



**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. 44/17**

**Date to Members: 3/11/2017**

**Member's Deadline: 9/11/2017 (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:

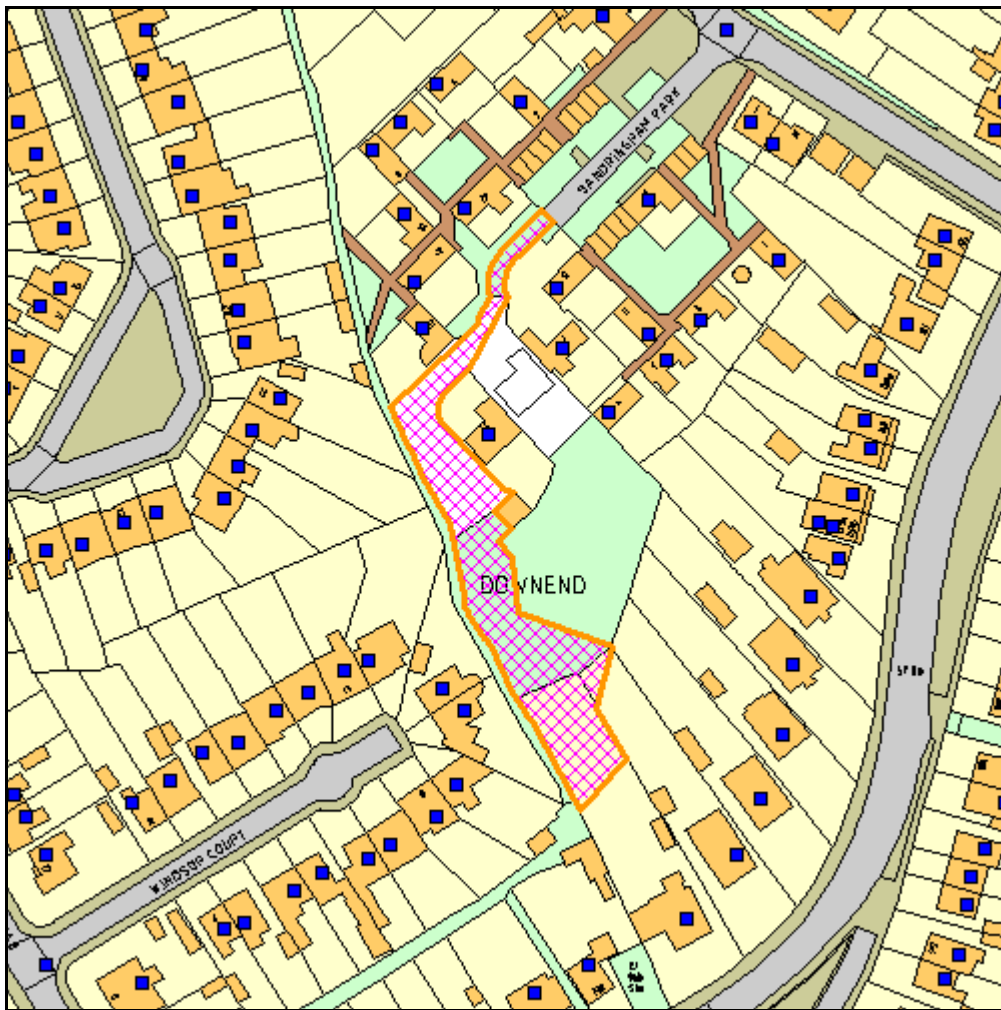
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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 03 November 2017

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/1897/F	Approve with Conditions	Land Off Sandringham Park Downend South Gloucestershire BS16 6NZ	Downend	Downend And Bromley Heath Parish Council
2	PK17/3347/F	Approve with Conditions	107 Somerset Avenue Yate South Gloucestershire	Yate North	Yate Town
3	PK17/3483/F	Approve with Conditions	Seedes Farm Brewery Hill Upton Cheyney South Gloucestershire BS30 6LY	Bitton	Bitton Parish Council
4	PK17/4184/F	Approve with Conditions	58 Chesterfield Road Downend South Gloucestershire BS16 5RQ	Downend	Downend And Bromley Heath Parish Council
5	PK17/4377/CLP	Approve with Conditions	31 Spring Hill Kingswood South Gloucestershire BS15 1XT	Kings Chase	None
6	PK17/4389/CLP	Approve with Conditions	6 Eastleigh Close Kingswood South Gloucestershire	Staple Hill	None
7	PT17/2735/F	Approve with Conditions	114 Jellicoe Avenue Stoke Gifford South Gloucestershire BS16 1WJ	Frenchay And Stoke Park	Stoke Gifford Parish Council
8	PT17/3767/F	Approve with Conditions	Wyngarth Main Road Easter Compton South Gloucestershire BS35 5RA	Almondsbury	Almondsbury Parish Council
9	PT17/3898/F	Approve with Conditions	30 Beesmoor Road Coalpit Heath South Gloucestershire BS36 2RP	Westerleigh	Westerleigh Parish Council
10	PT17/3943/F	Approve with Conditions	23 Longs View Charfield Wotton Under Edge South Gloucestershire GL12 8HZ	Charfield	Charfield Parish Council
11	PT17/4308/F	Approve with Conditions	13 Eskdale Thornbury South Gloucestershire BS35 2DR	Thornbury South And	Thornbury Town Council
12	PT17/4327/F	Approve with Conditions	10-28 (Evens Only) Collins Avenue Little Stoke South Gloucestershire BS34 6JZ	Stoke Gifford	Stoke Gifford Parish Council
13	PT17/4349/CLP	Approve with Conditions	170 The Bluebells Bradley Stoke South Gloucestershire BS32 8DW	Bradley Stoke South	Bradley Stoke Town Council
14	PT17/4393/F	Approve with Conditions	68 Brins Close Stoke Gifford South Gloucestershire	Stoke Gifford	Stoke Gifford Parish Council
15	PT17/4436/TRE	Approve with Conditions	Cherry House 94 Frampton End Road Frampton Cotterell South Gloucestershire BS36 2LA	Frampton Cotterell	Frampton Cotterell Parish Council

**CIRCULATED SCHEDULE NO. 44/17 – 3 NOVEMBER 2017**

<b>App No.:</b>	PK17/1897/F	<b>Applicant:</b>	Mr Richard Pearce
<b>Site:</b>	Land Off Sandringham Park Downend Bristol South Gloucestershire BS16 6NZ	<b>Date Reg:</b>	5th May 2017
<b>Proposal:</b>	Erection of 1 no. detached dwelling with access and associated works	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365314 177520	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th June 2017



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 100023410, 2008. N.T.S. PK17/1897/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 erection of one new dwelling on land accessed from Sandringham Park. The proposed new dwelling would consist of a chalet bungalow and would contain 4 bedrooms. A detached double garage would also be erected to serve the dwelling.
- 1.2 Planning permission has previously been granted for the erection of two dwellings on an adjoining site, and more recently for one dwelling on another adjoining site. The two dwellings have now been constructed, however the construction of the more recently approved dwelling does appear to have commenced.
- 1.3 The area of land used to accommodate the three previously approved dwellings had no apparent use for several years having lain dormant. Looking at the site history, from an application made in 1992, it appears that this large area of land was once part of the garden of No. 145 Badminton Road. For consistency, this land will be referred to as 'land off Sandringham Park', throughout the remainder of this report. The application site itself consists of a small portion of this land, as well as a section of land previously forming part of the rear garden of no. 141 Badminton Road.
- 1.4 Revised elevations and floor plans were received by the Local Authority on 29<sup>th</sup> June 2017. The revisions involved the reduction in the height of the proposed dwelling. A revised site plan was also received by the Local Authority on 30<sup>th</sup> August 2017. The revisions to this plan involve the re-siting of the proposed garage, and the addition of information regarding tree protection.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L5 Open Areas within Existing Urban Areas and Defined Settlements  
L9 Species Protection  
T12 Transportation

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

PSP8 Residential Amenity  
PSP43 Private Amenity Space Standards

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  
Residential Parking Standards SPD (Adopted) 2013

**3. RELEVANT PLANNING HISTORY**

**3.1 PK13/1543/F**

Erection of 1 no. detached dwelling with double garage and associated works

Approved: 26.06.2013

**3.2 PK12/3951/F**

Erection of 2 no. detached dwellings with garages and associated works.

Approved: 05.02.2013

**3.3 PK12/1633/EXT**

Erection of 3 no. dwellings (Outline) with access and layout to be determined. All other matters to be reserved. (Resubmission of PK07/1939/O). (Consent to extend time limit implementation for PK08/2912/O).

Approved: 12.06.2012

3.4 **PK08/2912/O**

Erection of 3 no. dwellings (Outline) with access and layout to be determined. All other matters to be reserved. (Resubmission of PK07/1939/O).

Approved: 19.06.2009

3.5 **PK07/1939/O**

Erection of 3no. dwellings (Outline). Siting and means of access to be determined, all other matters to be reserved. (Resubmission of PK06/1814/O).

Refused: 18.10.2007

Appeal Dismissed: 20.08.2008

3.6 **PK06/1814/O**

Erection of 5no. dwellings (Outline). Siting and means of access to be determined, all other matters to be reserved.

Refused: 08.08.2006

4. **CONSULTATION RESPONSES**

4.1 Downend and Bromley Heath Parish Council – Original Plans

Objection – pending resolution of boundary dispute as quoted on drawing number PL04B.

4.2 Other Consultees – Original Plans

Sustainable Transport

No objection subject to conditions.

Lead Local Flood Authority

No objection

Public Rights of Way

This development is unlikely to affect the nearest recorded public right of way, footpath ref. MA16 which runs adjacent to the western boundary of the property. I therefore have no objection. I would request that the developer attends to the maintenance of the old stone wall along this boundary, repairing where necessary and removing all loose stone that has fallen onto the footpath, causing trip hazards and encroaching on the available width.

Highway Structures

No objection

4.3 Downend and Bromley Heath Parish Council – Revised Plans  
No objection provided South Gloucestershire Council ensure that planning regulation issues raised in comments by neighbours are adhered to.

4.4 Other Consultees – Revised Plans

Sustainable Transport

No objection subject to conditions

Lead Local Flood Authority

No objection

Public Rights of Way

No further comments – refer to previous comments

Highway Structures

No objection

Ecology

No objection subject to conditions

**Other Representations**

4.5 Local Residents – Original Plans

A total of 9 objection comments were submitted in relation to the application as originally submitted. It should be noted that 6 objection comments originated from the same address. The main concerns raised are outlined below:

*Design and Visual Amenity*

- How can you fit 4 houses on a plot like that?
- Proposed house is an eyesore and does not fit in with surroundings
- Proposed dwelling, by virtue of depth, height and bulk, would appear bland and visually intrusive.

*Residential Amenity*

- Dwelling would overbear on to neighbours and be detrimental to their amenities.
- Proposed dwelling would hinder views from neighbouring property and would result in new dwelling looking on to neighbouring garden.

*Ecology and Trees*

- House would be built in place of several trees – will look at having TPO put in place on tree.
- Badgers and foxes are present on site.

*Compliance with Previous Planning Permissions*

- During construction of 2 previously approved houses, builders have worked outside regulated hours.
- Boundary mitigation has not been delivered as per the permission.



### *Other Matters*

- The land is previously the garden of no. 141 Badminton Road. This land was sold on the condition that only a one storey dwelling would be built.

## 4.6 Local Residents – Revised Plans

A total of 15 objection comments were submitted in following the submission of revised plans. At should be noted that 10 objection comments originated from the same address. The main concerns raised are outlined below:

### *Principle of Development*

- Approval would set dangerous precedent for development of rear gardens along Badminton Road.
- Application brings total number of houses in development back to 4 houses – this number was refused under previous outline application.
- South Glos needs more houses, but not necessarily large 4 bedroom properties for substantial profit.

### *Design and Visual Amenity*

- Trying to squeeze a fourth house in to this plot is a step too far.

### *Residential Amenity*

- Roadway overlooks neighbouring properties.
- Construction noises will be heard intermittently by neighbours.
- First floor windows will overlook neighbours. Will expect them to be obscurely glazed if application approved.

### *Transportation*

- Access road will create noise intrusion.
- Limited access from Sandringham Avenue –restricted access for emergency and refuse vehicles.
- This development has always had refusal for more than 3 houses due to access and the amount of traffic through Sandringham Park.
- Permitting houses to be built out of reach of a fire engine would leave S.Glos liable in view of recent disasters. Past precedence won't excuse it.

### *Ecology and Trees*

- Ecology survey needs to be undertaken.
- Further trees would need to be felled, destroying ecological and environmental character.
- Area was originally an orchard and was a haven for wildlife.

### *Compliance with Previous Planning Permissions*

- Previous planning permission not complied with – working hours not abided by and mitigation not implemented.
- Previous houses were built over long periods of time with land left in a mess during that period.

- Applicant should be fined for breaching previous permission.
- Conditions attached to previous permissions have not been discharged.
- No evidence that full arboricultural report was submitted with previous application.

*Other Matters*

- There is a legal contract between the applicant and another party stating that only a single storey dwelling shall be constructed on the land.
- Planning applications usually take 8-10 weeks, this application has taken nearly 6 months and still no decision.

4.7 Other Comments

A total of 14 comments were also submitted by the applicant. The comments submitted by the applicant generally respond to the concerns raised in comments by local residents.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Planning permission is sought for the erection of 1no. detached four bedroom dwelling. Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of north and east fringes of the Bristol urban area. The application site is located within the area defined as the east fringe of the Bristol urban area. As such, based solely on the location of the site, the principle of the development is acceptable.

5.2 Notwithstanding this, it is recognised that, at present, the local planning authority is unable to demonstrate a five-year supply of deliverable housing land. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. However as the application site is located within the east fringe of the Bristol urban area, the principle of development is acceptable under the provisions of policy CS5. As policy CS5 is not seeking to restrict the supply of housing, it can be afforded full weight in this case.

5.3 Whilst the principle of the proposed development is acceptable under the provisions of policy CS5, the impacts of the development require further assessment to identify any potential harm. The harm identified will then be balanced against the benefits of the proposal. The three main areas of further assessment are; design and visual amenity, residential amenity, and transportation. An assessment of the design of the proposal and its impact on the visual amenity of the area will be made against policy CS5 of the Core Strategy and H4 of the Local Plan. An assessment of any impacts on residential amenity will be made against policy H4 of the Local Plan. An assessment of any transportation impacts will be made against policy T12 of the Local Plan and the South Gloucestershire Residential Parking Standards SPD.

#### 5.4 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. Furthermore, policies CS16 and CS17 of the Core Strategy relate to housing density and diversity. Policy CS16 outlines that the density of new development should be informed by the character of the local area and contribute to: the high quality design objectives set out in policy CS1. Policy CS17 outlines that building on gardens will be allowed where this would not adversely affect the character of an area.
- 5.5 The proposed dwelling would be of a fairly simple design, and would consist of a pitched roof property constructed in a chalet bungalow style. The dwelling would incorporate a modestly sized box dormer at its front elevation. The proposed dwelling would incorporate a maximum height of approximately 7 metres, with the eaves level set at roughly 3 metres above ground level. The dwelling would be finished in facing brick to match the external finish of other dwellings within land off Sandringham Park, and would incorporate a concrete tiled roof.
- 5.6 The dwelling is not considered to exhibit any particular visual or architectural interest. It is noted that the three previously approved dwellings are two storey dwellings of considerably greater scale, which incorporate architectural features such as gable ends. In this sense, the proposed dwelling could not clearly be read as forming part of this clutch of properties, irrespective of the matching of external materials.
- 5.7 However it is noted that the immediate surrounding area is made up of a mixture of housing types. The property would form part of Sandringham Park, which is characterised by a group of unusually designed single aspect detached dwellings, which are constructed with brickwork and tiles. Other properties in the surrounding area comprise more standard post-war semi-detached dwellings, as well as a row of bungalows along Badminton Road immediately to the south of the site.
- 5.8 Due to the siting of the proposed dwelling, it would only be visible within the context of the three recently approved dwellings to the north. As the dwelling is not considered to hold a prominent position within a streetscene, and any views of the dwelling from public areas is limited, it is not considered that the erection of the dwelling would have a significant impact on the character, distinctiveness or amenity of the immediate locality.
- 5.9 With regard to overall site layout and the relationship between the proposed dwelling and recently approved neighbouring dwellings, it is noted that the Local Planning Authority have previously resisted the construction of more than 3 houses on land off Sandringham Park. However it must be recognised that an area of land previously forming part of the garden of no. 141 Badminton Road was purchased by the applicant. Without the addition of this area of neighbouring garden, it is noted that the undeveloped area of land not taken up

by plots 1, 2 or 3 (as shown on plans) may not have been of sufficient size as to successfully accommodate a new dwelling. However it is considered that with the addition of the area previously forming the part of the rear garden of no. 141, the application site is sufficiently large as to accommodate the proposed dwelling without it appearing as a cramped or contrived addition. As there is a material difference between the circumstances under which previous applications were resisted and the current situation, the position of the Local Planning Authority on previous applications is considered to hold limited weight in the assessment of this application.

5.10 On balance, it is noted that the proposed dwelling would not be of any particular visual or architectural merit. However for the reasons outlined above, it is considered that any actual harm in terms of visual amenity would be limited. It is also considered that the proposed garage is acceptable in terms of its overall scale, design and finish. On this basis, the proposal is considered to comply with the design criteria set out in policy CS1 of the Core Strategy and H4 of the Local Plan.

5.11 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.

*Overbearing/Overshadowing*

5.12 It is noted that the revised plans involve a reduction in the height of the proposed dwelling. The dwelling has been reduced from a two storey dwelling with a pitched roof, to a chalet bungalow style dwelling with a first floor and box dormer. Whilst the rear elevation of the dwelling would be set in close proximity to a neighbouring boundary, it is considered that the fairly modest height of the dwelling reduces any potential overbearing or overshadowing effects.

5.13 It should also be noted that the proposed dwelling would be sited in close proximity to the very northern end of neighbouring rear gardens. Due to the distance between these areas of garden and the associated neighbouring properties, the areas are not considered to hold particularly high amenity value. As such, any impacts that the construction of the dwelling may have on the enjoyment of these areas of garden is not considered to represent a significant impact on overall residential amenity.

*Overlooking*

5.14 With regard to overlooking, the concerns raised by residents have been taken in to account. The main assessment in this case is the impact that the proposed first floor windows would have on the levels of privacy enjoyed at neighbouring properties.

5.15 The first floor window proposed at the north-west facing side elevation would serve bedroom one. However the window would largely look out on to a grassed area/turning area to the north-west of the dwelling, and would not provide a line of sight on to neighbouring land.

