances and existing features limiting potential inter-visibility, however, it is concerned that the design of the proposal due to the lack of architectural interest or merit and the loss of the traditional stone wall along the northern boundary. The Officer advised that the Planning Statement fails to pick up key architectural features within the sites context. The sinuous and verdant Hacket Lane can be considered a non-designated heritage asset whose character of which needs to be preserved, especially in the face of the dramatic changes in landscape character in the immediate and wider eastern fringes of Thornbury. The removal of the traditional stone wall would also detract from the character and appearance of the lane by the introduction of an urbanising and engineered layout.
- 5.13 Your case officer took into consideration the Conservation Officer's comments. With regard to the impact upon the setting of listed building, given the reasonable distance from grade II listed building, Woodbine Farmhouse, and the locally listed building, St Paul Church, officers are satisfied that the proposal would not result in significant harm to their setting.
- 5.14 The locality is characterised by a group of two-storey detached dwellings with different design and scale along Hacket Lane. The proposed dwelling would be visible from the public domain. Regarding the detailed design of the proposed dwelling, the agent submitted an indicative housing design and the proposed street scene. Given it is an outline planning application with only access to be determined, the detailed design of the proposed dwelling will be fully assessed at the later reserved matters stage. The proposed layout plan shows that a part of stone wall will be removed to form an access for the new dwelling. It is acknowledged that the proposal would result in a loss of part of the stone wall, which has a positive contribution to the rural character of the locality. However, this stone wall is not statutorily or non-statutorily protected and the majority of the stone wall will be retained. As such, it is considered that the proposal is generally acceptable from the design and historic perspective. Subject to a condition securing a detailed design of the proposed dwelling including external materials, large scale details of windows, it is considered that the proposal



would not cause substantial harm to the historic assets and would not cause unacceptable harm to the rural character of the locality.

5.15 Residential amenity

The proposal is to erect 1 no. detached two-storey dwelling with new parking spaces within the residential curtilage of The Cottage. The nearest residential properties to the proposed new dwelling would be the host dwelling and Elmside, which is located to the west of the application site. It is also noted the concerns regarding overbearing and overlooking impact upon the neighbouring properties.

- 5.16 The new dwelling would be situated between The Cottage and Elmside. The submitted street scene shows the relative height of the proposed dwelling and the adjoining properties, which are very similar in height. The proposal would allow a reasonable distance between the properties, i.e. approximately 21 metres and 16 metres from The Cottage and Elmside respectively. The new dwelling would also largely share the building line of the adjacent properties, as such, there would not be any unreasonable over-shadowing or loss of daylight / sunlight upon the adjacent properties. Regarding the overlooking issue, a condition can be imposed to secure no first floor window at west side elevation of the new dwelling. Regarding the boundary treatment, a condition is imposed to secure the height of new boundary fence, nevertheless, it would be unreasonable to seek a certain height of hedges to be retained. In conclusion, there would not be any unacceptable loss of privacy upon the adjacent residents.

5.17 Provision of Amenity Space

Emerging policy PSP43 states that all new residential units will be expected to have access to private amenity space. Private and communal external amenity space should be functional and safe, easily accessible from living areas, orientated to maximise sunlight, and of a sufficient size and functional shape to meet the needs of the likely number of occupiers, and designed to take account of the context of the development, including the character of the area. The PSP also set out the guidance for the size of the amenity space relative to the size of the dwellings, for a 3-bed and 4-bed dwelling, 60m<sup>2</sup> and 70m<sup>2</sup> of outdoor amenity space should be provided respectively. Although the submitted plan does not clearly show how many bedrooms would be provided, the proposed site plan shows the outdoor amenity space for the new dwelling would be of L-shaped and it would be approximately 24 metres wide (maximum) by 11 metres deep (maximum) and it equates 165 m<sup>2</sup>, which would be above the set guidance. Furthermore, there would be adequate amenity space to be retained for the host dwelling. As a result, the proposed amenity space is adequate and acceptable.

5.18 Transportation

It is noted the concerns regarding the public highway safety of the proposal. Paragraph 32 of the NPPF states that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

- 5.19 Officers acknowledge that the location is not within easy walking distance from any significant facilities, as such, this development will be largely car-dependent. However, as this new dwelling will only produce around 7 vehicular movements per 24 hour day, its trip generation cannot be considered to be 'significant'. Therefore, officers consider that there is no highway objection on this basis.
- 5.20 The Highway Officer originally raised concern regarding the visibility available from the proposed access for the new dwelling. To address such concern, a revised plan has been submitted to demonstrate the visibility splay can be achieved and the existing stone wall can also be reduced in height. The Highway Officer considers the submitted plan has adequately addressed the concerns and therefore raises no objection to the scheme subject to a condition securing the wall fronting both the application site and host site up to the cottage is no greater than 900mm above the ground level.
- 5.21 With regard to the parking provision, although there is no floor plan showing the number of bedrooms of the new dwelling, it is considered that appropriate on-site parking provision can be made within its curtilage to comply with the requirements of the Council's Residential Parking Standards SPD. This is something that can be considered as part of the reserved matters proposal.
- 5.22 Drainage  
Whilst the site boundary is adjacent to Flood Zone 3, the entire site area is within Flood Zone one, as such, the site itself is not subject to a high risk of flooding. The Council Drainage Engineer has also considered the proposal and raised no objection to the principle of the development subject to condition seeking details of sustainable drainage system to prevent the site from flooding and pollution. Details of the foul sewage method will be submitted in the 'reserved matters' stage. Therefore, the proposal is deemed to be acceptable from drainage and flooding perspective.
- 5.23 The Planning Balance  
As set out above, the Annual Monitoring Report has demonstrated that South Gloucestershire Council does not have a five-year supply of deliverable housing land and as such Policies CS5, CS15 and CS34 attract less weight relative to the NPPF advice for the purposes of assessing this application. As set out above, the proposal would provide a positive contribution in meeting the shortfall identified in respect of the five-year housing land supply. On this basis, Paragraph 49 of the National Planning Policy Framework 'NPPF' is relevant and this application must now be considered in line with the 'presumption in favour of sustainable development set out in Paragraph 14 of the NPPF. Officers consider that in all other respects the development is acceptable and on this basis is representative of sustainable development. Paragraph 14 of the National Planning Policy Framework sets out that policies are out of date, the Local Planning Authority should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 5.24 The proposal is for the erection of 1 no. new dwellings and the benefits of new housing to the housing supply is given a modest weight. It is considered that

the proposal represents a sustainable development in terms of the NPPF three strands (social, economic and environmental). Whilst it is acknowledged that a degree of impact would occur in respect of the general rural character of the site and the amenity of the locality, officers consider that these are not to a degree where it would significantly and demonstrably outweigh the benefit; which is the provision of new housing, and that there are no significant or demonstrable harms that outweigh the benefit such that the presumption in favour should be resisted. On this basis, officers consider that there is considerable weight in favour of granting planning consent in respect of this application.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

**Contact Officer: Olivia Tresise**  
**Tel. No. 01454 863761**

### **CONDITIONS**

1. Details of the layout, scale, appearance of the building and the landscaping of the site

Approval of the details of the layout, scale (including the finished floor levels) and appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

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

2. Implementation of plans and particulars

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

Reason

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

3. Time Limit for the submission of reserved matters application

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

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

4. Time Limit for the implementation of planning permission

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

Reason

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

5. Drainage details (Pre-commencement condition)

Prior to the commencement of development hereby approved, surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a detailed site layout plan showing surface water and SUDS proposals.

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 to ensure adequate drainage system are agreed prior to the construction of the development and to avoid any unnecessary remedial works in the future.

6. Arboricultural Report and Landscaping Scheme to be submitted as part of reserved matters

The details to be submitted as part of the landscaping matters required by condition 1 shall include an arboricultural report in accordance with BS:5837:2012 and a scheme of landscaping, which shall include details of all existing trees on the land, details of any to be retained, together with measures for their protection during the course of the development; proposed planting and planting schedule, details of boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. For the avoidance of doubt, the arboricultural report shall include arboricultural impact assessment, arboricultural method statement and a

tree protection plan for the existing trees. Development shall be carried out in accordance with the agreed details.

Reason: In the interests of the existing trees and the landscape character of the site and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework.

7. Large scale details to be submitted as part of the appearance reserved matters

The information to be included as part of the appearance details to be submitted under condition 1 shall include large scale details of all windows and dormers (including glazing bars, cill, reveal, lintels and a specification of the lead cheeks to any dormer) shall be submitted to and approved in writing by the local planning authority. The design details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with cross section profiles. Cross sections through mouldings and glazing bars shall be submitted at full size. The development shall be implemented strictly in accordance with the approved details.

Reason: To ensure a satisfactory standard of external appearance and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework.

8. Construction Hours

The hours of working on site during the period of construction shall be restricted to 07.30 to 18.00 Mondays to Fridays, and 08.00 to 13.00 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 residential amenity of the neighbouring occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework.

9. Restricted Height of new dwelling

The overall height of the proposed dwelling hereby approved shall not be more than 7.65 metres above the existing ground level, as shown on Drawing no. 003 Rev B (Existing and Proposed Streetscene) and Drawing no. 004 (Indicative New Dwelling).

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

10. Restricted Height of stone wall

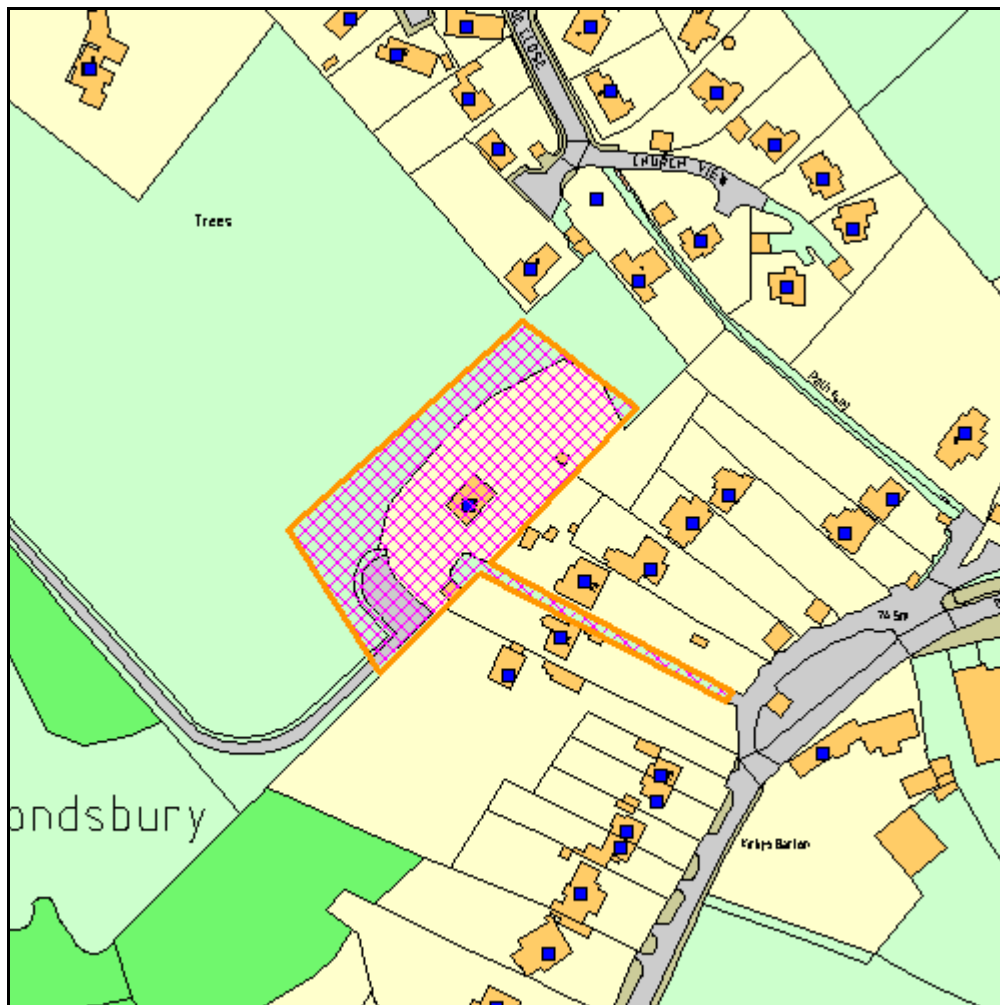
The existing northern boundary wall fronting both the application site and the host site up to the cottage shall not be more than 900mm in height.