- 5.16 The first floor windows set within the front dormer would face the rear gardens of neighbouring properties along Windsor Court. However the application site is separated from the rear gardens by significant boundary treatments. Notwithstanding this, the windows would serve two en-suite bathrooms, and the applicant has indicated that they would be obscurely glazed. It is considered that this reduces the potential for any sense of overlooking from the front-facing windows, however a condition will be attached to any decision ensuring their obscure glazing.
- 5.17 It is noted that the first floor window proposed at the south-east facing side elevation, which would serve bedroom two, would face neighbouring properties along Badminton Road. However the applicant has submitted a plan outlining that the window to window distances would be set at a minimum of 25 metres. Measurements undertaken by officers provide similar results. The levels of separation between the proposed first floor window and neighbouring windows is considered acceptable. There is some concern regarding the extent to which the window would overlook on to neighbouring rear gardens, however it is noted that there is a degree of separation between the window and neighbouring gardens. It should also be noted that a degree of overlooking is to be expected in urban locations, and that any loss of privacy through increased overlooking would not be so significant as to sustain a reason for refusing the application.

#### *Working Hours*

- 5.18 Due to the scale of the works and the proximity between the site and neighbouring gardens, it is considered necessary in this instance to attach a condition to any decision restricting the hours of work during the construction period.

#### *Outdoor Private Amenity Space*

- 5.19 The dwelling would be surrounded on three sides by grassed areas. The grassed area to the south-east of the dwelling is considered to offer the greatest levels of privacy, and as such the highest amenity value. This area of outdoor private amenity space is considered to be of an appropriate size for a 4-bedroom dwelling as proposed.
- 5.20 For the reasons outlined above and subject to the aforementioned conditions, it is not considered that the proposal would have an unacceptable impact on the residential amenity of neighbours, and that sufficient private amenity space would be provided on-site. On this basis, the proposal is considered to comply with policy H4 of the Local Plan.
- 5.21 Transport and Bin Storage/Collection  
Submitted plans indicate that two external parking spaces would be provided to the north-east of the main dwelling, in front of a double garage. This level of parking provision complies with the standard for a 4-bed dwelling, as set out in the South Gloucestershire Residential Parking Standards SPD. However a condition will be attached to any decision, securing a minimum provision of 2 on-site parking spaces.

- 5.22 The concerns raised by local residents the ability of emergency vehicles to access the site have been taken in to account. However as per the recommendation of the transport officer, a condition will be attached to any decision requiring a turning space suitable for (a reasonably sized) service/emergency/delivery vehicle to be provided and marked out with white lines prior to the first occupation of the dwelling. This turning space shall be kept free from any obstruction at all times.
- 5.23 With regard to bin storage and collection, submitted plans indicate that bins will be stored near the dwelling during the week and wheeled to the end of the driveway for collection. As is outlined in comments by the transport officer, the distance the bins will need to travel is in excess of the recommended standard. However this is also the case for a large number of dwellings in Sandringham Park, and it is not therefore considered to be a reason for refusal in this instance.
- 5.24 Subject to the aforementioned conditions, it is not considered that the proposal would have any unacceptable impacts in terms of highway safety or bin storage and collection.
- 5.25 Ecology  
Whilst the application site is not within an area designated as a Site of Nature Conservation Interest, it is noted that due to the current overgrown nature of the site, it could provide a habitat to certain species. In light of this, the ecology officer was consulted on the application and recommended two conditions relating to badger activity and breeding birds be attached to any decision. Subject to the recommended conditions, there are no concerns with regard to on-site ecology.
- 5.26 Trees  
It is noted that several protected trees are located to the north of the proposed dwelling. The trees are adjacent to the access serving the properties to the properties at land off Sandringham Park, with the access also proposed to serve the proposed dwelling. This access has already been found to be acceptable within the assessment of previous planning applications. It is not considered that the current application would have any greater impact on the row of trees than previously approved development. It is noted that a lime tree would be located in close proximity to the proposed dwelling. However plans have been submitted indicating that this tree will be protected during construction, and retained following the development. A condition will be attached to any decision, requiring the tree protection measures to be carried out in accordance with submitted plan.
- 5.27 Compliance with Previous Planning Permission  
The concerns raised by local residents regarding the compliance of the applicant with previous planning permissions have been taken in to account. Whilst these concerns are not considered to have a bearing on the assessment of this application, they have been compiled and passed on to the Council's enforcement team for further investigation.

### 5.28 Equalities

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

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

### 5.30 Other Matters

The comments regarding the existence of a Covenant on the site have been taken in to account. However this is considered to be more a matter of private land law as opposed to a planning matter. As such, the existence of any potential Covenant has no bearing on the assessment of this application.

5.31 With regard to the elongated period for determination, the Local Planning Authority will always attempt to meet the 8 week standard. However in certain situations where there is ongoing discussions with applicants and consultees, it can often take significantly longer before officers are in a position to make a recommendation on an application. The length of time it takes to determine an application is also increased when revised plans are received and periods of re-consultation undertaken.

## 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).

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

Reason

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

3. Prior to the first occupation of the dwelling, and at all times thereafter, the proposed first floor windows on the front (south-west) elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being a minimum of 1.7m above the floor of the room in which it is installed.

Reason

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

4. The off-street parking facilities (for all vehicles, including cycles) shown on the plan (PL04E) hereby approved shall make provision for the parking of a minimum of 2 vehicles (measuring at least 2.4m by 4.8m), and shall be provided before the dwelling 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.

5. A turning space suitable for (a reasonably sized) service/emergency/delivery vehicle shall be provided and marked out with white lines prior to the first occupation of the dwelling. This turning space shall be kept free from any obstruction at all times.



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.

6. Prior to the commencement of development (including any ground-breaking work), a pre-construction survey for badger activity shall be completed and results submitted to the local planning authority for approval in writing. The survey must be completed within three months of commencement of development. Should development be delayed so that the survey is older than three months, an update shall be completed and resubmitted to the local planning authority.

Reason

To ensure works are carried out in an appropriate manner and in the interests of the health and wellbeing of protected species, to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

7. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason

To ensure works are carried out in an appropriate manner and in the interests of the health and wellbeing of protected species, to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

8. The tree protection measures relating to the existing common lime tree on the site shall be carried out in accordance with plan PL04E which was received by the Council on 30th August 2017.

Reason

To protect the character and appearance of the area and to protect the long term health of the trees to accord and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and the saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006

**CIRCULATED SCHEDULE NO. 44/17 – 3 NOVEMBER 2017**

<b>App No.:</b>	PK17/3347/F	<b>Applicant:</b>	Mr Ross Wilcox
<b>Site:</b>	107 Somerset Avenue Yate Bristol South Gloucestershire BS37 7SJ	<b>Date Reg:</b>	25th September 2017
<b>Proposal:</b>	Erection of 3no radio antennas and connecting wires (Retrospective).	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	372006 182996	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	17th November 2017

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100023410, 2008. **N.T.S.** **PK17/3347/F**

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

This application has been submitted onto the Circulated Schedule as a result of receiving an objection

### **1. THE PROPOSAL**

- 1.1 Retrospective planning permission is sought for the erection of 3 radio antenna poles in the residential curtilage of 107 Somerset Avenue. The two end poles are 6 metres high and have a diameter of 5 cm. The middle pole measures 7 metres in its fixed position but can be raised to a height of 12 metres with a 10cm diameter.
- 1.2 The application relates to a bungalow within the established residential area of Yate.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Practice Guidance
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
  
South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)  
H4 Development within Existing Residential Curtilages  
S5 Telecommunications  
South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016
- 2.3 Supplementary Planning Guidance

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

- 3.1 No relevant planning history

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
  
No objection subject to there being no interference with neighbours reception and that the poles are not dangerous and are safely secured.
- 4.2 Local Residents  
  
Three letters of complaint have been received. The complaints queried the effect of the masts on electronic devices and also questioned the size and safety of the poles due to the fact they were above the ridge height of the house and appeared unstable.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application seeks retrospective planning permission for the erection of 3 antennae poles within the residential curtilage of the applicant. The pertinent issues to consider in accordance with saved policies S5 and H4 of the saved Local Plan and policy CS1 of the Core Strategy are: visual impact, residential amenity and highway safety.

### 5.2 Residential and Visual Amenity

The 3 antennae poles are positioned within the residential curtilage of 107 Somerset Avenue. The site is within an established residential area with a mix of housing both 2 storey and bungalows, the applicants dwelling being a bungalow. The poles vary in height between 6 metres and 7 metres although the middle pole can be extended to a maximum of 12 metres. The poles would exceed the height of the dwelling and therefore are visible from neighbouring properties. Although the poles would be visible from neighbouring properties due to their small circumference scale, massing and orientation the development is considered not to have an adverse impact on the amenity of the neighbouring occupiers or harm the character of the street scene.

5.3 To further protect residential and visual amenity a condition will be attached to ensure the extendable pole is retracted whilst not in use.

5.4 In terms of interference from the antennae's it is not considered that the scale of the equipment is at such that the amenity of nearby occupiers would be adversely impacted. During the application process concerns have been raised about the possible impact of the antennae on neighbour's electronic equipment but no complaints have been registered that the equipment already in situ for some time is causing interference. It must be noted at this point that any interference may be reported to the Office of Communications (OFCOM), after which an investigation by the OFCOM's Radio Investigation Service would commence. A possible outcome from this being that the amateur causing the interference would have their licence invariably suspended until they can satisfy the authorities that they have removed the cause of the issue.

### 5.5 Highway Safety

The development is sited at the end of a cul-de-sac and raises no concern in terms of highway safety.

### 5.6 Other matters

Concern has been raised about the poles and possible dangers regarding the stability of the poles especially during periods of high wind. During the application process a complaint was received and investigated by the Councils Building Control team regarding the poles as dangerous structures. The building control inspector inspected the poles and confirmed they were firmly fixed to either the ground via bolts or strapped to the garage and no further action was required.

## **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 Planning permission is granted subject to conditions.

**Contact Officer: Kevan Hooper**  
**Tel. No. 01454 863585**

## **CONDITIONS**

1. The extendable antennae's shall be retracted at all times when not in use.

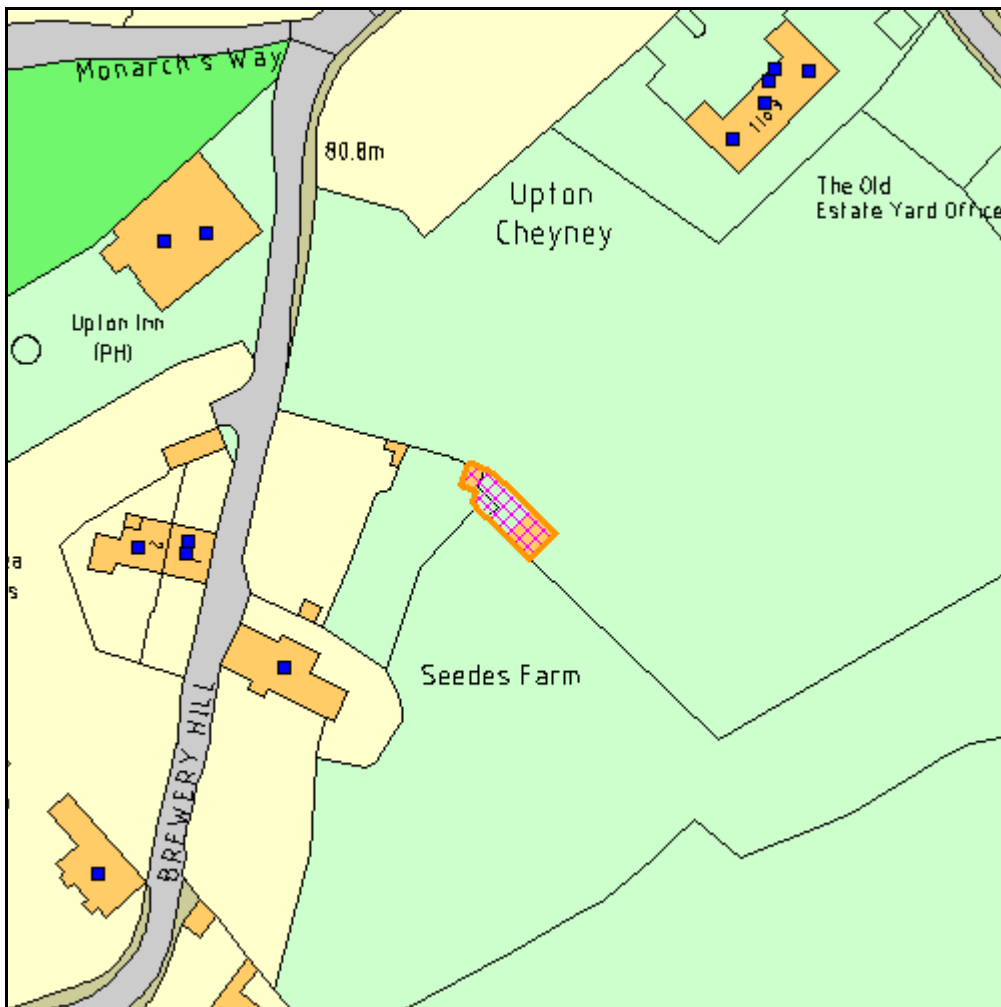
### Reason

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 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 44/17 – 3 NOVEMBER 2017

<b>App No.:</b>	PK17/3483/F	<b>Applicant:</b>	Mr Arran Stevens
<b>Site:</b>	Seedes Farm Brewery Hill Upton Cheyney Bristol South Gloucestershire BS30 6LY	<b>Date Reg:</b>	10th August 2017
<b>Proposal:</b>	Conversion of existing barn to form annex ancillary to main dwelling.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	369231 169777	<b>Ward:</b>	Bitton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	4th October 2017

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## **Reason for Referring to the Circulated Schedule**

This application has been referred to the Circulated Schedule as a result of concerns raised by the Parish Council which are contrary to the officer recommendation. It also represents a departure from Local Plan Policy.

### **1. THE PROPOSAL**

- 1.1 'Seedes Farm' is a Grade II Listed former farmhouse, located in the open countryside on the edge of the village of Upton Cheyney, within the Bristol and Bath Green Belt, the Cotswold Area of Outstanding Natural Beauty and the Upton Cheyney Conservation Area. The application relates to the remnant natural stone outbuildings (probably former pig stys), located on the North-Eastern boundary of the site some 30m from the house; a modern agricultural storage building has been erected on the South-Eastern end of the outbuildings.
- 1.2 The proposal is to convert the traditional stone outbuildings to provide a residential annexe for a dependant relative, with the existing modern agricultural storage building retained. The scheme was the subject of pre-application discussions (PRE16/1426). The application is supported by the following documents:
- Planning Statement
  - Biodiversity Survey and Report
  - Structural Report

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Planning (Listed Buildings and Conservation Areas) Act 1990  
The National Planning Policy Framework (NPPF) 27<sup>th</sup> March 2012  
The National Planning Practice Guidance (NPPG) 2014

#### **2.2 Development Plans**

##### **The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013**

CS1 High Quality Design  
CS4a Presumption in favour of Sustainable Development  
CS5 Location of Development  
CS6 Infrastructure and Developer Contributions  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS18 Affordable Housing  
CS34 Rural Areas

##### **South Gloucestershire Local Plan (Adopted) January 2006**

L1 - Landscape Protection and Enhancement  
L2 - Cotswolds AONB

- L9 - Species Protection
- L11 - Archaeology
- L12 - Conservation Areas
- L13 - Listed Buildings
- EP2 - Flood Risk and Development
- EP4 - Noise Sensitive Development
- EP6 - Contaminated Land
- H10 - Conversion and Re-use of Rural Buildings for Residential Purposes
- E9 - Agricultural Development
- T7 - Cycle Parking
- T12 - Transportation Development Control Policy for New Development

### 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (SPD) Adopted August 2007  
 The South Gloucestershire Council Residential Parking Standards SPD (Adopted) 2014.

Development in the Green Belt Adopted June 2007

Trees on Development Sites SPG Adopted 2005

South Gloucestershire Council Waste Collection: guidance for new developments SPD (Adopted) Jan. 2015

### 2.4 Emerging Plan

Proposed Submission : Policies, Sites & Places Plan June 2016

PSP1 - Local Distinctiveness

PSP2 - Landscape

PSP3 - Trees and Woodland

PSP7 - Development in the Green Belt

PSP8 - Residential Amenity

PSP11 - Development Related Transport Impact Management

PSP16 - Parking Standards

PSP17 - Heritage Assets and The Historic Environment

PSP19 - Wider Biodiversity

PSP20 - Flood Risk, Surface Water and Watercourse Management

PSP21 - Environmental Pollution and Impacts

PSP29 - Agricultural Development

PSP38 - Development within Existing Residential Curtilages

PSP40 - Residential Development in the Countryside.

PSP43 - Private Amenity Space Standards

## 3. RELEVANT PLANNING HISTORY

3.1 - PK16/6346/F - Erection of half-boarded timber framed greenhouse to rear garden.  
 Approved 12.01.17

3.2 - PK14/1402/F - Demolition of approximately nine metres of garden wall to facilitate the construction of a hardstanding.  
 Approved 06.06.14



- 3.3 - PK14/1403/LB - Demolition of approximately nine metres of garden wall to facilitate the construction of a hardstanding.  
Approved 06.06.14
- 3.4 - PK12/2069/F - Installation of 1 no. rear dormer window to facilitate loft conversion.  
Approved 14.08.12
- 3.5 - PK12/2070/LB - Internal and external alterations including demolition of rear brick chimney stack, installation of rear dormer window and conservation roof-lights and alterations to doors and windows.  
Approved 14.08.12

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

##### **4.1 Bitton Parish Council**

Councillors felt that, given the distance between the barn and the dwelling, this should not be described as constituting an annexe. Their fear was that, in time, it would become used as a separate dwelling or a holiday let, both of which would be opposed. They felt that the proposals provided no parking or access to the existing barn and were not in keeping with the surrounding area. They queried whether a change of use was required from an agricultural usage to residential.

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

###### **Transportation D.C.**

No objection - there is ample area on site to provide acceptable parking and manoeuvring area for the existing and proposed use.

###### **Historic England**

No objection

###### **Landscape Officer**

No objection subject to a condition to secure a landscape scheme (pre-app comment).

###### **Environmental Protection**

No objection subject to a condition to ascertain levels of contamination and means of mitigation should any be found.

###### **Listed Building and Conservation Officer**

No objection in principle subject to conditions.

##### **Other Representations**

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

No responses

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

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

5.3 The Policies, Sites & Places Plan is an emerging plan. This plan is a material consideration and given its advanced stage towards adoption, the policies therein can now be given increased weight.

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

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

5.6 Advice contained within the NPPF now sets out national objectives for planning in rural areas. Sustainable development is the core principle underpinning land use planning. At para.55 the NPPF states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as e.g.

- 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.

It is noted however that, contrary to the Parish Council concerns, it is not intended to occupy the building as a separate dwelling or for that matter a holiday let but as a residential annexe, to be used in association with the existing house; there would be no creation of a separate planning unit. Furthermore there are no proposals to extend the existing residential curtilage as such, although the building itself would become part of the same planning unit as Seedes farm. There would be a clear functional relationship between the annexe and the main property, with all the occupiers being part of the same extended family unit, sharing facilities such as the garden and parking areas

and with close social interaction. Any future planning consent would carry a condition restricting the use of the building to a residential annexe.

5.7 Core Strategy Policy CS5 states that development in the open countryside will be strictly limited. This is considered to include the conversion and re-use of existing buildings as confirmed by the supporting text to Policy PSP40 at para.8.34, of the emerging PSP DPD. However, the supporting text also notes that changes to the General Permitted Development Order introduced permitted development rights to convert agricultural buildings to residential (see Schedule 2 Part 3 Class Q).

5.8 Policy H10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 specifically relates to the conversion and re-use of rural buildings for residential purposes. It states:

‘Proposals for the conversion and re-use of existing buildings for residential purposes outside the existing urban areas and the boundaries of settlements as defined on the Proposals Map will not be permitted unless;

- A) *All reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme for business re-use;*
- B) *The buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction;*
- C) *The buildings are in-keeping with their surroundings in terms of character, form, bulk and overall design;*
- D) *Development including any alterations, extensions or the creation of a residential curtilage will not have a harmful effect on the character of the countryside or the amenities of the surrounding area;*
- E) *The building is well related to an existing settlement or other groups of buildings.’*

5.9 It is noted however that this is a saved policy and as such, weight is only afforded to the policy tests that are consistent with the provisions of the NPPF. Saved policy H10 requires applications to demonstrate that all reasonable attempts have been made to secure a suitable business re-use or that the conversion is part of a business re-use. The saved Local Plan policy is therefore not directly consistent with the NPPF, which does not require this, and as such carries less material weight, the NPPF Policy being the most recent.

5.10 Policy PSP40 of the Council’s emerging Policies, Sites and Places Plan (PSP DPD), which is not yet adopted, states (amongst other things not relevant to this application) that outside defined settlement boundaries, proposals for new residential development will only be permitted for:

- 1) The conversion and re-use of existing buildings, where;
  - i). the building is of permanent and substantial construction; and
  - ii). it would not adversely affect the operation of a rural business(es) or working farm(s); and
  - iii) any extension as part of the conversion or subsequently is not disproportionate to the original building; and

iv) if the building is redundant or disused; the proposal would also need to lead to an enhancement of its immediate setting.

In all circumstances:

Developments, including any alterations, extensions or creation of a residential curtilage, would not have a harmful effect on the character of the countryside or the amenities of the surrounding area.

- 5.11 Whilst Policy PSP40 is a material consideration, the PSP DPD is still an emerging plan and as such the policies therein can only be given limited weight.
- 5.12 Given the scale of the building and proximity to the existing house, a business re-use is not considered to be appropriate in this case. The building(s) is not considered to be curtilage listed but is a non-designated heritage asset. In fact only the north-eastern part of the building lies within the existing residential curtilage. The proposal would however represent a viable use that would be appropriate enabling development to secure the future of the heritage asset and lead to an enhancement of the setting of the Grade II Listed farmhouse. The supporting structural report confirms that all of the existing structural elements can be retained. There are some repairs required to the existing stone work and the roof would need to be re-constructed. The plan form and heights within the building are however suitable for habitable use without any substantial change to the built form. It is not proposed to extend the building or create a separate residential curtilage. As such the proposal is acceptable in principle.

#### Green Belt Issues

- 5.13 The site lies within the Bristol/Bath Green Belt. Para. 87 of the NPPF states that inappropriate development within the Green Belt is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.14 Para.89 lists those forms of development that are not inappropriate within the Green Belt; this includes:
- The erection of buildings for agriculture
  - The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Para. 90 confirms that certain other forms of development are also not inappropriate and these include:

- The re-use of buildings provided that the buildings are of permanent and substantial construction.

The proposal would be roughly of the same size as the original buildings. The structural survey of the building confirms that it is a permanent construction capable of conversion. The modern agricultural building is used to store

machinery to maintain the large area of pasture land that adjoins the property. The existing building is however in a dilapidated state and in its current form is not capable of any meaningful use. The roof is missing and whilst a good deal of the original stone walls and historic fabric remains, much will need to be repaired or re-built and added to in order to create the proposed annexe. As such the proposal does not broadly accord with the requirements of para. 90 of the NPPF, which requires buildings to be of permanent and substantial construction. The proposal is therefore considered to be inappropriate development within the Green Belt. Inappropriate development is by definition harmful to the openness of the Green Belt and should not be approved except in very special circumstances (NPPF para. 87).

- 5.15 NPPF para. 88 states that : “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

#### Very Special Circumstances

- 5.16 The proposal would utilise an existing building(s) and would not extend the building as such, furthermore the existing residential curtilage to ‘Seedes Farm’ would not be extended or altered other than incorporating the resultant annexe within it. Being an annexe, there would be no new planning unit as the annexe would be part of the Seedes Farmhouse planning unit. Given the nature of the development within the Green Belt and to ensure that the development would accord with the reasons for including land in the Green Belt, officers consider that it would be appropriate to impose a condition to ensure that the building is only used as a residential annexe.

#### Design and Heritage Issues

- 5.17 Notwithstanding concerns raised by the Listed Building and Conservation Officer about the scale of re-build required to convert the building, there are no in-principle objections on heritage grounds to the proposal. The proposal represents enabling works that would retain the historic fabric of the building and enhance the setting of the Listed Farmhouse. The design of the proposal as submitted is considered to be an improvement to that submitted at pre-application stage. The design approach now taken has been simplified and takes a far more traditional approach than previously proposed. Furthermore, during the life of this current application, the scheme has been further revised to officer satisfaction.

#### Landscape

- 5.18 Whilst not commenting on this current proposal the Council’s Landscape Architect previously stated at the pre-application stage that he had no concerns regarding the visual impact of the scheme on the landscape. The site is fairly secluded and is not visible from the nearest PROW which runs just to the South of the site and is not visible from the Cotswold Way to the South-East. Subject to a condition to secure an appropriate landscape scheme and a condition to control external lighting in this tranquil area within the Cotswolds AONB, there are no landscape objections.

### Transportation Issues

- 5.19 The proposal would utilise the existing access and parking areas used by the host dwelling 'Seedes Farm'. Officers are satisfied that the proposal would not generate significant levels of traffic over and above those that already exist. There is an ample parking and manoeuvring area already serving 'Seedes Farm' that can easily accommodate any additional traffic to result from the annexe. Since the residual cumulative impacts of the proposed development would not be 'severe', there are no objections on transportation grounds.

### Impact on Residential Amenity

- 5.20 The building does not lie immediately adjacent to a neighbouring residential property. The building would only be used ancillary to 'Seedes Farm' as opposed to being a separate dwelling, which would require planning permission in its own right. There would be no significant adverse impact on residential amenity.

### Ecology

- 3.21 Neither the site nor surrounding habitats are subject to any nature conservation designations. An Ecological Appraisal of the building has been carried out to ascertain if any protected species are present. The report concluded that there are no prohibitive ecological issues to the grant of planning permission. Bat and bird boxes are recommended as well as a bat friendly lighting scheme; these matters can be secured by condition.

### Environmental Issues

- 5.22 The site does not lie in an area previously mined for coal, neither is it in an area at risk of flooding. Any disturbance during the development phase would be temporary only, but the hours of working could be controlled by condition. Given the previous uses of the building it will be necessary to carry out a contamination survey but this can be secured by condition.

### CIL Matters

- 5.23 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. CIL charging commenced on 1<sup>st</sup> August 2015 and this development, if approved, is unlikely to be liable to CIL charging.

### Consideration of likely impact on Equalities

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

- 5.24 The proposed annexe is intended to be occupied by a dependent relative of the occupants' of 'Seedes Farm'. The social objective of enhanced extended family living/supportive care is a material benefit.

#### Planning Balance

- 5.25 The existing structure, although dilapidated, is a non-designated heritage asset that for many years has stood in its current location and used in association with Seedes Farmhouse, which lies only 30m away and is Grade II Listed. The proposal would retain much of the historic fabric of the building in its traditional location; this is considered preferable to rebuilding it in an alternative location within the existing residential curtilage. The proposed design is considered to enhance the setting of the Listing Building as well as the character of the Conservation Area and natural beauty of the AONB. These matters alone are considered to represent the very special circumstances required to overcome the Green Belt objection by reason of inappropriateness.
- 5.26 Furthermore the proposal has social benefits in that it would allow enhanced extended family living/supportive care. There are no objections on transportation, amenity, or environmental grounds and ecological habitat would be improved by the proposed nest boxes and additional soft landscaping.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That planning permission be GRANTED subject to the conditions listed below.

**Contact Officer: Roger Hemming**  
**Tel. No. 01454 863537**

### **CONDITIONS**

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

Reason

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

2. The hours of working on site during the period of conversion 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 minimise disturbance to neighbouring properties and to accord with the provisions of the NPPF.

3. Prior to the relevant parts of the development hereby approved, details of bat and bird boxes shall be submitted to and approved in writing by the local planning authority. Thereafter the bat and bird boxes as approved shall be provided prior to the first occupation of the building hereby approved and maintained as such thereafter.

Reason

In the interests of protected species and to accord with Policy L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

4. A) The previous use of the building(s) and adjacent land for agricultural purposes may have given rise to contamination. Prior to commencement, an investigation shall be carried out by a suitably qualified person, into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.

B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development and how any unacceptable risks will be mitigated. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings and what mitigation measures are proposed to address these. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

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

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 11th December 2013, Policy EP6 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the National Planning Policy Framework. This is a pre-commencement condition to ensure that all of the site is free of contamination before works commence.



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

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, and Policies L1, L2 and L12 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the National Planning Policy Framework.

6. Prior to the first occupation of the development for the purposes hereby approved and notwithstanding the details already submitted, a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

In the interests of protected species (Bats) and to accord with saved Policy L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

7. Prior to the commencement of development, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.
  - a. All new windows and fixed glazing (including cill, head, reveal and glass details)
  - b. Rooflights
  - c. All new doors (including frames and furniture)
  - d. All new vents and flues
  - e. Eaves (including rainwater goods), verges and ridges
  - f. Replacement roof structures

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

Reason:

To ensure the development serves to preserve the character and appearance of the setting of a listed building and the Upton Cheyney Conservation Area in accordance with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and Saved Policy L12 of the Adopted South Gloucestershire Local Plan (Adopted January 2006)). This is a prior to commencement condition to ensure the design of the scheme is appropriate.

8. Prior to the commencement of development, details or samples of the roofing material and external timber cladding proposed to be used shall be submitted to and approved

in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure the development serves to preserve the character and appearance of the setting of a listed building and the Upton Cheyney Conservation Area in accordance with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and Saved Policy L12 of the Adopted South Gloucestershire Local Plan (Adopted January 2006)). This is a prior to commencement condition to ensure the design of the scheme is appropriate.

9. Prior to the commencement of development, a representative sample panel of natural stonework (for both building and boundary walls) of at least one metre square demonstrating the stone, coursing, mortar and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason:

To ensure the development serves to preserve the character and appearance of the setting of a listed building and the Upton Cheyney Conservation Area in accordance with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and Saved Policy L12 of the Adopted South Gloucestershire Local Plan (Adopted January 2006)). This is a prior to commencement condition to ensure the design of the scheme is appropriate.

10. Prior to the commencement of works on site, a detailed specification for the repairs including any proposed structural works (in respect of which approval is expressly reserved) shall be submitted to the council for approval and this shall include a method statement on how the central wall of the top barn is to be consolidated and protected against any further harm caused by the restoration works required. The specification shall also include details of the extent of proposed replacement of historic fabric, and all new materials to be used.

Reason:

To ensure the development serves to preserve the character and appearance of the setting of a listed building and the Upton Cheyney Conservation Area in accordance with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and Saved Policy L12 of the Adopted South Gloucestershire Local Plan (Adopted January 2006)). This is a prior to commencement condition to ensure the design of the scheme is appropriate.

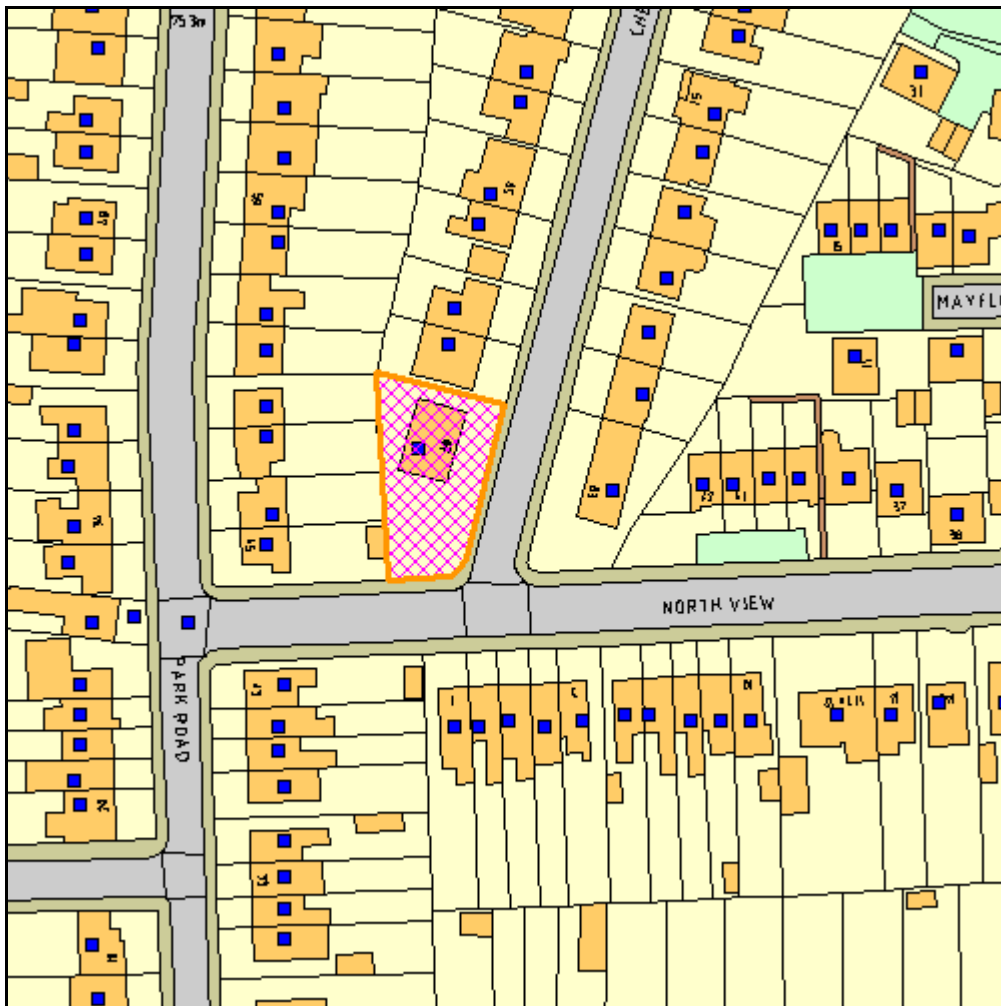
11. The development hereby approved shall be used solely as a residential annexe ancillary to 'Seedes Farm' and for no other use whatsoever.

## Reason

To retain the character of the site having regard to its rural location within the open countryside, Cotswolds AONB, Bristol/Bath Green Belt, Upton Cheyney Conservation Area and proximity to a Grade II Listed Building; to accord with Policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, and Policies L1, L2, L12 and L13 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the National Planning Policy Framework..

CIRCULATED SCHEDULE NO. 44/17 – 3 NOVEMBER 2017

<b>App No.:</b>	PK17/4184/F	<b>Applicant:</b>	Mr & Mrs Intiaz-Umar
<b>Site:</b>	58 Chesterfield Road Downend Bristol South Gloucestershire BS16 5RQ	<b>Date Reg:</b>	27th September 2017
<b>Proposal:</b>	Conversion of existing attached garage into additional living accommodation and erection of single storey side and rear extension to form attached garage. Erection of first floor rear extension and installation of side balcony and glazed doors to facilitate loft conversion.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365369 176288	<b>Ward:</b>	Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	30th October 2017



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

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

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

- 1.1 The applicant seeks full planning permission for the conversion of an existing attached garage into additional living accommodation, and the erection of a single storey side and rear extension to form attached garage. The application also relates to the erection of a first floor rear extension/dormer and the installation of side balcony and glazed doors to facilitate loft conversion. The application site relates to 58 Chesterfield Road, Downend, a detached bungalow with pebbledashed elevations and brown roman style roof tiles.
- 1.2 There are no statutory designations to take into account in relation to this application.

### **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  
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 Standards

#### **2.3 Supplementary Planning Guidance**

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

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

- 3.1 No relevant planning history.

## 4. **CONSULTATION RESPONSES**

4.1 Downend and Bromley Heath Parish Council  
No objection

4.2 Sustainable Transport  
No objection

### **Other Representations**

4.3 Local Residents  
One comment received objection to proposal due to:

- Proximity of works to boundary
- Loss of privacy

## 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 Visual Amenity  
The applicant seeks full planning permission for the conversion of an existing attached garage into additional living accommodation, and the erection of a single storey side and rear extension to form attached garage. The application also related to the erection of a first floor rear extension/dormer and the installation of side balcony and glazed doors to facilitate a loft conversion.

5.3 *Single Storey Side and Rear Extension*  
The single storey side and rear extension would sit on the northern elevation of the property, set behind the principal elevation. It would extend around 2.3m from the side of the property, extending 9.6m to the rear, past the dwelling's rear elevation and slightly wrapping around the rear of the house.

5.4 The side and rear extension would have a lean-to style roof, with a hip to the rear. It would use materials similar to the existing dwellinghouse. The design would be considered acceptable.

5.5 *Rear Dormer*  
The box dormer window would sit on the western elevation of the dwelling, to the rear of the house. It would have a lean to roof with a very shallow slope, with a large floor-to-ceiling window and a normal window to the rear. The elevation of the dormer would join the existing lower rear elevation of the dwelling, giving the impression that the dormer and existing wall are joined.

While this is considered a strange design feature, the dormer is located to the rear of the dwelling, and is largely hidden from public space; the dormer would therefore be considered acceptable in terms of visual amenity.

5.6 *Juliet Balcony*

The existing roof of the bungalow would be partially hollowed to the southern side, and a Juliet balcony would be inserted. While this would be a somewhat unique design feature, the surrounding street scene is not considered uniform in nature, and the bungalow sits within its own large plot, with the balcony located a significant distance from the road. The balcony would therefore not be considered to have a materially significant negative impact on the visual amenity of the dwelling, or the immediate street scene.

5.7 *Cumulative*

Overall, it is considered that the proposed extension would not harm the character or appearance of the area and as such, is considered acceptable in terms of visual amenity.

5.8 Residential Amenity

*Single Storey Side Extension*

The extension is modest in scale, and would sit away from the site's boundaries. The low height of the proposed development would not be considered to have an overbearing, overshadowing or overlooking impact on any neighbouring occupiers.