Reason

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

## CIRCULATED SCHEDULE NO. 35/17 – 01 SEPTEMBER 2017

<b>App No.:</b>	PT17/2275/CLP	<b>Applicant:</b>	Mr David Davies
<b>Site:</b>	Sundown 22 Over Lane Almondsbury Bristol South Gloucestershire BS32 4BP	<b>Date Reg:</b>	25th July 2017
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed erection of detached outbuilding to facilitate swimming pool and erection of single storey side extensions to provide additional living accommodaiton. Erection of 2m boundary wall.	<b>Parish:</b>	
<b>Map Ref:</b>	359828 183669	<b>Ward:</b>	
<b>Application Category:</b>		<b>Target Date:</b>	11th September 2017



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100023410, 2008.

N.T.S.

PT17/2275/CLP

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

This application is referred to the Circulated Schedule for determination as a matter of process. The application is for a certificate of lawfulness for a proposed development. Additionally, comments contrary to the officer's decision were received.

### **1. THE PROPOSAL**

- 1.1 This application seeks a formal decision as to whether or not the proposed erection of a detached outbuilding to facilitate swimming pool, erection of 2no. single storey side extensions to provide additional living accommodation and the erection of 2m boundary wall would be lawful.
- 1.2 This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations. There is no consideration of planning merit, the decision is based solely on the facts presented.
- 1.3 Updated plans were received on 23 August 2017 to lower the eaves height of the outbuilding, and to alter the location plan.

### **2. POLICY CONTEXT**

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

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

- |     |   |          |            |
|-----|---|----------|------------|
| 3.1 | PT14/4566/CLP   | Approved | 07.01.2015 |
|     | Application for a certificate of lawfulness for the proposed erection of 2 single storey side extensions and a detached garage                  |          |            |
| 3.2 | PT05/1018/F   | Approved | 11.08.2005 |
|     | Demolition of existing garage to facilitate erection of new detached garage.  |          |            |
| 3.3 | P95/1893  | Approved | 15.08.1995 |
|     | Erection of detached building to form covered swimming pool, gymnasium and associated facilities, together with erection of replacement garage. |          |            |
| 3.4 | P94/2212  | Approved | 09.10.1994 |
|     | Erection of first floor over existing single storey dwelling to form 4 bedrooms and lounge and a conservatory                                   |          |            |



## 4. **CONSULTATION RESPONSES**

- 4.1 Councillor  
No comments received.

### **Other Representations**

- 4.3 Local Residents  
Four Objections Received  
*Objection One*

- Asked for trees to not be removed
- Objects to the extension of an access path
- Asks for clarification on plans
- Concerned about location plan

*Objection Two*

- Noted discrepancies in application documents
- Concerned about location plan

*Objection Three*

- Concerned about inclusion of access track
- Noted size of office and questioned use

*Objection Four*

- Concerned about inclusion of access track
- Concerned about location plan re: residential curtilage

The comments have been noted. A new location plan was obtained as a result of public comments.

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

- 5.1 The following evidence was submitted to the Local Planning Authority

Received 11 May 2017

- PROPOSED GF POOL PLAN
- COMBINED ELEVATIONS

15 June 2017

- BLOCK PLAN

Received 24 July 2017

- PROPOSED GF PLAN 1
- PROPOSED GF PLAN 2
- PROPOSED POOL PLAN
- COMBINED SOUTHEAST
- COMBINED SE ELEVATIONS

- COMBINED NORTHWEST

Received 23 August 2017

- COMBINED NORTHWEST POOL ELEVATIONS

- COMBINED NORTHWEST

## 6. ANALYSIS OF PROPOSAL

- 6.1 This application seeks a certificate of lawfulness for a detached outbuilding to facilitate swimming pool, erection of 2no. single storey side extensions to provide additional living accommodation and the erection of 2m boundary wall would be lawful
- 6.2 Principle of Development  
An application for a Certificate of Lawfulness is purely an evidential test and is a formal way to establish whether or not the proposed development can be implemented lawfully without the need for planning permission. Thus there is no consideration of planning merit, the application is based on facts presented. The submission is not a planning application and therefore the Development Plan is not of relevance to the determination of this application.
- 6.3 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Classes A and E, and Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 6.4 The 2no. side extensions would fall within Schedule 2, Part 1, Class A this allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below.
- 6.5 Assessment of Evidence: Single Storey Side Extensions  
Schedule 2 Part 1 Class A allows for the enlargement, improvement or other alteration of a dwellinghouse, subject to meeting the following criteria:
- A.1 Development is not permitted by Class A if –**
- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)**  
The dwellinghouse was not granted under classes M, N, P or Q of Part 3 of this Schedule.
- (b) As result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**  
50% of the residential curtilage would not be covered by buildings as a result of the proposed works.

- (c) **The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**  
 The height of the single storey side extensions would not exceed the height of the roof of the existing dwellinghouse.
- (d) **The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**  
 The height of the eaves of the single storey side extensions would not exceed the height of the eaves of the existing dwellinghouse.
- (e) **The enlarged part of the dwellinghouse would extend beyond a wall which –**  
 (i) **forms the principal elevation of the original dwellinghouse;**  
 or  
 (ii) **fronts a highway and forms a side elevation of the original dwellinghouse;**  
 The proposed extensions do not extend beyond a wall which forms a principle elevation of the original dwellinghouse. The proposals will extend beyond walls which form a side elevation of the original dwellinghouse however they will not front a highway.
- (f) **Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**  
 (i) **extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**  
 (ii) **exceed 4 metres in height;**  
 The proposal is for two single storey side extensions, they do not extend beyond the rear wall of the original dwellinghouse, nor do they exceed 4 metres in height.
- (g) **Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**  
 (i) **extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**  
 (ii) **exceed 4 metres in height;**  
 Not applicable.
- (h) **The enlarged part of the dwellinghouse would have more than a single storey and—**  
 (i) **extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**  
 (ii) **be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse**  
 The proposed extensions would be single storey.

**(i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**  
The proposed extensions would not be within 2 metres of the boundary curtilage of the dwellinghouse.

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

The proposed extensions would extend beyond a wall forming side elevations of the original dwellinghouse however they will not exceed 4 metres in height, have more than a single storey, nor will the individual proposals have a width greater than half the width of the original dwellinghouse.

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

The proposed extension does not include any of the above.

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

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

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

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

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

The materials which will be utilised will be of a similar appearance to those used in the original dwelling.

**(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be –**  
**(i) obscure-glazed, and**

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

This is not applicable for the proposed development.

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

This is not applicable for the proposed development.

6.5 The 2no. side extensions would fall within Schedule 2, Part 1, Class A this allows for the erection of buildings incidental to the enjoyment of a dwellinghouse.

6.6 Assessment of Evidence: Outbuilding

Class E allows the erection of “any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;”...

6.7 ‘Incidental’ in planning terms is loosely defined and is a consideration of whether a use is incidental or not is largely based on case law and court decisions. Whether a specific building is incidental to the enjoyment of a dwellinghouse is a matter of degree, consequently there is no absolute definition. By conforming to the other criteria identified in Class E, it does not guarantee that the building is indeed incidental. It is therefore necessary to assess the nature and scale of the subordinate use and whether as a matter of fact and degree this use is incidental to the enjoyment of the dwellinghouse.

**Analysis to determine whether the proposed outbuilding can be described as incidental to the enjoyment of the dwellinghouse**

6.8 The proposed outbuilding is approximately 23.3 metres by 9.9 metres and the proposed use is identified as a swimming pool. The building would also house a hot tub, changing room and WC and a plant room. It is considered that the intended use of the building could reasonably be defined as falling within a use incidental to the enjoyment of the dwellinghouse. The dwelling is a large dwelling set in a large curtilage.

6.9 In conclusion, given the reasoning above, it is considered that due to the proposed use of the structure. were the swimming pool not implemented, the structure would not be considered incidental as the size of the space would be seen as excessive for storage purposes alone. On the balance of probabilities and the evidence submitted it is accepted that the current proposal would fall within the remit of Part 1 Class E of the GPDO.

6.10 The remainder of this section will establish whether the physical structure proposal would accord with the criteria identified under Class E.

**E. The provision within the curtilage of the dwellinghouse of—**

**(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;**

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

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

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

**(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**

50% of the residential curtilage would not be covered by buildings as a result of the proposed works.

**(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;**

The building will be situated to the side of the dwelling and would not be forward of the principal elevation of the original dwellinghouse.

**(d) the building would have more than a single storey;**

The proposal would not have more than a single storey.

**(e) the height of the building, enclosure or container would exceed—  
(i) 4 metres in the case of a building with a dual-pitched roof,  
(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or  
(iii) 3 metres in any other case;**

The proposal would not be within 2m of the boundary of the curtilage and would have a flat roof. The proposed outbuilding would measure 3 metres in height.

**(f) the height of the eaves of the building would exceed 2.5 metres;**

The proposal would have an eaves height of 2.4 metres.

**(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;**

The proposal would not be within the curtilage of a listed building.

**(h) it would include the construction or provision of a verandah, balcony or raised platform;**

It would not include a verandah, balcony or raised platform.

- (i) it relates to a dwelling or a microwave antenna; or**

The proposal does not relate to a dwelling or microwave antenna.

- (j) the capacity of the container would exceed 3,500 litres.**

Not applicable

**E.2 In the case of any land within the curtilage of the dwellinghouse which is within—**

- (a) an area of outstanding natural beauty;**  
**(b) the Broads;**  
**(c) a National Park; or**  
**(d) a World Heritage Site,**

**Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.**

Not Applicable

**E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.**

Not Applicable

**6.11 Assessment of Evidence: Boundary Wall**

The proposed garden wall would fall within Schedule 2, Part 2, Class A of the 2015 GPDO, which allows for the erection, construction, maintenance improvement or alteration of a gate, fence, wall or other means of enclosure, provided it meets the criteria as detailed below:

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

- (a) the height of any gate, fence, wall or other means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of development, exceed –**
- (i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;**
- (ii) in any other case, 1 metre above ground level;**

The proposed wall would not be adjacent to the highway.

- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;**

The proposed wall would measure 2.0 metres above ground level, and therefore meets this criterion.

- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or**

The height does not exceed the height referred to in paragraph (b).

- (d) it would involve development within the curtilage of, or to a gate, fence wall or other means of enclosure surrounding, a listed building.**

The erection of the garden fence would not involve development within the curtilage of, or surrounding a listed building.

- 6.12 As such, the proposed erection of a 1.9m garden wall is lawful as it meets the criteria set out in Schedule 2, Part 2, Class A, of the 2015 GPDO.