5.9 *Rear Dormer*

One comment has been received objection to the proposal due to overlooking, as a result of the proximity of the dormer to the site's rear boundary. The houses to the rear of the bungalow are located a around 20m away, with soft landscaping separating the sites. Rear dormer windows are generally acceptable in built up residential areas, and are usually acceptable under permitted development rights. Therefore, it is not considered that while there would be overlooking as a result of the proposed development, it would not result in a materially significant loss of privacy for the occupiers of the properties to the rear. The rear dormer would not have any overbearing or overshadowing impacts due to its position and scale.

5.10 *Juliet Balcony*

The Juliet balcony would sit on the southern side of the property, facing the roadway. The position of the balcony, and the dwelling itself mean that there would not be any impact on the privacy of properties to the south or west of the site.

5.11 *Cumulative Impact*

Overall, it is considered that the proposal would not harm the living conditions currently enjoyed by neighbouring dwellings and as such, is considered acceptable.

5.12 Sustainable Transport

Whilst the existing garage is being converted to living accommodation, it is noted that additional parking area will be created on site in order to ensure there is sufficient parking on site.

5.13 Plans submitted with this application shows two parking spaces to the front of the house as well as proposal to construct a new garage. The level of parking as proposed meets the Council parking standards and as such, there is no transport objection to this application.

5.14 Equalities

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

5.15 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 attached to the decision notice.

**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.

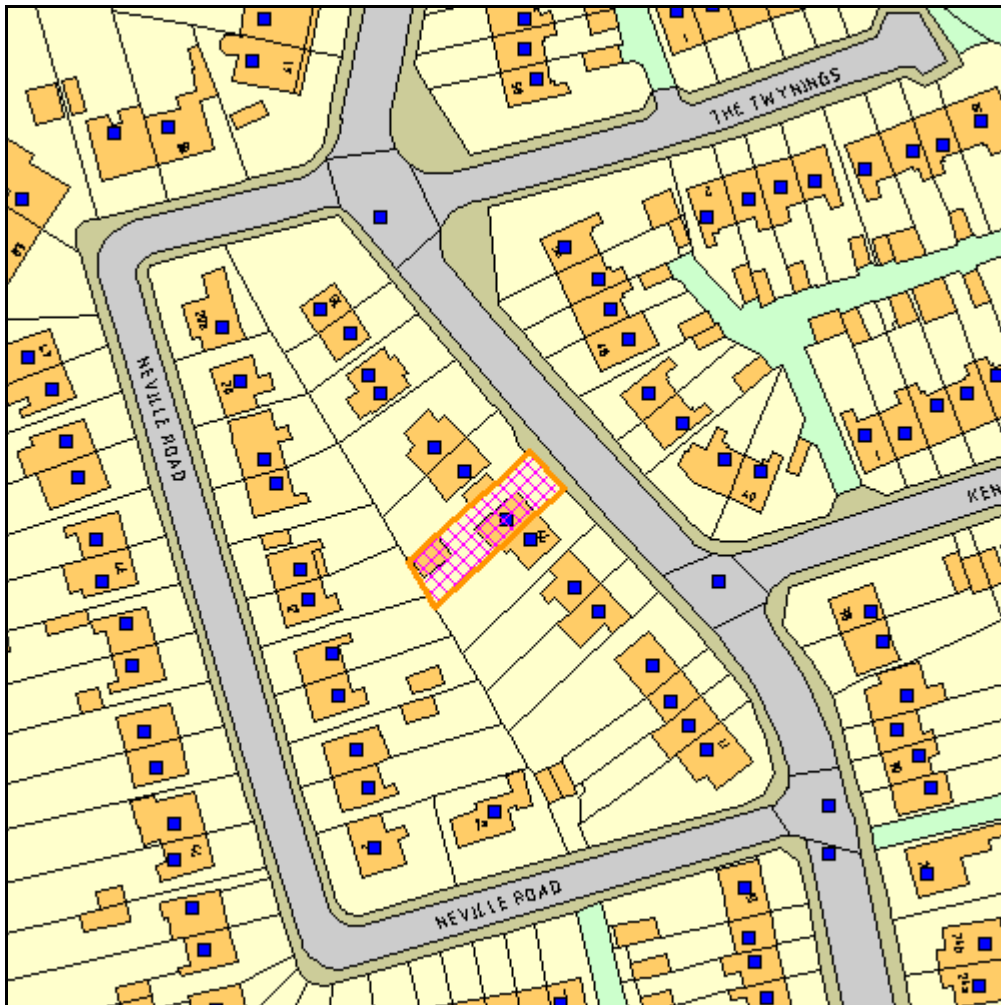


Reason

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

CIRCULATED SCHEDULE NO. 44/17 – 3 NOVEMBER 2017

<b>App No.:</b>	PK17/4377/CLP	<b>Applicant:</b>	Ms Karmen Allen
<b>Site:</b>	31 Spring Hill Kingswood Bristol South Gloucestershire BS15 1XT	<b>Date Reg:</b>	3rd October 2017
<b>Proposal:</b>	Application for a certificate of lawfulness for proposed single storey rear extension	<b>Parish:</b>	None
<b>Map Ref:</b>	365214 174547	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	14th November 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 single storey rear extension to 31 Spring Hill, Kingswood 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 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**

- 3.1 K7970 – Approved - 30.10.1995

Retention of a 1.2m satellite antenna erected in a modified location to the rear of the dwelling. (Previous ID: K7970)

### **4. CONSULTATION RESPONSES**

- 4.1 There is no parish council

#### **Other Representations**

- 4.2 Local Residents  
No comments received

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

- 5.1 The Location Plan  
Existing Plans (Drawing no. 17/022)  
Proposed Plans (Drawing no. 17/022)

(Received by Local Authority 19<sup>th</sup> September 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). 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 extension would not exceed the height of the roof of the existing dwellinghouse.

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

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

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

The extension does not extend beyond a wall which fronts a highway or forms 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 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 extension would be single storey.

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

The extension would be within 2 metres of the boundary, 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 proposal 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 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 submitted plans indicate that the proposed extension would be finished in materials to match existing. As such, the proposal meets this criterion.

- (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**

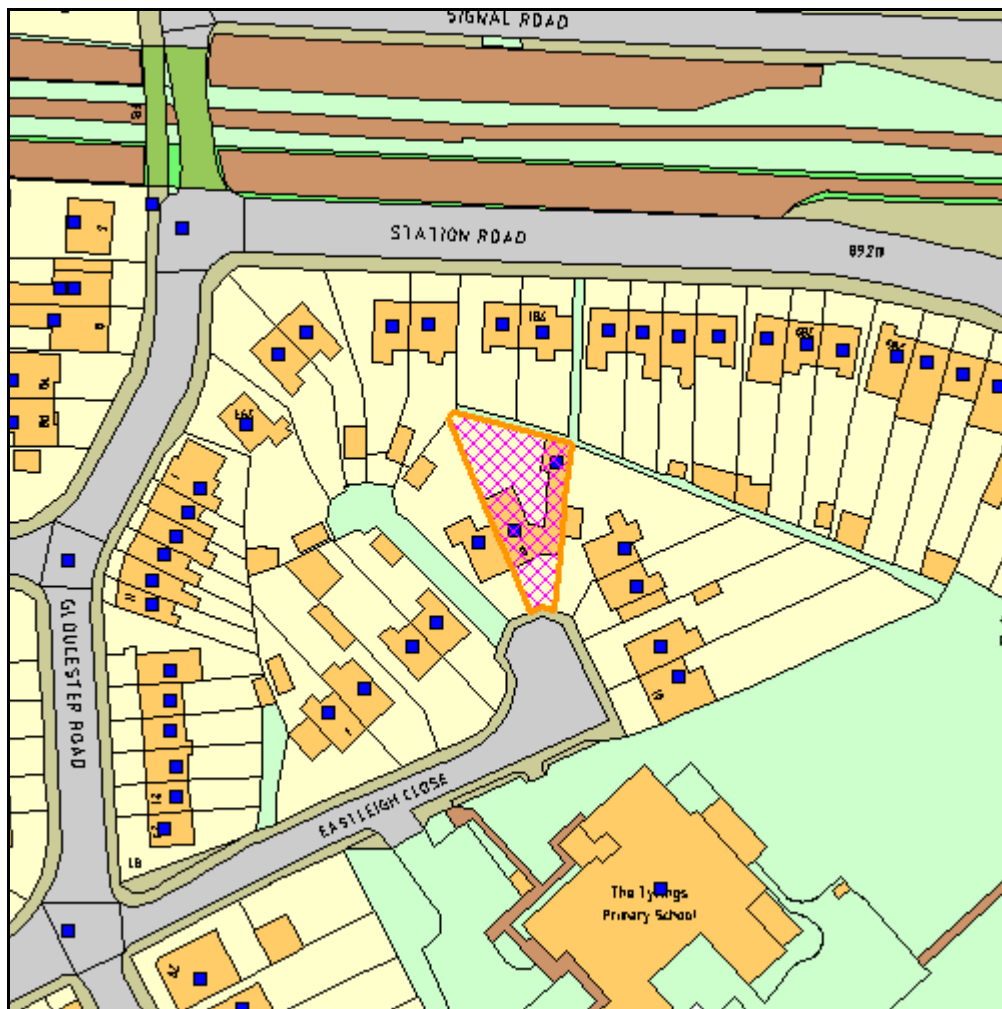
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed single storey rear extension with dual pitched roof 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.

**Contact Officer: Westley Little**  
**Tel. No. 01454 867866**

**CIRCULATED SCHEDULE NO. 44/17 – 3 NOVEMBER 2017**

<b>App No.:</b>	PK17/4389/CLP	<b>Applicant:</b>	Mr Peter Worrow
<b>Site:</b>	6 Eastleigh Close Kingswood Bristol South Gloucestershire BS16 4SG	<b>Date Reg:</b>	3rd October 2017
<b>Proposal:</b>	Certificate of Lawfulness Proposed to alter roofline and install rear dormer window to facilitate loft conversion	<b>Parish:</b>	None
<b>Map Ref:</b>	365448 175598	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>		<b>Target Date:</b>	14th November 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 proposal to alter the roofline and install a rear dormer window to facilitate a loft conversion at 6 Eastleigh Close, Kingswood 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 a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

### **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 No relevant planning history.

### **4. CONSULTATION RESPONSES**

#### 4.1 Parish Council

There is no parish council

#### **Other Representations**

#### 4.3 Local Residents

No Comments Received

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

- 5.1 Received by the Council on 20<sup>th</sup> September:  
Site Location Plan  
Existing & Proposed Plans, Section & Elevations

## 6. ANALYSIS OF PROPOSAL

### 6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully, without the need for planning permission. Accordingly there is 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.

6.2 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 Class B of the GPDO (2015).

6.3 The proposed development consists of the alteration of the roofline and installation of a rear dormer to facilitate a loft conversion. This development would be within Schedule 2, Part 1 Class B of the GPDO (2015), which allows additions or alterations to the roof of a dwellinghouse provided it meets the criteria detailed below:

### 6.4 Assessment of Evidence

Schedule 2 Part 1 Class B allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof 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, 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 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 would not extend beyond the plane of 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 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 site consists of a semi-detached property and the cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 50 cubic metres.

**(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 maintain the original eaves, be greater than 0.2 metres from the outside edge of the eaves of the original roof and would 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.**

There would be 1no. window on the roof slope forming the side elevation which would be fixed with obscure glazing.

## **7. RECOMMENDATION**

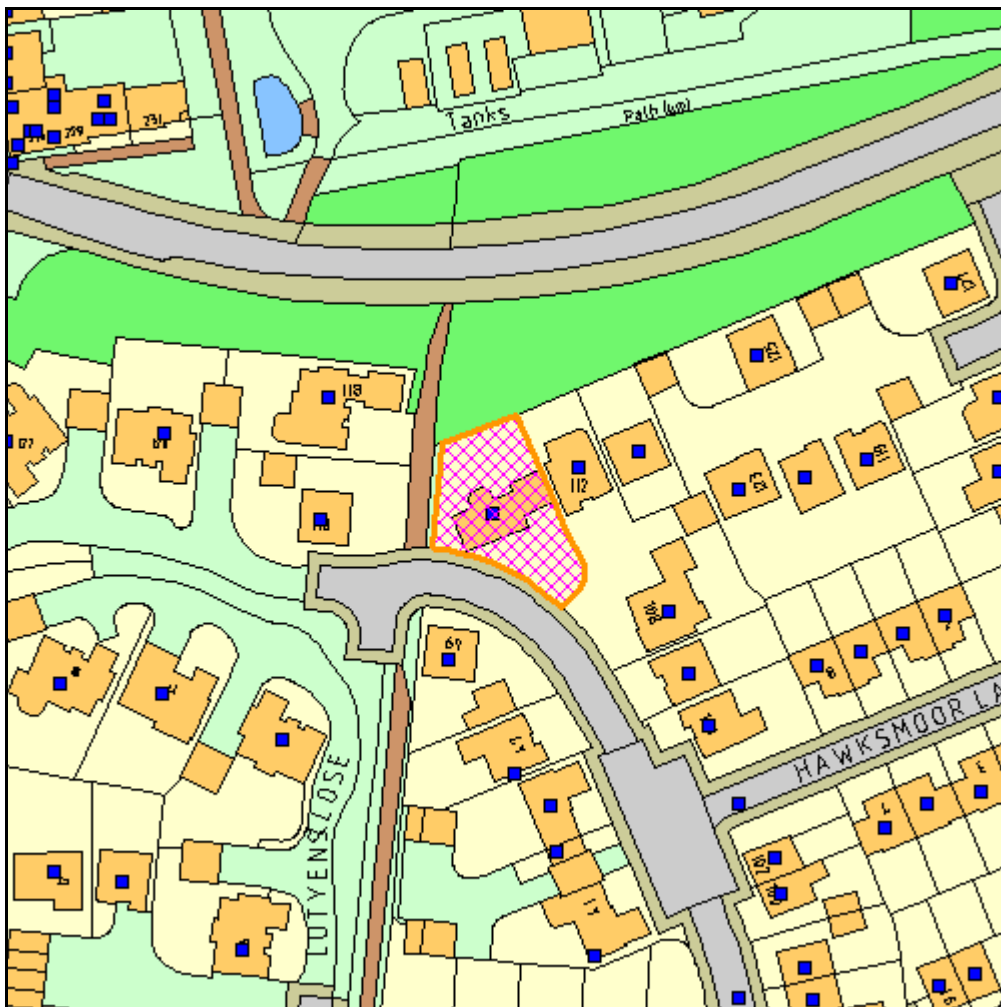
7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

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, Class B of the Town and Country Planning General Permitted Development Order 2015.

**Contact Officer: James Reynolds**  
**Tel. No. 01454 864712**

**CIRCULATED SCHEDULE NO. 44/17 – 3 NOVEMBER 2017**

<b>App No.:</b>	PT17/2735/F	<b>Applicant:</b>	Mrs Santosh Kaur
<b>Site:</b>	114 Jellicoe Avenue Stoke Gifford Bristol South Gloucestershire BS16 1WJ	<b>Date Reg:</b>	25th July 2017
<b>Proposal:</b>	Change of use from dwellinghouse (Class C3) to 7 person HMO (Sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (Retrospective)	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362036 177662	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th September 2017



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This application has been referred to the Circulated Schedule as objections have been raised in relation to the development detailed within. The officer recommendation is for approval.

## 1. **THE PROPOSAL**

- 1.1 This application seeks planning permission for the change of use of No.14 Jellicoe Avenue from a residential dwellinghouse (Class C3 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended)) to a 7 person House in Multiple Occupation (HMO) (Sui Generis). A planning application is required as the proposed change of use does not benefit from permitted development rights.
- 1.2 The application site is a detached, three-storey dwelling which is situated within the Stoke Park development and is located on a road which leads into a residential cul-de-sac. Stoke Park is a high-density housing development on a former hospital site and sits adjacent to the main Frenchay campus of UWE. The application site is located within the existing urban area of the North Fringe of Bristol.
- 1.3 This application is retrospective in nature.

## 2. **POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

- CS1 High Quality Design
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS17 Housing Diversity
- CS25 Communities of the North Fringe of Bristol Urban Area

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

- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation Development Control Policy for New Development
- H5 Residential Conversions, Houses in Multiple Occupation and Re-Use of Buildings for Residential Purposes

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

- PSP11 Transport Impact Management
- PSP16 Parking Standards

PSP39 Residential Conversions, Sub-Divisions and Houses in Multiple Occupation

2.3 Supplementary Planning Guidance

- i. Residential Parking Standards SPD (Adopted) Dec2013
- ii. Waste Collection SPD (Adopted) January 2015

**3. RELEVANT PLANNING HISTORY**

- 3.1 P97/2145 - Demolition of hospital buildings and redevelopment of the site for housing (outline) – Approval of Outline Permission
- 3.2 P99/1353 - Erection of 85 dwellings with associated works and public open space. (Approval of reserved matters) – Approval Full Planning
- 3.3 P99/1384 - Construction of internal road network to serve residential development (approval of reserved matters following outline planning permission P97/2145) - Approval Full Planning

**4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
No comment

- 4.2 Sustainable Transport – Transportation DC  
Although no transportation objection in principle, the applicant has not indicated secure undercover cycle parking for each resident. Further details of cycle parking arrangements required.

The officer later commented that he was satisfied that there is scope for cycle parking at the property and if the applicant did not provide the required details as part of the application, then he would be happy for it to be provided via a condition.

- 4.3 Public Rights of Way  
The proposed development is unlikely to affect the nearest public right of way reference LSG/27/30 which runs along the western border of the development area.

- 4.4 Private Sector Housing  
The layout, provision of amenities and communal space provided in the property are sufficient for use by up to 7 persons in 7 rooms, occupying on a shared basis. Given the size of the household that are proposed to use the property and in the interests of the residential amenity of the area, it's recommend that a minimum of 2 general waste bins (black bins) should be provided on the site for the residents to dispose of their non-recyclable waste at all times.

**Other Representations**

#### 4.5 Local Residents

Following the consultation period, 16 objections in relation to the following points were received from neighbouring residents:

- Parking issues – tenants of the property parking on and obstructing pavements;
- Most tenants are students which has led to noise generation and an increase in rubbish;
- Lack of waste management;
- Detrimental effect on the value of surrounding homes;
- Neighbours have received verbal abuse from tenants;
- Anti-social behaviour experienced as a result of the tenants within this property;
- The character of the estate has been lost;
- Poor state of residential amenity space;
- The property obtained a HMO licence before the appropriate planning permission was granted and so the property has been in breach for some time;
- Families are moving away from the estate as a result of the increase in HMOs;
- Substance abuse is evident;
- No longer a pleasant and attractive place to live;
- Not enough parking provisions for 6 cars in the driveway;
- The planning application form was not completed properly;
- Demonstration for a disregard for regulations;
- There's no longer a mix of dwellings for couples, singles and families etc.