## **7. RECOMMENDATION**

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

Evidence has been provided to demonstrate that on the balance of probabilities the works proposed proposal fall within the permitted development rights afforded to householders under Schedule 2, Part 1, Classes A and E, and Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

**Contact Officer: Owen Hoare**  
**Tel. No. 01454 864245**

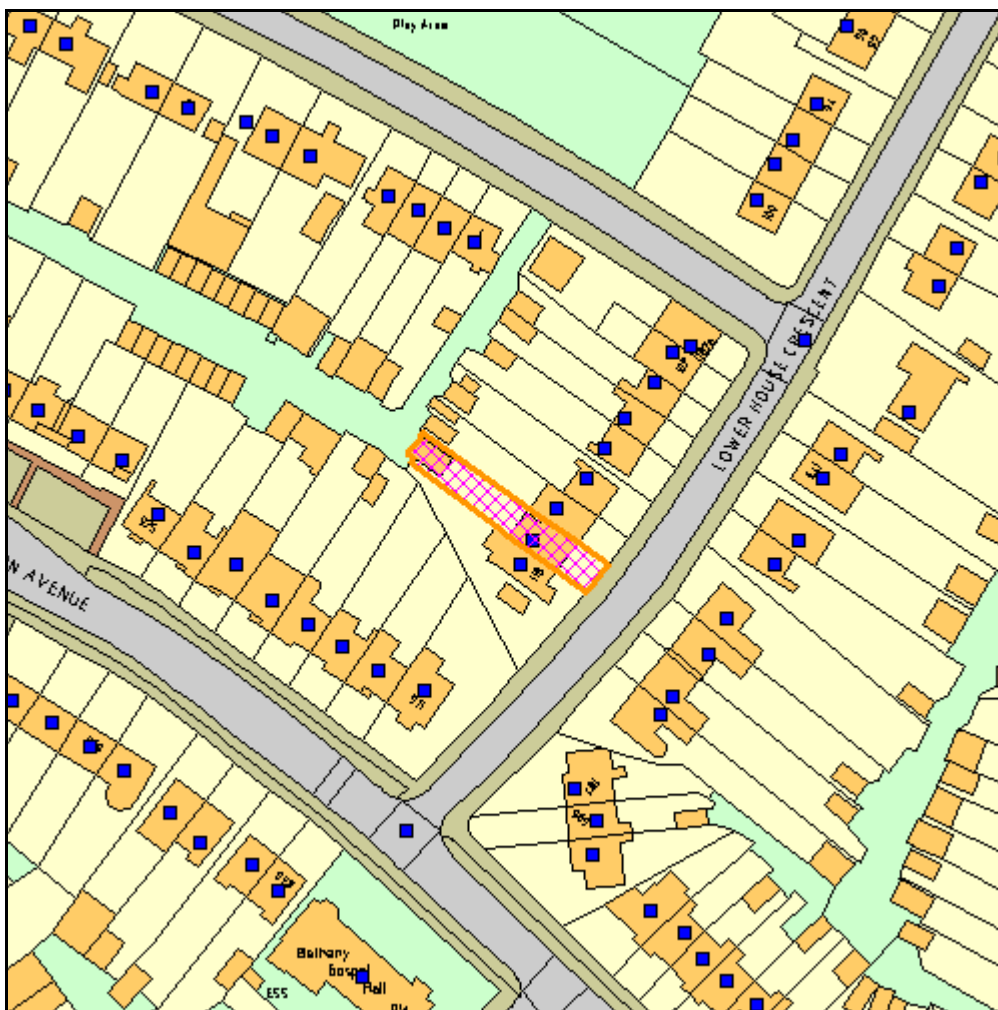
## **CONDITIONS**

1. Evidence has been provided to demonstrate that on the balance of probabilities the works proposed proposal fall within the permitted development rights afforded to householders under Schedule 2, Part 1, Classes A and E, and Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.



## CIRCULATED SCHEDULE NO. 35/17 – 01 SEPTEMBER 2017

<b>App No.:</b>	PT17/2410/F	<b>Applicant:</b>	Mr And Mrs Smith
<b>Site:</b>	114 Lower House Crescent Bristol South Gloucestershire BS34 7DL	<b>Date Reg:</b>	22nd June 2017
<b>Proposal:</b>	Demolition of existing rear lean-to extension and erection of single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360721 179612	<b>Ward:</b>	Filton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	16th August 2017



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PT17/2410/F

## **REASONS FOR REPORTING TO CIRCULATED SCHEDULE**

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under the Circulated Schedule procedure as a result.

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the demolition of an existing rear lean-to extension and the erection a single storey rear extension to form additional living accommodation at no. 114 Lower house Crescent, Filton.
- 1.2 The application site consists of a mid-terrace property set towards the front of a relatively long, narrow plot. The site is situated within the established residential area of Filton.
- 1.3 Revised plans were requested and received by the Local Planning Authority on 13<sup>th</sup> August 2017. The revised plans involve a reduction in the depth of the proposed extension.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages  
T12 Transportation

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP8 Residential Amenity  
PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

The Proposed Submission Draft Policies Sites and Places Plan (PSP plan) is a further document that will form part of the South Gloucestershire Local Plan. The PSP plan will set out new planning policies for South Gloucestershire. Submission and Examination of this took place in February of 2017, and adoption is expected toward the end of 2017. Accordingly, with regard to the assessment of this planning application limited weight is attached to the PSP

plan as a whole at this time – although weight can be attributed to those policies which are not expected to be subject to modification.

- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007

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

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

### **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
No objection

- 4.2 Other Consultees

Archaeology  
No objection

#### **Other Representations**

- 4.3 Local Residents  
One comment of objection has been submitted. The main concerns raised are outlined below:

- New wall will overstretch boundary with finished parapet wall adjoining to neighbouring roof.
- Extension will overshadow one side of neighbouring conservatory, rising potentially 2 feet above conservatory. This would create an eyesore and would be very obtrusive.
- A decorative wall dividing properties would be destroyed.