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

Policy H5 of the South Gloucestershire Local Plan Adopted January 2006 (Saved Policies) is supportive in principle of this proposal subject to an assessment of the impact caused upon the character of the area, residential amenity, and off-street parking. Incoming policy PSP39 of the South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016, echoes the requirements of policy H5 and so is also supportive in principle.

- 5.2 The parking provisions for the site shall be assessed against policies T8 and T12 of the South Gloucestershire Local Plan Adopted January 2006 (Saved Policies), along with the Residential Parking SPD. In addition to the above, consideration must also be given to the provision of adequate bicycle storage in order to encourage sustainable and non-car based modes of transport.

#### 5.3 Housing Supply

Before continuing to look at the proposal in more detail, it must be noted that, at present, the local planning authority is unable to demonstrate a 5 year housing land supply. Considering the way in which housing numbers are measured, if permitted, this application would lead to the loss of 1 housing unit (Class C3) and the gain of 1 house in multiple occupation (Sui Generis). Therefore, in



terms of housing supply, this application would have a neutral impact and the current housing supply shortage is given little weight in the determination of this application.

5.4 Residential Amenity

Policy H5 requires that proposals demonstrate that they do not prejudice the amenities of nearby occupiers and that they consider the character of the surrounding area.

5.5 The site is a relatively dense residential estate which is in close proximity to a number of large employers and institutions. The occupation of properties within the estate as HMOs for up to and including 6 individuals (Class C4) is deemed lawful as this particular change of use is considered permitted development. Although a material change of use exists as a result of a HMO (Class C4) changing use to a larger HMO for 7 individuals (Sui Generis), it does not necessarily mean that an increased level of harm exists as a result. The level of harm must therefore be assessed for that one additional individual residing at the property.

5.6 No external alterations are proposed to the property itself in order to facilitate this change of use, however there is scope and a request for the addition of a bicycle store within the residential curtilage of the property. This point shall be addressed in more detail further on in the report.

5.7 At present, the council does not have a minimum private amenity space standard; although one is proposed through policy PSP43 within the forthcoming Policies, Sites and Places Plan. This policy states that proposals for the change of use, such as that detailed within this application, must ensure that the minimum amenity space standard is met; for proposals of 4+ bedrooms, the standard will be set as 70m<sup>2</sup>. The application site boasts residential amenity space both to the front of the dwellinghouse and to the rear. As a result, it's deemed that the amount of amenity space provided at the property is more than adequate for the 7 people proposed to reside there as the amenity space provided with the dwelling exceeds the 70m<sup>2</sup>.

5.8 In relation to any noise nuisance which may be caused as a result of a larger HMO (Sui Generis), although it is recognised that HMOs may generally generate higher levels of noise than a property in use as a single dwelling, excessive noise would be considered under environmental protection legislation. As such, it is not considered that this matter can be a constraint in determining this planning permission.

5.9 On balance and further to considering the points detailed above, it is considered that the site would be capable of being occupied as a larger HMO without causing prejudicial harm to the residential amenities of neighbouring residents or having a significant impact on the character of the area.

5.10 Character of the Area

As detailed above, the application site is located within a relatively dense residential estate. Within the estate itself, there is a mix of dwellinghouses occupied by families, singles, HMOs (Class C4) and larger HMOs (Sui

Generis). Within the last year, the following applications for HMOs have been approved by South Gloucestershire Council:

- PT17/0703/PDR - Conversion of garage to form 1no. new bedroom within a 5-bed HMO (Use Class C4 as defined in the Town and Country Planning (Use Classes) Order 1987) – Approved with conditions;
- PT17/1757/F - Change of use from dwelling (Class C3) to 8no. bedroomed HMO (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works – Approved with conditions;
- PT17/3219/F - Change of use from 4 no. bed HMO (Class C4) to 7 no. bed HMO (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) – Approved with conditions.

From the list above, it's clear that the area does contain both smaller and larger HMOs, there are also a number of applications (and planning appeal decisions) that precede those listed. At present there is no specific limit set out in policy which attempts to control the numbers of HMOs within a given area, and trying to pinpoint a specific individual development that would cumulatively be that tipping point would be extremely difficult. The evidence to date, from considering appeal decisions would not indicate that there is such an over concentration of HMOs that the character of Stoke Park has been harmed, but it is acknowledged that areas can and do change over time. As discussed within South Gloucestershire Local Plan Adopted January 2006 (Saved Policies), HMOs provide a valuable source of relatively low-cost rented accommodation. It is recognised that the largest concentration of HMOs are centred around the University of the West of England and the employment hubs within that area in order to meet the rising demand for accommodation.

#### 5.10 Transport and Parking

Policy H5 requires that any proposal for the change of use of an existing residential property to a house in multiple occupation should identify an acceptable level of off-street parking. Parking should not detract from the character of the area or the appearance of the street scene. Alongside this policy, consideration must also be given to the Residential Parking Standard SPD as this provides greater detail on the expected parking provisions.

5.11 The SPD requires residential properties of 5 or more bedrooms to provide a minimum of 3 off-street parking spaces. However, there is currently no particular policy with regard to HMOs as the SPD states that each would be assessed on its own merits. According to policy PSP16 of the Policies, Sites and Places Plan, the provision of 0.5 parking spaces per bedroom within a HMO is required.

5.12 The application site benefits from an existing double garage and a driveway which extends from the front of this outbuilding to the public footpath which runs along Jellicoe Avenue. Whilst conducting the site visit to assist with the determination of this application, it was witnessed that 4 cars could be easily accommodated on the driveway. It is therefore concluded that the application site meets the requirements of the above policies.

5.13 The site has good access to sustainable travel options. It is within walking distance to a number of major destinations for employment and education and is also well served by bus routes. Although Transportation DC initially required further details to be submitted in relation to the provision of a cycle store, the officer has now stated that they are satisfied that there is scope for cycle parking at the property, and if the applicant did not provide the required details as part of the application, then they would be happy for it to be provided via a condition. As a result, and given that it would be disproportionate to refuse this application on the basis that the additional cycle store plans have not been submitted, details of the cycle store shall be sought by condition.

5.14 Other Matters

To address the points raised by some of the local residents:

- Decrease in the value of residential properties –this is not a material planning consideration and is has not been given weight in the determination of this application.
- Poor waste management– Further to the consultation comment received from Private Sector Housing (PSH), a condition shall be attached to the permission requiring that two waste bins (non-recyclables) shall be provided on site at all times for use by the residents of the property.
- Poor property management and anti-social behaviour – We're aware that the letting agents who manage the property have been informed of the issues relating to the poor management of the property by both neighbouring residents and our own PSH team and they have assured us that steps will be taken to improve the situation. In any event, our PSH team will be reviewing the conditions of the HMO licence of this property. For the moment, they feel there is insufficient evidence of anti-social behaviour to revoke the HMO licence as such behaviour would have to be ongoing and continuous for this action to be justified. Failure to adhere to the licence conditions in future however, may lead to the number of tenants permitted under the licence to decrease in a bid to address reported problems. It is viewed that this action will alleviate the recent issues experienced by neighbouring residents. Although the fear of anti-social behaviour may be a material planning consideration, in this instance little weight can be allotted to it. This application considers the material change of use of a building and not the individuals who reside within it. Therefore it's the change of use of the dwellinghouse (Class C3) to a larger HMO (Sui Generis) which is under assessment and not the current tenants as the occupants are likely to change over time. Moreover as has been described above weight is given to the licencing framework procedures that exist to address these concerns.

5.14 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general

equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

- 5.15 No material considerations that are considered to engage the Public Sector Equality Duty have been identified through the assessment 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 It is recommended that planning permission is GRANTED subject to the conditions listed below.

**Contact Officer: Lisa Evans**  
**Tel. No.**

## **CONDITIONS**

1. Detailed plans showing the provision of a cycle store in accordance with policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to the Local Planning Authority for approval no later than 28 days after permission has been granted. Thereafter, the development of the cycle store shall proceed in accordance with the agreed scheme and shall be completed no later than 28 days after those details have been approved by the LPA. The cycle store provision shall thereafter be retained for that purpose.

Reason

To ensure a satisfactory standard of external appearance and the provision of adequate cycle parking and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

2. The off-street parking facilities (the driveway) as indicated within the red line shown on plan 'Conveyance Plan Plots 500 - 530 - Drg. No. 115 Rev. B' shall be made available to the occupants of the property and thereafter retained for the purpose of car parking provision.

Reason

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

3. Two general waste bins (black bins) should be provided on the site for the residents to dispose of their non-recyclable waste at all times.

Reason

In the interest of the residential amenity of the area and to accord with policy H5 of the South Gloucestershire Local Plan Adopted January 2006 (Saved Policies).

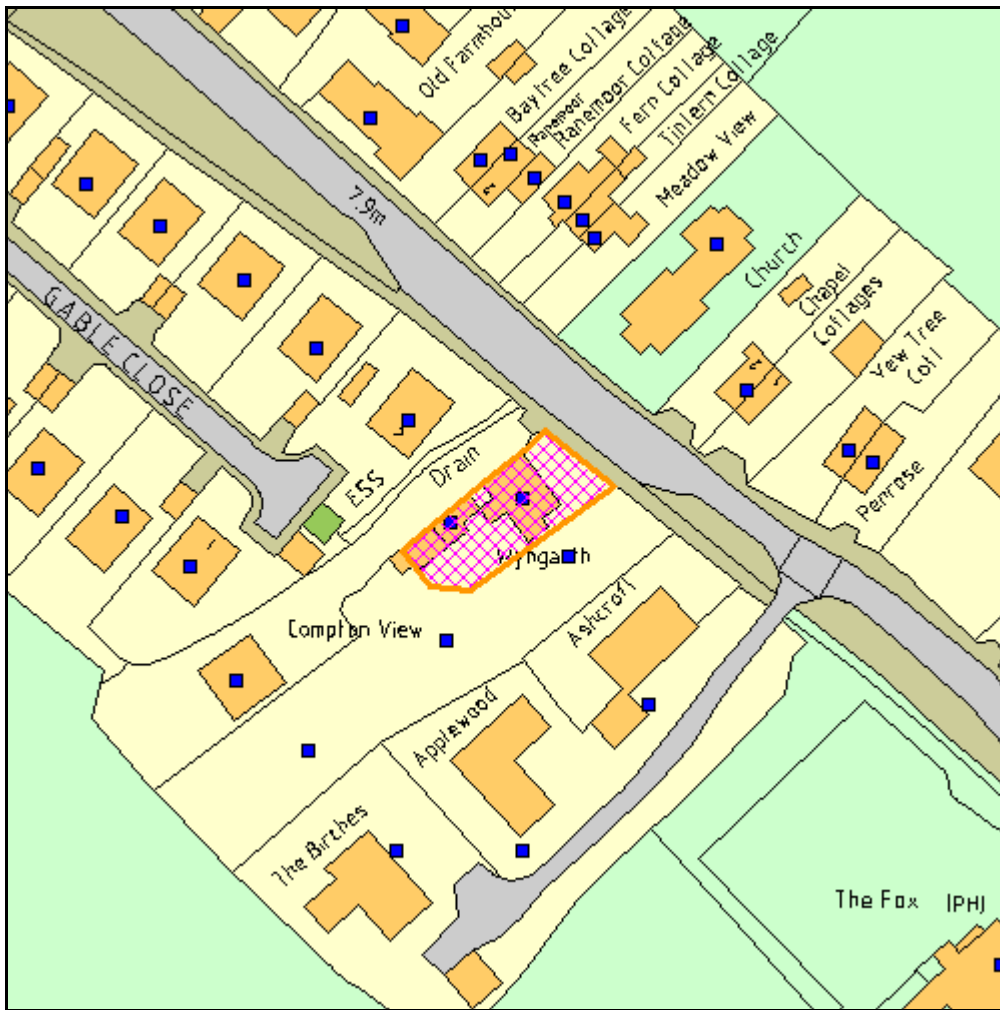
4. No further sub-division within the property shall occur in order to facilitate the accommodation of more than 7 persons.. For the purpose of clarity, no more than 7 individuals shall take residence within the property at any one time.

Reason

In the interest of the residential amenity of the area and to accord with policy H5 of the South Gloucestershire Local Plan Adopted January 2006 (Saved Policies).

**CIRCULATED SCHEDULE NO. 44/17 – 3 NOVEMBER 2017**

<b>App No.:</b>	PT17/3767/F	<b>Applicant:</b>	Mr S Booy
<b>Site:</b>	Wyngarth Main Road Easter Compton Bristol South Gloucestershire BS35 5RA	<b>Date Reg:</b>	4th September 2017
<b>Proposal:</b>	Subdivision of existing detached dwelling into 2no. dwellings with parking and associated works	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	357114 182525	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th October 2017



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 100023410, 2008. **N.T.S.** **PT17/3767/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 sub-division of an existing detached dwelling into 2no. dwellings with parking and associated works at Wyngarth, Main Road, Easter Compton.
- 1.2 The application site consists of a large detached villa set within a fairly large plot. The site is located within the defined settlement boundary of Easter Compton and within the Bristol and Bath Green Belt.
- 1.3 The proposal seeks to sub-divide the existing dwelling in to two, with the dwellings labelled “dwelling 1” and “dwelling 2” on plans. Dwelling 1 would be slightly larger, and would be formed from the south-easterly portion of the existing dwelling. 3 bedrooms would be provided within this property. Dwelling 2 would be slightly smaller, and would be formed from the north-westerly portion of the existing dwelling. 2 bedrooms would be provided within dwelling 2, however an annexe providing an additional bedroom would be retained within the rear garden of dwelling 2.
- 1.4 A further plan was requested and received by the Local Planning Authority on 9<sup>th</sup> October 2017. This indicated the floor plan of an existing annexe, which is to be retained as part of the development and set within the rear garden of dwelling 2.

### **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  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- H4 Development within Existing Residential Curtilages
- H5 Residential Conversions, Houses in Multiple Occupation and Re-use of buildings for Residential Purposes.
- T12 Transportation

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- PSP7 Development in the Green Belt
- PSP8 Residential Amenity
- PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- PSP39 Residential Conversions, Sub-divisions and Houses in Multiple Occupation
- PSP43 Private Amenity Space Standards

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 during November 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
  - Residential Parking Standards SPD (Adopted) 2013
  - Development in the Green Belt SPD (Adopted) 2007

**3. RELEVANT PLANNING HISTORY**

**3.1 PT14/4056/F**

Erection of 1no. dwelling. Amendment to previously approved scheme PT13/0322/F to enlarge and alter Plot 2.

Approved: 13.01.2015

**3.2 PT13/0322/F**

Erection of 3No. detached dwellings and 1No. detached garage with access, parking and associated works. (Re submission of PT12/2878/F).

Approved: 18.04.2013

**3.3 PT12/2878/F**

Erection of 3no. detached dwellings and 1no. detached garage with access, parking and associated works.



Refused: 24.10.2012

3.4 **P87/3087**

Conversion of existing outbuilding to form self-contained residential annex for an elderly relative. Insertion of dormer window and erection of conservatory and sun lounge.

Approved: 27.01.1988

4. **CONSULTATION RESPONSES**

4.1 Almondsbury Parish Council  
No comment

4.2 Other Consultees

Sustainable Transport

*Initial comment*

The applicant seeks to sub-divide the existing dwelling in order to create one 2 bed and one 3 bed dwelling. 3 off street parking spaces are required to serve the proposed dwellings. It is proposed to locate these spaces on the private lane to the side of the property. A typical residential road serving up to 250 dwellings measures 5.5m and allows on street parking to one side. As such, having measured the submitted plans there is adequate width on the lane for both the proposed off street parking and for emergency/delivery vehicles to pass. There are no transportation objections.

*Additional comment following submission of annexe floor plan*

Having viewed the submitted plans for the annex at Wyngarth, it is considered that no additional off street parking is required to serve the annex, given the on street parking available to the front of the dwelling. The proposed 3 off street parking spaces are adequate.

Lead Local Flood Authority  
No objection

Highway Structures  
No comment

**Other Representations**

4.3 Local Residents

One comment of objection has been received. The main concerns raised are outlined below:

- Do not feel parking three vehicles on narrow access lane is possible. As a disabled person, access is imperative at all times. Parking of cars may block access for emergency vehicles.

- If rest of land had not been sold off, parking would not be an issue.
- With no turning space, how will vehicles re-join main road, in reverse?
- Visitors to adjoining properties turn around in neighbouring private driveway.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Planning permission is sought for the sub-division of an existing property to form 2no. dwellings. Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of north and east fringes of the Bristol urban area, and within the defined settlement boundaries of towns and villages. The application site is located within the defined settlement boundary of Easter Compton. As such, the proposal accords with this provision of policy CS5.

5.2 Policy CS17 of the Core Strategy and Policy H5 of the Local Plan refer more directly to the sub-division of existing properties. The policies allow for the conversion of existing residential properties into smaller units of self-contained residential accommodation, provided that the development would not prejudice the character of the surrounding area or the amenities of nearby occupiers, and provided that there is adequate amenity space and parking provision. Policy PSP39 of the Policies Sites and Places Plan also allows for the sub-division of properties subject to a similar assessment of impacts. Whilst not adopted at the time of writing this report, the adoption of the Policies, Sites and Places Plan is expected in early November 2017, and PSP39 is not likely to be subject to further modification. As such the policy can be given considerable weight in the assessment of this application.

5.3 As such, the development is supported under CS17, H5 and PSP39 subject to an assessment of further impacts. However it must be noted that as the application site is located within the Bristol and Bath Green Belt, any development must also accord with the principles of Green Belt policy to be acceptable.

### 5.4 Green Belt

Policy CS5 and CS34 of the Core Strategy support the protection of the Green Belt from inappropriate development. The NPPF also attaches great importance to the Green Belt – with development in the Green Belt generally being considered inappropriate.

5.5 In this case, the proposal only seeks to sub-divide an existing dwelling, and would not involve the erection of any new structures. As such, it is not considered that the proposed development would have any material impact on the openness of the Green belt. On this basis, it is not considered that proposed development conflicts with any of the purposes of the Green Belt, as set out in paragraph 80 of the National Planning Policy Framework 2012. The proposal is therefore considered acceptable in terms of impacts on the Green Belt.

5.6 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.

- 5.7 The only external alterations to the front of the property would be the insertion of rooflights in to the north-east facing roof slope. From the street, the only other visible alteration would be the sub-division of the existing front garden. The existing front door would be retained and would serve the slightly larger dwelling 1, with a new main access to dwelling 2 provided at the north-west facing side elevation. Overall, it is not considered that the proposal would materially affect the appearance of the property, or have any significant impact on the character or distinctiveness of the immediate locality. For these reasons, the proposal is considered to accord with policy CS1 of the Core Strategy and H4 of the Local Plan.

5.8 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.

- 5.9 As no additional structures would be erected as part of the scheme, it is not considered that the proposal would have any material impact on the residential amenity of neighbours through an increased sense of overbearing or overshadowing. Furthermore, the only new windows proposed are second floor rooflights. Due to their setting within the roof slope, the potential outlook from the rooflights is reduced. On this basis, it is not considered that their insertion and use would result in a loss of privacy at neighbouring properties through an increased sense of overlooking.