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

- 5.1 Principle of Development

The application seeks permission for the erection of a single storey rear extension. Policy H4 of the Local Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. 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 H4 of the Local 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 incorporate a flat-roof, with parapet walls on both sides and a lantern rooflight set centrally. The proposed extension would incorporate a maximum height of approximately 2.9 metres (at the highest point of the parapet walls) and would protrude from the rear of the property by roughly 4.5 metres. The extension would span the width of the plot, and would adjoin neighbouring extensions on either side.
- 5.4 The proposed extension is indicated on originally submitted plans incorporated a depth of 6 metres, as opposed to the 4.5 metres now indicated on revised plans.
- 5.5 Due to its location to the rear of the property, the proposed extension would not be visible from public areas. As such it is not considered that the proposal would have any significant impacts on the immediate streetscene or the character, distinctiveness or amenity of the locality.
- 5.6 Whilst the flat-roof design is not necessarily informed by the pitched roof design of neighbouring extensions, it is not considered that the proposed extension would significantly detract from the appearance of the property. The reduction in the depth of the extension also helps to reduce its overall prominence. Overall, it is not considered that the proposed extension would significantly harm the appearance of the property, or detract from the character, distinctiveness or amenity of the immediate surrounding area. On this basis, the proposal is considered to satisfy design criteria set out in policy CS1 of the Core Strategy and H4 of the Local Plan.
- 5.7 Residential Amenity  
Policy H4 of the Local 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.
- 5.8 When considering the impacts of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties, the main properties under consideration are the adjoining properties to the north-east and south-west at no's. 112 and 116 Lower House Crescent respectively.
- 5.9 The concerns raised in relation to the potential overshadowing effects of the extension on a neighbouring conservatory have been taken in to account. Due to the originally proposed depth of 6 metres, it was considered that the extension as initially proposed would have overbearing and overshadowing impacts on adjoining neighbours; to the detriment of residential amenity.
- 5.10 The depth of the extension has now been reduced to 4.5 metres. Due to the height of the extension and the parapet wall design, it is acknowledged that the proposed extension would still have some overbearing impacts on to the rear garden areas of both neighbouring properties, as well as the rear conservatory at no. 116. However it is considered that the reduction in depth sufficiently mitigates the overall harm to residential amenity. It is also considered that the potential overbearing and overshadowing impacts are reduced by the presence of single storey rear extensions at both adjoining properties. In addition to this,

due to its single storey nature, it is not considered that the construction and use of the proposed extension would result in any loss of privacy at neighbouring properties through an increased sense of overlooking.

- 5.11 For the reasons outlined above, it is not considered that the proposed development would significantly prejudice the residential amenity enjoyed at neighbouring properties. Furthermore, whilst the proposal would result in the loss of some outdoor private amenity, it is considered that sufficient space would be retained on-site following the implementation of the proposal. Overall, it is considered that the proposal complies with policy H4 of the Local Plan.
- 5.12 Transport  
By virtue of the location and nature of the proposed works, it is not considered that the proposed development would have any significant impact in terms of on-site parking provision or highway safety.
- 5.13 Other Matters  
Concerns relating to encroachment have been taken in to account. The plans submitted do not indicate that any of the works would be carried out on neighbouring land. However it should be noted that any planning permission granted does not grant permission to undertake works on land that is not within the ownership of the applicant.
- 5.14 It is also noted that concerns have been raised relating to the potential impacts of the proposed development on a neighbouring wall. However this is an issue that will be considered by a building control officer as part of a building regulations application, and due to being covered under separate legislation, has not been considered within the remit of this planning application.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

- 7.1 That the application be **APPROVED** subject to the conditions included on the decision notice.

**Contact Officer: Patrick Jackson**  
**Tel. No. 01454 863034**

## **CONDITIONS**

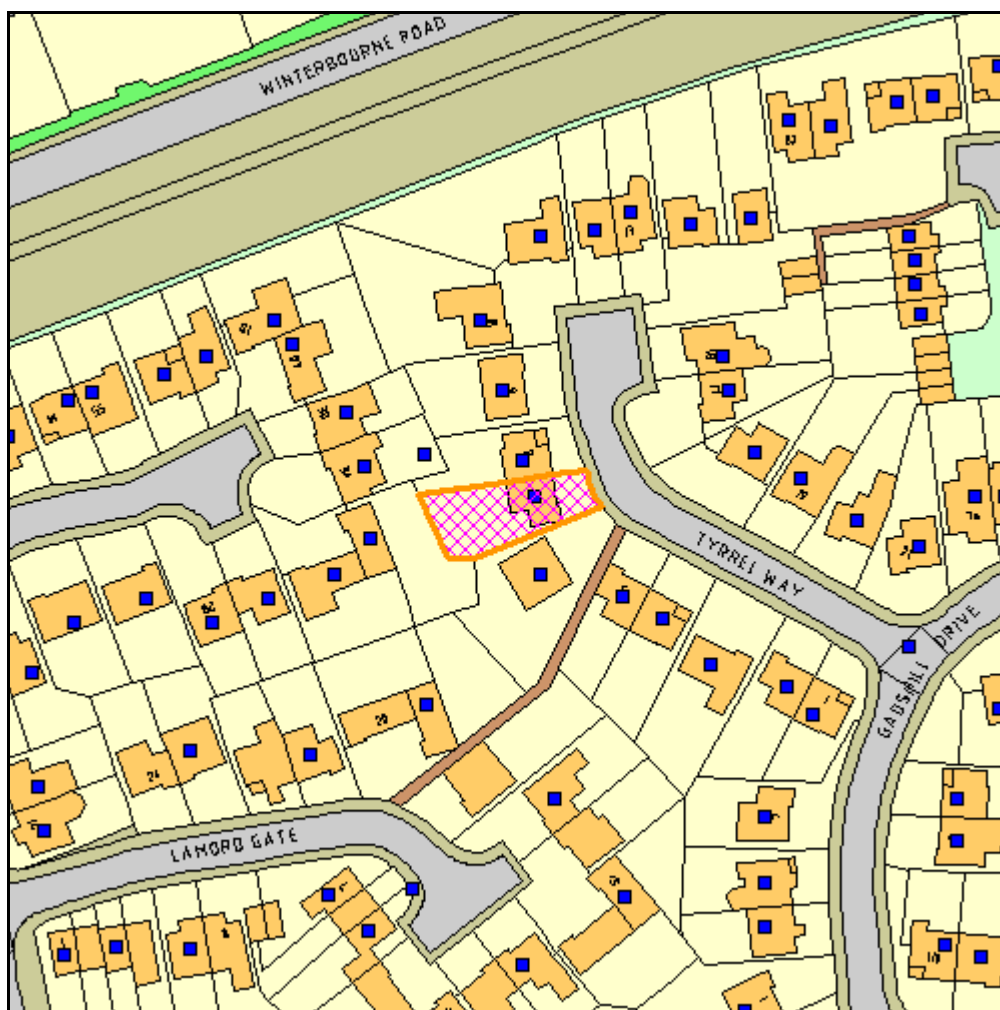
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 35/17 – 01 SEPTEMBER 2017**