- 5.10 In terms of private amenity space, emerging policy PSP43 of the Policies, Sites and Places Plan June 2016 relates to private amenity space standards. Whilst this policy is not yet adopted, it is unlikely to be subject to further modification. As such it can be afforded considerable weight in the assessment of this application. PSP43 supports the provision of sufficient space at new dwellings to meet the needs of the likely number of occupants, and provides a guide on the levels of private amenity space that should be provided.

- 5.11 Dwelling 1 would incorporate three bedrooms, with dwelling 2 incorporating two bedrooms as well as one additional bedroom provided within the annexe. PSP43 outlines that a 3+ bedroom house should provide a minimum of 60m<sup>2</sup> of private amenity space. The total outdoor private amenity space provided for both dwellings would be roughly 250m<sup>2</sup>. Due to the layout of the plot, as well as the siting of an annexe in the rear garden of dwelling 2, a significantly larger proportion of the amenity space would be afforded to dwelling 1. Approximately 193m<sup>2</sup> would be provided for dwelling 1, and approximately 57m<sup>2</sup> provided for

- dwelling 2. Whilst the provision for dwelling 2 falls slightly below the level recommended in PSP43, it is not considered that this would adversely impact the residential amenity of any future occupiers to such an extent that it should substantiate a reason for refusing the application.
- 5.12 On balance, it is not considered that the proposed development would significantly impact the residential amenities of neighbours, and would provide an acceptable level of residential amenity for future occupiers of the dwellings. On this basis, the proposal is considered to comply with policy H4 of the Local Plan.
- 5.13 Transport  
The South Gloucestershire Residential Parking Standards SPD outlines that both 3 and 4 bed properties should provide a minimum of 2 on-site parking spaces. The SPD also outlines that 1 and 2 bed properties should provide a minimum of 1 parking space. A total of 3 parking spaces would be provided along a private driveway to the north-west of dwelling 2. The driveway provides access to properties to the south-west of the site, and as such the parking spaces would be set within a widened part of the driveway as to not obstruct access.
- 5.14 Whilst the provision of 3 spaces would be sufficient for one 2 bed property and one 3 bed property, both properties are considered to contain 3 bedrooms due to the additional bedroom provided within the annexe at dwelling 2. As such, 4 spaces should be provided for the standard to be met. However due to the size constraints of the driveway, the creation of a further parking space would likely obstruct access to neighbouring properties.
- 5.15 As such, the proposed provision of parking is substandard by one space. However as on-street parking is available to the front of the site, the undersupply of one parking space is not considered to have a severe impact in terms of highway safety. On this basis, the lack of parking provision is not considered to sustain a reason for refusing the application. However in order to ensure that a minimum of three parking spaces are provided, a condition will be attached to any decision requiring the spaces to be provided prior to the first occupation of the dwellings, and thereafter retained for that purpose.
- 5.16 With regard to the ownership of the proposed parking area, the area of adjacent driveway in question has been outlined in blue on the submitted site location plan. This outlines that this area of driveway is under the ownership of the applicant. The applicant has confirmed that the section of driveway is under their ownership, and that the properties to the rear of Wyngarth have a right of access. The applicant has also confirmed that whilst they have considered erecting a sign outlining that the proposed parking area is private, they have never previously had issues with people parking within this area, and as such do not consider the erection of a sign to be necessary.
- 5.17 The concerns raised with regard to access to neighbouring properties and vehicular turning have been taken in to account. However the transport officer is satisfied that the driveway is of sufficient width as to provide parking space without obstructing any neighbouring/emergency vehicles from accessing

neighbouring properties. Whilst vehicular turning would involve a several point turn, it is considered that it could be carried out without the need to enter neighbouring driveways. Overall it is not considered that the proposal would have any unacceptable impacts in terms of on-site parking provision or highway safety.

#### 5.18 Annexe

It is not considered that the retention of the existing annexe, and its use as an ancillary annexe, would have a significant impact on the residential amenity of those residing within the dwelling 2, or immediate neighbours. However it is considered that the use of the annexe as a separate dwelling could potentially have significant implications in terms of privacy and amenity of neighbouring occupiers, and parking arrangements. As such, and for the avoidance of doubt, a condition will be attached to any decision, preventing the existing annexe being used as a separate dwelling.

#### 5.19 Equalities

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

5.20 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 included on the decision notice.

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

### **CONDITIONS**

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

Reason

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

2. The off-street parking facilities (for all vehicles, including cycles) shown on the plan (Location & Block Plan) hereby approved shall make provision for the parking of a minimum of 3 vehicles (measuring at least 2.4m by 4.8m), and shall be provided before the dwellings are 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.

3. The annexe to be retained within the rear garden of dwelling 2 (as labelled on approved plans), shall not be occupied at any time other than for purposes ancillary to the residential use of dwelling 2 (as labelled on approved plans).

Reason

The application has been assessed on the basis that the annexe to be retained would provide ancillary accommodation. Use as a separate dwelling would have significant implications in terms of privacy and amenity of neighbouring occupiers, and parking arrangements. This is to accord with Policy H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 44/17 – 3 NOVEMBER 2017**

<b>App No.:</b>	PT17/3898/F	<b>Applicant:</b>	Miss Gemma Harris
<b>Site:</b>	30 Beesmoor Road Coalpit Heath South Gloucestershire BS36 2RP	<b>Date Reg:</b>	21st September 2017
<b>Proposal:</b>	Erection of single and two-storey side extensions, and a two storey rear extension to provide additional living accommodation. Installation of 2no roof lights to front elevation and 2no roof lights to rear elevation to facilitate loft conversion.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367222 180709	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Householder	<b>Target Date:</b>	15th November 2017



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 100023410, 2008. **N.T.S.** **PT17/3898/F**

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

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

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

- 1.1 The applicant seeks full planning permission for the erection of single and two-storey side extensions, and a two storey rear extension to provide additional living accommodation. The plans also look to install 2no roof lights to front elevation and 2no roof lights to rear elevation to facilitate a loft conversion. The application site relates to a detached bungalow.
- 1.2 The property has a gabled roof with brown roman style roof tiles and is finished in pebbledashed render. The site sits within close proximity to "The Old Vicarage", a Grade II Listed Building, and is considered to affect its setting. Updated plans were received on 18/10/2017 to reduce the overall size of the extensions, in response to the conservation officer's comments.

### **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  
CS9 Managing the Environment and Heritage

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

H4 Development within Existing Residential Curtilages  
T12 Transportation  
L13 Listed Buildings

##### 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 Standards

#### 2.3 Supplementary Planning Guidance

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



### 3. RELEVANT PLANNING HISTORY

3.1 No relevant planning history

### 4. CONSULTATION RESPONSES

#### 4.1 Frampton Cotterell Parish Council

Object due to overdevelopment and the proximity to listed building.

#### Westerleigh Parish Council

This application is extremely similar to recent application PT17/3344/F at 26 Beesmoor Road. Westerleigh Parish Council have the exact same concerns and also feel the two applications should be treated in a consistent manner. Our previous comment was "Westerleigh Parish Council feel this development application is of a huge scale relative to the existing property not "modest" as described by the applicant. WPC support and share the Conservation Officer concerns due to the close proximity and view of the listed Old Vicarage"

This comment stands for this application too.

#### 4.2 Other Consultees

##### Sustainable Transport

The proposed development will increase the bedrooms within the dwelling to five. The Council's residential parking standards state that a dwelling with five or more bedrooms provide a minimum of three parking spaces within the site boundary. The plans submitted show that the garage will remain but no other parking or access has been shown.

Subject to a revised plan being submitted which shows the vehicular access and at least two parking spaces, in addition to the garage, there is no transportation objection to the proposed development.

##### Conservation Officer

###### *Original Plans*

Objected due to the negative impact on the listed building, and suggested improvements for the scheme.

###### *Updated Plans Received*

The reduction in rooflights is a positive improvement, but for this to be meaningful, a condition requiring no further rooflights are inserted into the extension should be considered.

The change in the roof for the garage also addresses part of the previous concern.

Although the loss of resultant views would be harmful, with the roof lights omitted and garage reduced in scale, there is no objection.

##### Historic England

No comments received.

## **Other Representations**

- 4.3 Neighbouring Occupiers  
No comments received.

## **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.

Policy L13 of the South Gloucestershire Local Plan (Adopted) 2006 states that new development is acceptable, as long as the settings of Listed Buildings are protected. The proposal accords with the principle of development subject to the consideration below.

### 5.2 Visual Amenity and Conservation

The proposal consists of the erection of single and two-storey side extensions, and a two storey rear extension to provide additional living accommodation. The plans also look to install 2no roof lights to front elevation and 2no roof lights to rear elevation to facilitate loft conversion. Materials would match the existing dwelling.

### 5.3 *Two Storey Rear*

The two storey rear extension would sit to the western end of the dwelling, increasing the size, height and pitch of the existing gable. It would sit below the existing ridge line of the dwelling, and would span around half of the house's rear. The rear extension would have a Juliet balcony in the upper level. The standard of design for the rear extension is considered acceptable, and would not have a negative effect on the dwelling, or the overall street scene.

### 5.4 *Two Storey and Single Storey Side Extension*

A two-storey side extension would be located to the eastern end of the property. The extension would abut the existing dwellinghouse, matching the rear and front elevations, and following the same roofline and ridge height. In this instance given that the property is gable ended to the side it is not considered necessary for the extension to appear subordinate. The setting back of the extension from the main ridge would not serve any purpose and as shown the extension would integrate with the existing dwelling.

- 5.5 A new single storey extension would extend from the two-storey element. This would form a new garage with an associated garage door, with a hipped roof.

- 5.6 Cumulatively, the two side extensions are considered acceptable in design terms.

- 5.7 Rooflights  
Two rooflights would be inserted to the front of the dwelling, and two rooflights would be inserted to the rear of the dwelling. This is considered acceptable; however, a condition restricting permitted development rights in regards to the addition of new rooflights will be added to the decision notice, to protect the setting of the Old Vicarage.
- 5.8 Conservation  
The scheme has undergone a large reduction in size, in response to comments from the conservation officer. These changes were welcomed, and the reduced scale of the development has greatly reduced the harm which would have resulted on an important heritage asset. While the resultant loss of views are considered harmful, it is not considered that they represent a materially significant harm, and therefore, there is no objection to the proposal in conservation terms.
- 5.9 Overall, it is considered that the proposed development would not harm the character or appearance of the area and as such, is considered acceptable in terms of visual amenity.
- 5.10 Residential Amenity  
The dwelling is located within a large plot, with significant separation from neighbouring properties. The height of the proposed development would not be considered to have an overbearing or overshadowing impact on any neighbouring occupiers.
- 5.11 New windows would be inserted into the western elevation of the property. However, it is considered that No. 32 is well screened by an existing structure and high landscaping surrounding the site; therefore, it is not considered that there would be a loss of privacy as a result of the proposed development.
- 5.12 Overall, it is considered that the proposal would not harm the living conditions currently enjoyed by neighbouring dwellings and as such, is considered acceptable.
- 5.13 Sustainable Transport  
The proposed development will increase the bedrooms within the dwelling to five. The Council's residential parking standards state that a dwelling with five or more bedrooms provide a minimum of three parking spaces within the site boundary. Having visited the site, it is considered that three off-street parking spaces are available on-site. It should be noted that the proposed garage measures only 5.6m in depth; therefore, cannot be considered within the parking provision.
- 5.14 Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between

people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.15 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 attached to the decision notice.

**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.

Reason

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

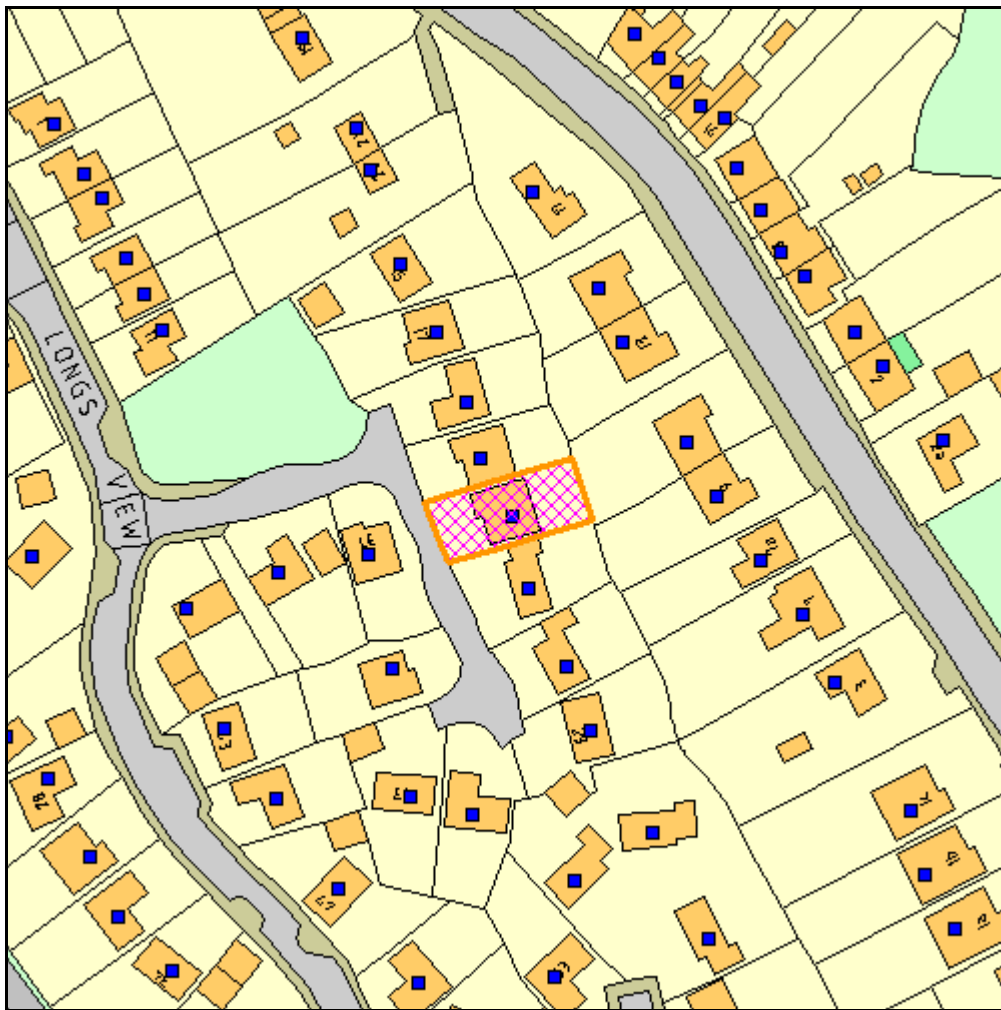
2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes B and C) shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

CIRCULATED SCHEDULE NO. 44/17 – 3 NOVEMBER 2017

<b>App No.:</b>	PT17/3943/F	<b>Applicant:</b>	Mr Zach McAllister
<b>Site:</b>	23 Longs View Charfield Wotton Under Edge South Gloucestershire GL12 8HZ	<b>Date Reg:</b>	7th September 2017
<b>Proposal:</b>	Erection of first floor side extension and single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Charfield Parish Council
<b>Map Ref:</b>	372366 192483	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Householder	<b>Target Date:</b>	2nd November 2017



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## **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a single storey rear, and first floor side extension at 23 Longs View Charfield.
- 1.2 The property site relates to a detached dwelling that is located within the settlement boundary and built up residential area of Charfield.
- 1.3 The Case Officer raised concerns with the amount of private amenity space at the property post development. This concern was alleviated by reducing the single storey element by 1.6m.

## **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. P93/1460  
Approval (15.09.1993)  
Erection of 47 dwellings, construction of associated driveways, access roads and pavement, provision of landscaped areas. Refurbishment and alterations to existing dwelling, 'Tyndale'. (In accordance with the amended plans received by the council on 14 July 1993)

## 4. **CONSULTATION RESPONSES**

### 4.1 Charfield Parish Council

“Charfield Parish Council has NO OBJECTIONS to this application.”

#### Archaeology

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

#### Sustainable Transport

“The proposed development will increase the bedrooms within the dwelling to five. The plans submitted show that the existing garage will remain and in addition three parking spaces are available to the frontage of the site.

As this level of parking complies with the Council's residential parking standards, there is no transportation objection to the proposed development.”

## **Other Representations**

### 4.2 Local Residents

“I was surprised to see an extra parking space included on the plan as I did not expect to see this as part of the application. Currently there is parking for two car spaces side by side at the front of 23 Longs View, with a lawn adjacent and a drop kerb in front of the driveway/first parking spot. The combined plans are different showing 3 car parking spaces taking up nearly all of the front garden, thus removing the lawn. Additionally another drop kerb would be required for access to the new parking area, would this not require additional planning permission?”

The Properties developed by Bryant Homes Central Limited in Longs View have a number of restrictive covenants attached to the deeds. For the front garden they state: "To keep the front garden as a lawn and access drive". Keeping green spaces in front of the properties is desirable in maintaining an attractive and good character to the estate, a key ingredient to the pleasant and enjoyable surroundings.

Nobody else in the cul de sac has changed their entire front garden into a car park and I fear that if this happens just once, the precedent will be set. That would have a damaging effect on the desirability of the estate, the value of property, and contravene the restrictive covenant.

I therefore object to this application.”

## 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 development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy 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 host dwelling is a detached property occupying a confined plot. This cul-de-sac within Longs View contains only detached houses along the eastern and southern sides. The host dwelling itself is two storey with a gabled pitched roof, front canopy, ground floor bay window, attached garage and rear conservatory.

5.3 *First floor side extension*

The first floor side extension would be built above the existing garage and utility room forming two additional bedrooms to the first floor. This extension is considered to be of a standard design and would match the existing extension at the immediate neighbour No.21.

5.4 *Single storey rear extension*

The single storey element would replace an existing conservatory. The replacement would be some 2m deeper but would maintain the same height and width. The extension would contain a pitched roof with a single roof light, and bi-fold doors into the garden area. The development would form a family room and would be accessible through the existing access to the conservatory.

5.5 The proposals would be constructed from facing brickwork and concrete interlocking roof tiles. These materials would match those present on the original dwellinghouse. The colour of the new UPVC windows and doors is not known, as such these will be conditioned to match those on the existing property.

5.6 While it is considered to be a large addition to the property, in view of the heavily mixed residential feel of the area, and the similar extension at No.21 it is considered that the proposal would not be detrimental to the character of the property or its context. Thus, the proposal is acceptable in terms of design and visual amenity, and would comply with policy CS1 of the Core Strategy.

5.7 Residential Amenity

Policies H4 of the adopted Local Plan (2006) and PSP38 of the emerging PSP Plan (2016) 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.

5.8 New windows are proposed to the first floor front and rear of the property; these would result in no more of an impact on residential amenity than the existing first floor windows on the host dwelling. An existing side elevation window would be removed. The remaining development is single storey and replaces an existing conservatory, as such is not considered to detriment residential amenity.



- 5.9 The loss of a large amount of the private amenity space was queried by the Case Officer, and a reduction of the proposal from 6.6 metres in depth to 5 metres was submitted by the applicant. This reduction increased the amenity space to 60m<sup>2</sup>. It should be noted that if permitted development rights were exercised at the property as little as 40m<sup>2</sup> private amenity space would be available. As such the Case Officer deems the negotiated 60m<sup>2</sup> to be sufficient.
- 5.10 When considering the existing boundary, combined with the siting and scale of the proposals. The development would not appear overbearing or such that it would prejudice existing levels of outlook or light afforded to neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with saved Policy H4 of the Local Plan (2006) and PSP38 of the emerging PSP Plan (2016).
- 5.11 Sustainable Transport  
As part of the development the applicant proposes creating three off-street parking spaces to the front of the dwelling. As noted from the Transport Officer in point 4.1 this will meet Council requirements for a five bed dwelling. In any event the property as it stands would provide 2 spaces in the existing driveway plus a garage, so there is no requirement to insist on the additional hardstanding shown. Nevertheless as a five bedroom property in a cul-de-sac in a confined residential area with minimal safe on street parking, the addition of parking within the boundary of No.23 is understandable. Moreover, the permitted development rights at the property are intact, subsequently the permission of the Council is not required to install hardstanding to the front of No. 23 providing it meets the requirements set out in The Town and Country Planning (General Permitted Development) (England) Order 2015. It is not considered the Local Planning Authority could maintain an objection on this basis to the additional parking area shown, but given that it would not be required to meet the minimum standard then no condition to implement it is imposed in this case.
- 5.12 A comment from a neighbour posed the question would permission for a drop kerb be required to facilitate the proposal? Indeed permission from the Highway Authority (Streetcare team) would be required to drop the kerb, but as Longs View is an unclassified road, a further planning application would not be required.
- 5.13 Other matters  
The objecting neighbour also states that the loss of the front lawn would affect the desirability of the estate, property values and contravene a covenant placed on the property. Restrictive covenants are not enforced by the Local Planning Authority which acts in the public interest. In the event of a planning permission the applicant would need to ensure that all relevant consents are in place, including those governed by the civil law. Finally, in regards to the desirability and house prices this is not something that has attracted weight as a material planning consideration in this assessment.

#### 5.14 Equalities

The Equality Act 2010 protects people from discrimination in the workplace and in wider society. 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 condition(s) attached to the decision notice.

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

### CONDITIONS

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

Reason

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

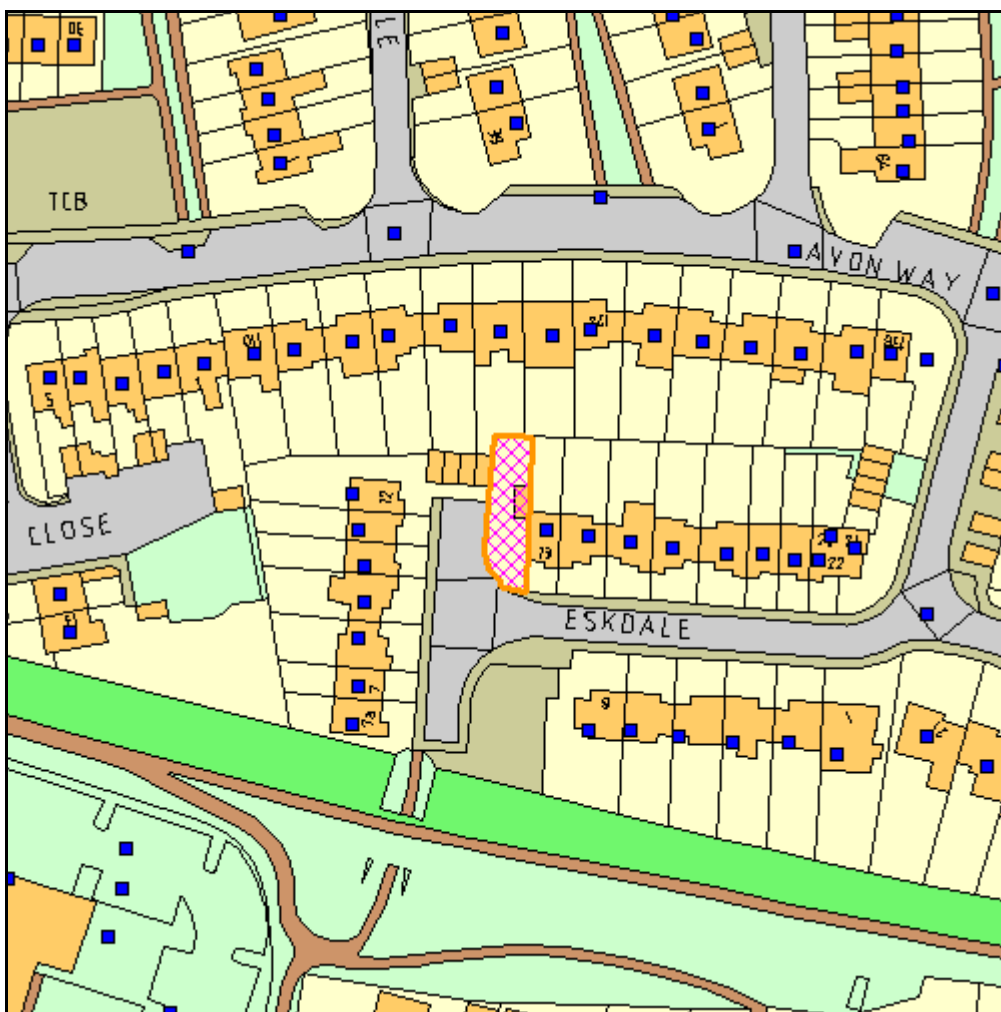
2. The materials to be used in the construction of the external surfaces (including the windows and doors) of the extension hereby permitted shall match those used in the existing building.

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.

CIRCULATED SCHEDULE NO. 44/17 – 3 NOVEMBER 2017

<b>App No.:</b>	PT17/4308/F	<b>Applicant:</b>	Mr Nicholas Goulas
<b>Site:</b>	13 Eskdale Thornbury Bristol South Gloucestershire BS35 2DR	<b>Date Reg:</b>	3rd October 2017
<b>Proposal:</b>	Erection of 1no. attached dwelling with access, parking and associated works. (Re submission of PT17/2305/F)	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364534 189434	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th November 2017



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 100023410, 2008. N.T.S. PT17/4308/F

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

The application has attracted comments which are contrary to the Officer recommendation. Consequently, 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 seeks full planning permission for the erection of 1no. attached dwelling with access, parking and associated works at 13 Eskdale Close Thornbury. This application is a resubmission of a previously refused scheme PT17/2305/F.
- 1.2 The host property is a two storey, three bed dwelling that is located in the built up and residential area of Thornbury. The new attached dwelling is proposed to be a larger two storey 3 bed dwelling built on the western side of host property. The proposal would be built on the current driveway and small previously vegetated area.
- 1.3 A reduction in the scale of the development was received on 24<sup>th</sup> October at the request of the Case Officer. These plans were received on the day that neighbour consultations expired. However, as the proposal was reduced it was not deemed necessary to re-consult local residents.

### **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 Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS32 Thornbury

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP8 Residential Amenity

PSP16 Parking Standards

PSP37 Internal Space and Accessibility Standards for dwellings

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.

Residential Parking Standards (Adopted) 2013

Waste Collection: Guidance for New Development SPD (Adopted) January 2015

3. **RELEVANT PLANNING HISTORY**

3.1. PT17/2305/F

Refusal (11.08.2017)

Erection of 1no. attached dwelling with access, parking and associated works.

4. **CONSULTATION RESPONSES**

4.1 Thornbury Town Council

None received.

Sustainable Transport

Planning permission has previously been refused on this site to erect an attached dwelling. Transportation objection was raised over the removal of vehicular parking from the site.

This current submission again seeks to erect a new three bed dwelling on the same area of land. A minimum of two vehicular parking spaces would be required for this dwelling. As the existing dwelling has three bedrooms two spaces would also be required for this dwelling.

The plans submitted show that two spaces would be provided to the frontage of each of the dwellings. Although this level of parking complies with the standards, I have concerns that the size of the spaces in front of the existing dwelling do not comply with the Council's residential parking standards. If a space is directly in front of a building we usually request a minimum space of at least 5.3m to ensure that a vehicle does not hang over into the public highway.

The existing plan submitted shows that parking is currently available to the frontage of the dwelling but having checked the history on the site and aerial photographs this does not appear to be the case. Clarification on this (in the form of current photos) would be helpful.

Before final comment can be made revised details addressing the above needs to be submitted."

### Highway Structures

"The Highway Structures team has no comment".

### Lead Local Flood Authority

"Drainage and Flood Risk Management Team (Engineering Group - Street Care) has no objection in principle to this application subject to the following comments and/or advice and/or informatives.

#### Informative

Public sewer location: The proximity of a public surface water sewer may affect the layout of the development. Refer the application to Wessex Water for determination.

Note: Private sewers were transferred to the water and sewerage company (Wessex Water PLC) on 1 October 2011 and are now of public sewer status. Maintenance of these sewers are now the responsibility of Wessex Water and will therefore be subject to 'building over' or 'building in close proximity to' restrictions. The applicant or agent is recommended to discuss this matter with Wessex Water PLC."

### The Archaeology Officer

"There are no objections to this proposal on archaeological grounds".

## **Other Representations**

### 4.2 Local Residents

13 letters of objection were received from local residents. Many of these contained similar complaints due to the formation of a neighbourhood action group regarding the application. It should be noted that the majority of these were submitted before the reduced plans were received. However, when considering the multiple objections to the previous and current schemes by local residents, it is sensible to infer that the reduced proposal would attract similar comments. These comments are summarised under the headings below:

#### Amenity

Loss of light to neighbouring properties; the proposed dwelling is out of character of the rest of Eskdale in terms of size, layout and location; the proposal does not complement existing properties; overlooking; and loss of privacy.

#### Transport

Highway safety; loss of parking spaces; increase in on-street parking; and parking not meeting Council Standards.

#### Other matters

Ground clearance already started; trees felled and vegetation removed without permission; multiple errors in the application including omitted information, misleading plans with a lack of measurements and lack of utility information.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The site is located within the established urban area and is within the defined settlement boundary. The principle of residential development on the site is therefore acceptable. This application stands to be assessed against the policies listed in paragraph 2 above, and in the light of all material considerations. In principle, the proposed development is considered to be acceptable as the site lies within the defined urban area. All issues relating to the design, impact on residential amenity, highway safety, drainage and other matters will be assessed below.

5.2 The Council is currently unable to demonstrate a deliverable five years available housing land supply and therefore paragraph 14 of the NPPF must come into effect. Paragraph 14 states that in this situation planning permission should be granted unless the adverse impacts of doing so would *significantly* and *demonstrably* outweigh the benefits.

### 5.3 Design and Visual Amenity

The proposed development is an attached three bed two storey dwelling that would be built on land to the west of a smaller three bed two storey property. The host dwelling is semi-detached; with a gable end, pitched roof, large drive with detached garage, and a flat roof front porch. Its elevations are red brick and brown concrete slate with white UPVc windows and doors.

5.4 The Case Officer explored options with the agent regarding a reduction in size and location of the proposal in order to overcome the previous design refusal reason, and the lack of private amenity space resulting from providing parking to the front of the property.

5.5 The previous design contained a large flat roof element to the rear which would have been the only two storey flat roof within Eskdale Close and would be prominent when viewed from Nos. 9-12. The agent originally proposed a sloping roof with a large rear dormer to overcome this issue. This too was deemed to be poor design in relation to the other properties in Eskdale. Therefore the dormer was reduced in size and the dwelling was reduced in depth and repositioned closer to the street. This new design is considered to be an improvement on both the previous scheme, and the original submission of this scheme.

5.6 While this design is not an exact replica of No.13 Eskdale. The proposed dwelling will match many of the existing design features. The elevations, windows and doors would match, as would the roof materials and street front roof slope angle. The proposed principal elevation would be set behind No.13 and would contain a similar front porch. Also, the ridge height would be no higher than the existing. The major differences are the rear roof slope, small rear dormer, and rear elevation protruding 4m beyond No.13. However, when considering the location of the roof slope, dormer to the rear, and what could be added to the existing properties along the row under permitted development.



The design and scale of the rear elements of the new dwelling are considered to be acceptable. Moreover, it should be noted that many of the properties in Eskdale Close have been extended to the side and rear to accommodate modern living.

- 5.7 In view of the mixed residential feel of the area, it is considered that the proposal would not be detrimental to the character of the property, its context or surrounding properties. Thus, the proposal is acceptable in terms of design and visual amenity.
- 5.8 Residential Amenity  
Policy H4 of the adopted Local Plan (2006) and PSP38 of the South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016 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.
- 5.9 Although it is accepted that this is a residential area, careful consideration still needs to be given to the impact of the proposal both on existing neighbouring occupiers and also the intended future residents.
- 5.10 The proposed new dwelling will be attached to the side of an existing dwelling with windows looking directly to the front, rear and side. The windows in the front elevation will look out into an area of Eskdale Close that contains no properties, it is an open space with only trees in the direct sight lines. The windows in the rear elevation would face the rear elevations of Avon Way. These would only be 4 metres closer to the neighbouring dwellings than the windows in the rear of the existing dwelling; this is still 21 metres from the affected properties 120 and 122 Avon Way. The one side window would be 15 metres away from affected properties and would serve the bathroom. This side window would be considered acceptable subject to the condition of obscure glazing. As such, the existing level of overlooking for neighbouring dwellings will not be exacerbated, and privacy would not be materially harmed by the proposed new dwelling.
- 5.11 In regards to the loss of light raised by neighbours; as the properties on the northern side of Eskdale Close have north facing gardens; they receive little direct sunlight so will be unlikely to be harmed by the proposal. The properties on Avon Way have south facing gardens. However, due to the distance between the proposal and properties on Avon Way (22 metres) the loss of light would be negligible.
- 5.12 Private amenity space was initially an issue with this proposal. Policy PSP43 indicates that 3 bed dwellings should have a minimum of 60m<sup>2</sup> of private amenity space. Given the stage of this emerging policy, it is given considerable weight in this assessment. No.13 Eskdale would retain 59m<sup>2</sup>; and as a result of negotiations between the Case Officer and Agent, the new dwelling would benefit from 56m<sup>2</sup>. While these are slightly below the 60m<sup>2</sup> threshold the shortfall is so marginal that it is not considered to amount to a significant and demonstrable harm that outweighs the benefit of the proposal.

- 5.13 The proposal would not appear overbearing or such that it would prejudice existing levels of outlook or light afforded to neighbouring occupiers. Additionally, privacy would not be affected. 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) and PSP38 of the South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016.
- 5.14 Transport  
The applicant seeks to erect a new 3 bed dwelling. No.13 also has 3 bedrooms. At present the existing dwelling has adequate off street parking in the form of a garage and driveway. If built, No.13 would contain one off street parking space and the new dwelling would contain two off street parking spaces. As noted from the Transport Officer in point 4.1; South Gloucestershire Council minimum parking standards state that 3 bed dwellings require 2 off street parking spaces. Thus, four off-street parking would be required and only three would be provided. One of the previous reasons for refusal related to inadequate parking provision. The previously refused scheme only provided one space for one dwelling; with none for the other. This new application has sought to address this refusal reason by providing two additional off-street parking spaces.
- 5.15 Nevertheless the proposed level of parking provision falls below that advocated in the South Gloucestershire Residential Parking Standards and emerging policy PSP38 of the PSP. This counts against the proposal. However, as the Council cannot demonstrate a five year housing land supply, the lack of one parking space would have to *significantly* and *demonstrably* outweigh the benefit of the modest addition of 1no. dwelling to South Gloucestershire housing stock. Furthermore the inability to meet the minimum standard should not automatically result in a refusal through the slavish adherence to such standards, the likely resultant harm should be an important consideration It is therefore important to consider whether the likely resultant shortfall of one parking space would be likely to lead to a highway safety or congestion harm in this specific instance. This area of Thornbury is a sustainable urban location close to schools and shops and access to public transport. Moreover, Eskdale Close contains no parking restrictions and reasonable access to on-street parking. It is not considered that the resultant impact would amount to a “severe” impact to highway safety – which is the threshold suggested by paragraph 32 of the NPPF.
- 5.16 Drainage  
As noted from the Lead Local Flood Authority in point 4.1. There are no drainage objections due to the provision of a suitable drainage scheme.
- 5.17 Other matters  
Discrepancies were identified in the application during the process. These errors were rectified by communication between the agent and Case Officer and the resubmission of plans.
- 5.18 In regards to the issue raised by neighbours of ground clearance and tree/vegetation removal without planning permission. The trees felled were not protected by Tree Preservation Orders; as such permission is not required to

remove them. Additionally, permission is not required to complete minor ground clearance.

5.19 Many of the objections made reference to the lack of measurements on the plans, and that the proposed new dwelling was four beds and not three. However, all plans that were submitted were to scale and met Council requirements. The latest floor plan clearly shows three bedrooms.

#### 5.20 Equalities

The Equality Act 2010 protects people from discrimination in the workplace and in wider society. 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.

#### 5.21 Planning Balance

The proposal would result in an additional dwelling in a sustainable location which attracts significant weight in its favour, especially when one considers the current housing supply position. The design proposed would be reasonably in keeping with the surrounding properties, and would be unlikely to cause harm to existing living conditions to nearby residents. There is a marginal shortfall in terms of private amenity space for both the existing and proposed dwelling when the emerging minimum standards are applied. There is also a shortfall of one parking space for the original dwelling when the adopted minimum standards are applied. It is not considered that these amount to significant and demonstrable harm that outweighs the overall benefit of the proposal.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

- 7.1 That planning permission is **GRANTED** subject to the condition(s) 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. Prior to the use or occupation of the development hereby permitted, and at all times thereafter, the proposed first floor window on the west elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed'.

Reason

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

3. 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 E4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework.

4. 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.