<b>App No.:</b>	PT17/2724/F	<b>Applicant:</b>	Mr And Mrs Orchard
<b>Site:</b>	7 Tyrrel Way Stoke Gifford Bristol South Gloucestershire BS34 8UY	<b>Date Reg:</b>	7th July 2017
<b>Proposal:</b>	Erection of single storey storey side and rear extension to form additional living accommodation and conversion of existing garage into living accommodation and store.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362275 180488	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Householder	<b>Target Date:</b>	31st August 2017



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

The application has received an objection which is contrary to the Officer recommendation. As such, according to the current scheme of delegation, this application is required to be taken forward under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of a single storey side and rear extension; and the conversion of an existing garage; to form additional living accommodation at 7 Tyrrel Way Stoke Gifford Bristol South Gloucestershire BS34 8UY.
- 1.2 The property is a two storey semi-detached dwelling located in the built up and residential area of Stoke Gifford.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
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 Adopted January 2006 (Saved Policies)

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

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

- PSP1 Local Distinctiveness
- PSP8 Residential Amenity
- PSP38 Development within Existing Residential Curtilages

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

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

- 3.1. None

### **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council



“Objection. The conversion of the garage reduces the number of available parking spaces to one in an area not conducive to parking on-street”.

Archaeology Officer

“There are no objections to this proposal on archaeological grounds”.

Sustainable Transport

“Having viewed the revised scale plan indicating 2 off street parking spaces, there are no transportation objections”.

**Other Representations**

- 4.2 Local Residents  
None received

**5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and the emerging Policy PSP38 of PSP Plan (June 2016) allow the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.
- 5.2 Design and Visual Amenity  
The proposed development is a single storey side and rear extension which would wrap around the property; and the conversion of an existing garage. Initial views of the Officer raised concerns regarding the scale of the alterations when considering the size of the host property. However, when considering the existing garage; and the location of the property in relation to its neighbours; these concerns were alleviated.
- 5.3 The proposed development being single storey and subservient to the host dwelling would be of an acceptable size in comparison to the existing dwelling and the site and surroundings. Additionally, due to the materials proposed and similar alterations to other properties in Tyrell way, the development would not be out of keeping with the character of the main dwelling house or the surrounding properties.
- 5.4 The proposal would consist of faced brickwork; wood effect UPVC windows and doors; and concrete interlocking roof tiles. These materials would match those present on the original dwellinghouse.
- 5.5 It is considered that the proposed extension; and garage conversion would not be detrimental to the character of the property or its context. Additionally, the proposal is considered to be of an appropriate standard in design. Thus, the

proposal is acceptable in terms of design and visual amenity, and would comply with policy CS1 of the Core Strategy.

5.6 Residential Amenity

Policy H4 of the adopted Local Plan (2006) 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.

5.7 The proposed development would be a single storey wrap around extension. The development would insert 3 windows to the side elevation; these windows would be horizontal and some 1.8 metres above ground level. The positioning of these windows would result in no loss of privacy to the nearest neighbour No. 6.

5.8 The proposal would not appear overbearing or such that it would prejudice existing levels of outlook or light afforded to neighbouring occupiers. Therefore, the proposed development is not considered to be detrimental to residential amenity; and is deemed to comply with saved Policy H4 of the Local Plan (2006).

5.9 Transport

South Gloucestershire residential Parking Standards SPD require a minimum of two off-street parking spaces for a property of this size. Stoke Gifford Parish Council; and the Transport Officer raised concerns regarding the parking provision post development due to the loss of the garage. Additional plans were submitted which shows two off-street parking; thus there are no transport objections.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That planning permission is **GRANTED** subject to the conditions on the decision notice.

**Contact Officer: 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

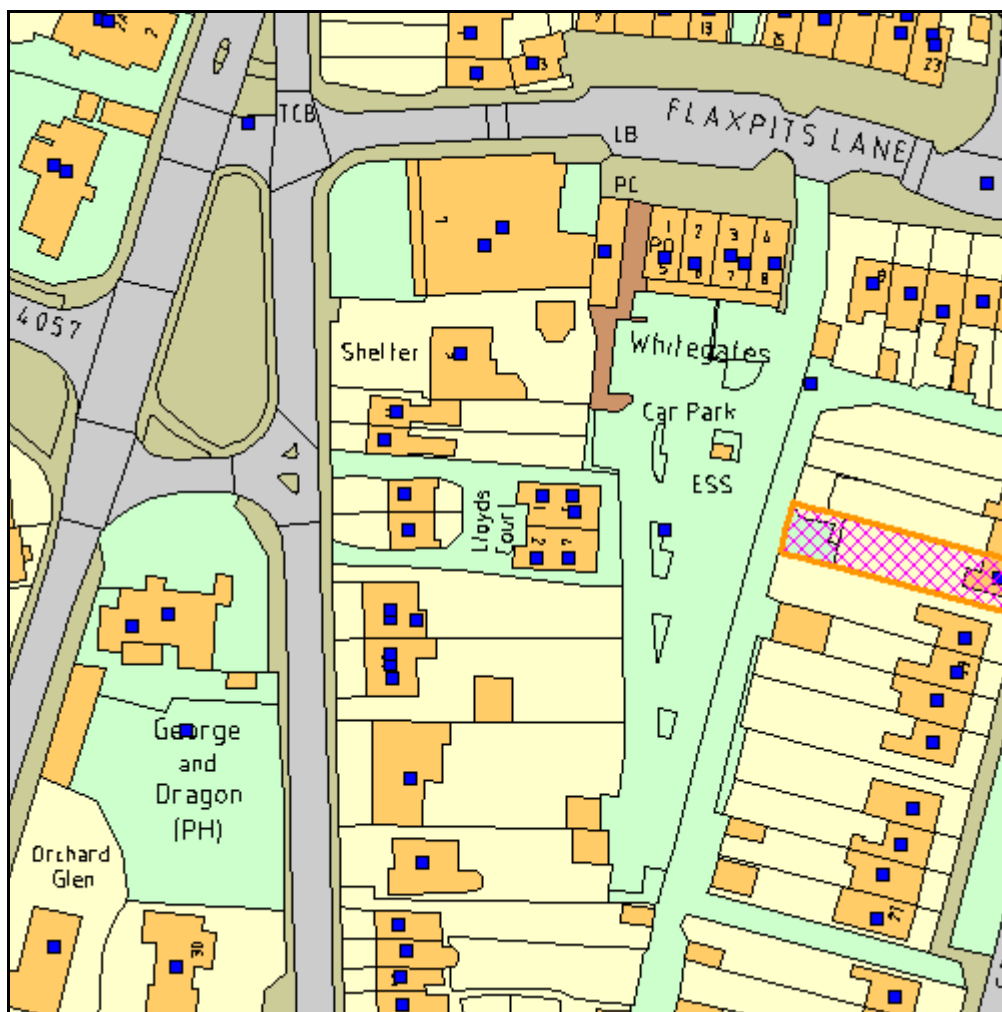
3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

**CIRCULATED SCHEDULE NO. 35/17 – 01 SEPTEMBER 2017**

<b>App No.:</b>	PT17/2792/F	<b>Applicant:</b>	Mr & Mrs J Phillips
<b>Site:</b>	37 Green Dragon Road Winterbourne Bristol South Gloucestershire BS36 1HE	<b>Date Reg:</b>	20th July 2017
<b>Proposal:</b>	Erection of a single storey side and rear extension to form additional living accommodation.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364908 180471	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	5th September 2017



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## 1. **THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a rear extension to provide additional living accommodation at 37 Green Dragon Road, Winterbourne.
- 1.2 The application site consists of a semi-detached two storey property within a residential area of Winterbourne. The main dwelling is finished in render with brown roof tiles.
- 1.3 Updated plans were received on 14<sup>th</sup> August 2017 to reduce the length of the extension next to the site boundary.

## 2. **POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance (2014)

### 2.2 Development Plans

#### South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

H4 Development within Existing Residential Curtilages  
T12 Transportation

#### South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP8 Residential Amenity  
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 No relevant planning history.

## 4. **CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection

#### 4.2 Other Consultees

Archaeology  
No objection

Sustainable Transport  
No comments received

#### **Other Representations**

#### 4.3 Local Residents

One objection relating to loss of light to kitchen and patio.

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

#### 5.1 Principle of Development

Policies CS1 of the South Gloucestershire Core Strategy (adopted December 2013) and Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) are both supportive in principle. Saved Policy H4 is supportive providing development is within the curtilage of existing dwellings, the design is acceptable with relation to policy CS1 of the Core Strategy, that there is safe and adequate parking, and also providing the development has no negative effects on transport.

Policy CS1 of the Core Strategy exists to make sure developments enhance and respect the character, distinctiveness and amenity of the site and its context. The proposal shall be determined against the analysis below.

#### 5.2 Design and Visual Amenity

The application site is a two-storey semi-detached dwelling within Winterbourne. The materials utilised would match those of the existing dwelling. There are no design concerns in relation to the scale or position of the extension.

The extension would extend from the rear of the dwelling, extending 4m from the rear wall, with another section protruding another 2m from the rear of the proposed extension. The roof would be dual pitched, with the 6m section having a smaller pitched roof. This would be an acceptable design, and one which has been informed by the existing dwelling.

The proposal respects the character of the site and the wider context as well as being of an appropriate scale and proportion with the original dwelling and surrounding properties. Thus, the proposal satisfies policy CS1 of the adopted Core Strategy.

#### 5.3 Residential Amenity

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

An objection was raised due to the close distance of the extension to the boundary, and the fact that it would overshadow the neighbouring house's

kitchen and patio. In response to this, an updated design was submitted which reduced the scale of the extension closest to the wall, making it shorter by 2m.

The extension has a low level, measuring 2.2m at the eaves, and shallow pitch, reducing any concerns in regards to overbearing overshadowing. It is not considered that the updated plans would result in a materially significant level of overbearing or overshadowing to the neighbouring occupiers. There would be not overlooking or loss of privacy as a result of the proposed works.

It is considered that there is adequate amenity space remaining for the present and future occupiers of No. 37 Green Dragon Road. Therefore the proposal is considered to accord with saved policy H4 of the adopted Local Plan 2006.

#### 5.4 Transport

No new bedrooms are proposed within the development and there would be no reduction in off-street parking availability. Accordingly, there are no transport concerns in regards to this proposal.

### 6. CONCLUSION

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

### 7. RECOMMENDATION

- 7.1 That the application is **APPROVED** with conditions.

**Contact Officer: Owen Hoare**  
**Tel. No. 01454 864245**

### CONDITIONS

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