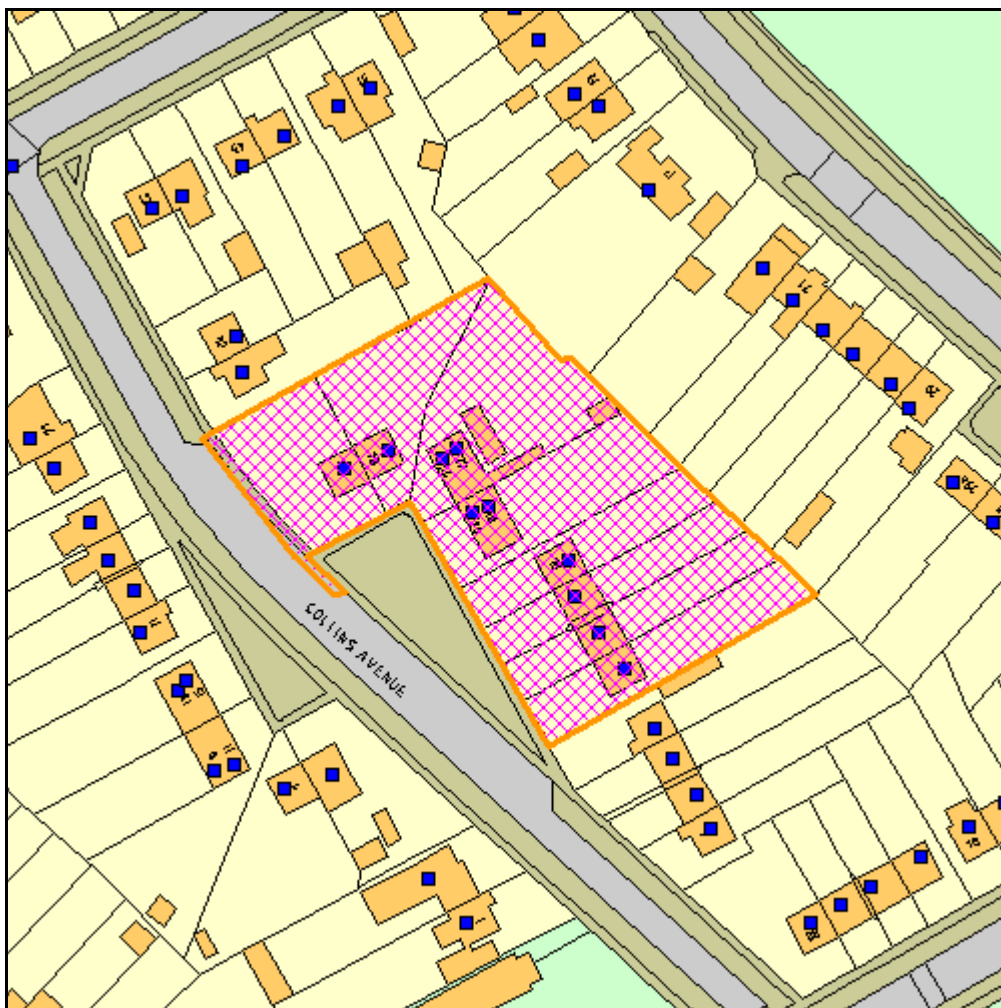
5. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the No.13 Eskdale Close Thornbury BS35 2DR.

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.

**CIRCULATED SCHEDULE NO. 44/17 – 3 NOVEMBER 2017**

<b>App No.:</b>	PT17/4327/F	<b>Applicant:</b>	Miss Ellen Copeland Merlin Housing Society
<b>Site:</b>	10-28 (Evens Only) Collins Avenue Little Stoke Bristol South Gloucestershire BS34 6JZ	<b>Date Reg:</b>	28th September 2017
<b>Proposal:</b>	Demolition of existing residential units and erection of 9no houses, 6no flats and provision of 26 parking spaces with access and associated works.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	361476 180909	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Major	<b>Target Date:</b>	25th December 2017



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## INTRODUCTION

This application is referred to the Circulated Schedule in accordance with procedure given that responses have been received that are contrary to the officer recommendation.

### 1.0 THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of 9 no. houses and 6 no. flats. In detail the scheme will comprise 4 no. three bed properties, 5 no. two bed properties, 4 no. two bed properties, 4no. two bed flats and 2 no. one bed flats. The development will replace 6 no. houses and 4 no. flats. These are Cornish Units and the applicant (Merlin Housing Association) has indicated that due to age the existing properties now fall below an acceptable standard and thus require replacement. The dwellings will meet the definition of Affordable Housing.
- 1.2 The development involves the creation of a new access off Collins Avenue and will be served by a total of 26 no. parking spaces.
- 1.3 The application site is situated within the residential area of Little Stoke, such that on each side the site is surrounded by further residential properties. Approximately 200 metres to the north-west of the site lies Little Stoke Park. In support of the application the applicant has supplied the following information: a biodiversity survey and report; Ecological Impact Assessment and Tree Survey/Arboricultural Report.

### 2. POLICY CONTEXT

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Practice Guidance

#### 2.2 Development Plans

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

L1 Landscape Protection and Enhancement  
L9 Species Protection  
EP4 Noise Sensitive Development  
T7 Cycle Parking  
T12 Transportation Development Control

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 Accessibility  
CS9 Managing the Environment and Heritage  
CS16 Housing Density  
CS17 Housing Diversity  
CS18 Affordable Housing

#### 2.3 Emerging Plan

South Gloucestershire Local Plan Proposed Submission: Policies, Sites and Places Plan June 2016. (Examination in Public February 2017)

PSP1 - Local Distinctiveness  
PSP2 - Landscape  
PSP3 - Trees and Woodland  
PSP4 - Designated Local Green Spaces  
PSP5 - Undesignated Open Spaces within Urban Areas and Settlements  
PSP8 - Residential Amenity  
PSP11 - Development Related Transport Impact Management  
PSP16 - Parking Standards  
PSP19 - Wider Biodiversity  
PSP20 - Flood Risk, Surface Water and Watercourses  
PSP43 - Private Amenity Space Standards

#### 2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Residential Parking Standards, Dec 2013  
Affordable Housing SPD Adopted September 2008  
Waste Collection: guidance for new developments SPD January 2015  
CIL Charging Schedule and the CIL and S106 SPD (Adopted) March 2015

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

- 3.1 PT15/5447/PND Prior notification of the intention to demolish 6 no. houses and 4 no. flats (10,12,14,16,18,20,22,24,26,28 Collins Avenue – No objection)

### 4. **CONSULTATION RESPONSES**

#### 4.1 Stoke Gifford Parish Council

No objection

#### 4.2 Other Consultees

##### Listed Building and Conservation Officer

No objection as the proposals will not impact on any above ground designated or non-designated heritage assets.

##### Tree Officer

A tree survey (Hillside Trees) has been submitted to support this application. I am in agreement with the tree categorisation. The most significant trees that would be affected are 3 False Acacia trees within SGC ownership. I am satisfied that adequate protection has been afforded to these trees for the duration of the development. The trees identified for removal are of low quality and should not be considered a constraint to this development.

An off-site Lombardy poplar has been identified as requiring special construction methods in order to protect its RPA. A cellular confinement system has been recommended of which I am in agreement with. I am happy to see that arboricultural supervision has been detailed in the tree report (AMS 3(f) and 4(e))



I have no objections to these proposals. Please condition the contents of the approved Hillside Trees arboricultural report (Sept 2017)

### Ecologist

No objection however a detailed approach to reptile mitigation must be submitted to the local authority prior to any development. Details must include receptor site suitability (habitat condition, existing population present, predicted carrying capacity, connected to more suitable habitat), description of the translocation method and protocol for continually high numbers of slow-worms being caught (potentially the use of another receptor site), description of destructive searches and figures showing the layout of any exclusion fencing used.

Conditions are also recommended to secure a lighting plan (in relation to bats), a further survey prior to the demolition of the on-site buildings and the installation of bat and bird boxes.

### Affordable Housing

#### Background

Merlin Housing Association is proceeding with a redevelopment programme regarding a number of the PRC (pre-cast reinforced concrete) dwellings. This programme will address approximately 500 defective PRC properties. The project will span a period of at least 7 years, redevelop 69 sites and enable regeneration across 30 different locations and provide quality sustainable homes.

#### Proposal

This application proposes to demolish 10no. units and the erection of 15no. dwellings (with a net gain of five) by Merlin Housing Society for 100% affordable housing. For the purposes of assessing the affordable housing requirement this will be based on the net gain of those sites that trigger the current affordable housing requirement i.e. 5 units and more.

In the event that not all the affordable housing is delivered or the site is subsequently sold on the open market, Enabling will secure the Council's planning policy requirement of 35% affordable housing in perpetuity via a Section 106 agreement.

This application does not trigger the affordable housing requirement and based on our current policy (CS18) there would not be in this instance a requirement to secure affordable housing.

For future applications we will assess in line with changes made to the National Planning Policy which changes the threshold at which affordable housing contributions would be applicable. For developments in designated rural areas a lower threshold of 5 units or less applies, whilst in urban areas the threshold of 10 units or more applies.

### Environmental Protection

No objection – a condition to restrict construction hours is recommended

### Lead Local Flood Authority

Subject to a condition to secure details of a sustainable urban drainage scheme to serve the development and subject to an informative to advise the applicant of the proximity of the public sewer there is no objection to the proposed development.

### Landscape Officer

No objection raised

### Sustainable Transport

There is no objection to the proposed development.

### Local Residents

There have been two objections received and one comment.

The grounds of objection received are summarised as follows:

- The proposal will result in the loss of on-street parking through the removal of a layby
- The proposal will result in the destruction of an open space and trees
- The proposal will result in overlooking of neighbouring properties and loss of privacy

A comment has been received that the proposed units 7 and 8 have the potential to overlook neighbouring properties and that obscure glazing should be used.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

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

The application site is within a defined settlement boundary. The starting point for consideration of the application is therefore Policy CS5 which directs development to within settlement boundaries and thus when looking at the principle of development this proposal is in accord with the development plan. Paragraph 14 of the National Planning Policy Framework states - that the "golden thread" that should run through both plan-making and decision taking is the presumption in favour of sustainable development. It is considered that in principle the development plan has identified this as a sustainable location which accords with the presumption in favour of development as set out in para 14.

There is a requirement as set out in para 47 of the NPPF for Local Authorities to demonstrate a deliverable five year supply of housing land. The Council cannot, at present, demonstrate such a supply of housing land. The latest five housing year

supply is set out in the 2016 Authority's Monitoring Report (AMR). Table 2.3, on page 29 of the AMR sets out the 5 year supply position:-

The five year supply deficit: **960**

Five year supply figure: **4.54**

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to date if the local planning authority cannot demonstrate a five year supply of deliverable sites.

At the time of writing this report, this position is not considered to have changed and in the light of this a net gain of 5 houses (albeit to some extent given the substandard condition of the existing houses, the proposal could be seen as a gain of 15 modern units) weighs significantly in favour of the proposal and will boost the housing supply and the supply of affordable housing given that the applicant is such a provider.

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

Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments. The provision of affordable housing is therefore in accord with this objective and weighs significantly in favour of the development.

There is therefore no in-principle objection to the development of the site for residential use. The remainder of this report considers the likely impact this level of development might have when assessed against relevant development plan policies and other material considerations.

## 5.2 Density

Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.* Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation.

This application seeks consent for the erection of 15 dwellings on the site – which equates to approximately 43 dwellings per hectare (dph). This is considered an appropriate density which is comparable with the adjoining area.

The application is therefore in accordance with the requirements of the NPPF and the Core Strategy in particular the provision of flats within the development accords with Paragraph 50 of the NPPF and Policy CS16 of the Core Strategy which seeks the efficient use of land and CS17 which set out the importance of delivering a wide range of residential accommodation..

### 5.3 Scale, Design and Layout

Core Strategy Policy CS1 only permits new development where good standards of site planning and design are achieved. The Policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

The surrounding area consists mainly of post-war residential buildings. These are two storey Cornish style units of red brick, render and vertical hanging grey/brown tiles. It is proposed to use the same materials but to introduce a simple design with gable ends rather than the multi-roof slope approach to be found in the existing vernacular. This approach is considered acceptable. Having regard to the provision of an acceptable level of private amenity space, appropriate distances between the proposed buildings and there existing neighbours and access and parking considerations the proposed layout is considered acceptable. The proposal is considered acceptable in these terms.

### 5.4 Landscape/Trees

Policy L1 of the South Gloucestershire Local Plan seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape. Policy CS1 indicates that landscaping should form an integral part of design.

Existing trees are retained and protection measures identified in the submitted report. Tree officers are satisfied that subject to a condition to ensure that all works take place in accordance with the recommendations in the report there is no objection raised. Most landscaping takes the form of private amenity space however some limited planting is also proposed. Subject to the above condition in relation to the trees and subject to a condition to secure landscaping details the proposed development is acceptable in landscape terms.

### 5.5 Impact Upon Residential Amenity

Residential amenity is assessed in terms of the extent to which a development will have an adverse impact upon the amenity of neighbouring occupiers by reason of impact upon outlook, (through appearing oppressive/ overbearing or by resulting in overshadowing of neighbouring properties) or by causing a loss of privacy to neighbouring occupiers through overlooking.

Concern has been raised that the proposed development would result in the loss of amenity as a result of overlooking.

Units 1 and 2 face onto Collins Avenue and will project marginally forward of the property immediately to the north, No.30. There are two small windows on the side elevation at first and second floor level (unit 1). It is considered that this relationship is acceptable and would not result in any detriment to amenity in the terms set out above.

Units 3, 4, 5 and 6 are set within the site close to the northern (and eastern) boundaries. These properties (window to window distances) are approximately 40 metres from properties in Rossall Ave). The distance is approximately 30 metres from the side elevation (units 5 and 6) to the rear of properties in Little Stoke Lane. There is no window at first floor level on this elevation. It is considered that this relationship is acceptable and would not result in any detriment to amenity in the terms set out above.

Units 7, 8 and 9 are located at the south-eastern corner. There is the potential for these buildings to overlook No. 8 Collins Ave (other units to the south) from the proposed rear elevations of these new units. It should be noted that the new structures are angled away from existing properties such that any overlooking from the rear elevation would be across rear gardens rather than directly window to window. It is noted that there is a first floor window on the side elevation facing to the east (Unit 8 – first floor flat). Concern has been raised by a neighbour that this window would overlook the rear of their property. The distance window to window is approximately 30 metres. It is not considered that the impact would be significant (the window is to a landing area), however for the avoidance of doubt it is considered appropriate to apply a condition to ensure this window is opaque. It is considered that this relationship is acceptable and would not result in any detriment to amenity in the terms set out above.

Units 10 to 15 front onto Collins Avenue. Unit 10 sits forward of No.8 Collins Avenue. It is considered that this relationship is acceptable and would not result in any detriment to amenity in the terms set out above.

Residential amenity for new properties is also a consideration and it is considered that the relationship between the new properties is acceptable in the above terms. Furthermore sufficient external amenity space is provided such that it meets the council standards.

In summary given the scale and relationship between the proposed dwellings and the existing neighbouring properties it is not considered that any adverse impact upon residential amenity in the above terms would occur. It is also considered that the relationship between the new properties is acceptable. It is considered appropriate in this instance given the proximity of the surrounding residential properties and the scale of the necessary works to attach a condition to restrict working hours.

## 5.6 Drainage

Policy CS9 of the Core Strategy requires development to be located away from areas of Flood Risk and to reduce and manage the impact of flood risk from the development through location, layout, design, choice of materials and the use of Sustainable Drainage Systems.

The application site lies in flood zone 1 – an area at the lowest risk of flooding. Subject to a condition requiring the submission for approval of and full implementation of a Sustainable Urban Drainage scheme, the Lead Local Flood Authority raise no objection to the proposed development.

There is no objection to the development on drainage grounds subject to this condition. An informative will be attached to the decision notice to advise the applicant of the close proximity of the public sewer and their duties in relation to this during the construction period.

## 5.7 Ecology

Policy CS9 of the Core Strategy and the provisions of the National Planning Policy Framework seek to conserve and enhance the natural environment, avoiding or minimising impacts of biodiversity, this is reiterated in paragraphs 109 to 125 of the NPPF.

An Ecological Impact Assessment has been submitted in support of the proposed application by The Landmark Practice (September 2017). No designated site is predicted to be affected by the development.

The report identifies that there is no evidence for newts within the vicinity of the site. It is considered unlikely that there is significant bat activity at the site as there is only a moderate opportunity for bat roost at the site. Bats were recorded however overflying the site. With respect to slow-worms, suitable reptile habitat such as brash, log piles and rubble piles are present on site. The reptile survey found that slow-worms are present with a peak count of 34 adults. The report includes a mitigation strategy for the translocation of slow-worm to a receptor site. There is no evidence of badgers on the site.

There is no objection to the development on ecological grounds subject to conditions to secure an appropriate mitigation scheme for slow-worms to include details of an alternative site location, a lighting plan to prevent light spillage (to protect bats), to secure a further survey for bats should the development specifically the demolition of the buildings not be completed within a year of the submitted current surveys and lastly a conditions to secure a scheme of bat and bird boxes on the site.

## 5.8 Transportation Issues

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

Policy CS8 of the Adopted Core Strategy sets out that off-site contributions may be sought where necessary to make a scheme acceptable. Policy T12 states that development will only be permitted where it provides adequate, safe, convenient, attractive and secure access facilities for pedestrians, cyclists and people with disabilities. The policy confirms that development will be expected to contribute towards public transport, pedestrian and cycle links where there is a need arising from the development proving the contribution is in scale and kind to the development.

Congestion, parking and highway safety have been raised as concerns in the majority of letters of objection received and also raised have been concerns as to whether sufficient parking spaces have been provided. While it is noted that the creation of the access would result in the loss of a limited number of on-street spaces, others remain but there it has to be noted that there is no right to an on-street place. The site itself, with the provision of 26 no. spaces meets the Council's adopted residential parking standards. The access itself is considered acceptable in terms of highway safety with appropriate visibility provided on either side. In summary subject to a condition to ensure that the parking spaces are provided prior to the first occupation of the development the proposal is considered acceptable in highways terms.

## 5.9 **PLANNING OBLIGATIONS**

The proposed development represents a net gain of six properties. As such the proposed development falls below the threshold at which planning obligations can be secured.

## 5.10 **Impact on Equalities**

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different when carrying out their activities.

Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.

The local planning authority is statutorily required to apply the Equality Duty to its decision taking. In most circumstances, planning policy sufficiently addresses equality issues and a proposal that primarily accords with the Development Plan - with no further specific information on how the development responds to those with protected characteristics - would be likely to have a neutral impact on equalities.

In this case the proposed development would have a neutral impact in these terms.

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

## 7. **RECOMMENDATION**

- 7.1 That planning permission is granted subject to the conditions set out on the decision notice

**Contact Officer: David Stockdale**  
**Tel. No. 01454 866622**

### **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 CS9 of the South Gloucestershire Local Plan Core Strategy 2013.

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.

4. The glazing on the first floor side elevation (Unit 8 as shown on Drg No.3807/P/11) shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

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



5. This decision relates only to the plans identified below:

Received 14th September 2017

3807/P/01 Site Location Plan  
3807/P/05 Existing Site Plan  
3807/P/11 Proposed Site Layout  
3807/P/12 Refuse Vehicle Tracking  
3807/P/13 Fire Appliance Tracking  
3807/P/14 Proposed Adoption  
3807/P/220 Proposed Ground Floor and First Floor Plans Plots 1 to 2  
3807/P/221 Proposed Ground Floor and First Floor Plans Plots 3 to 6  
3807/P/222 Proposed Ground Floor and First Floor Plans Plots 7 to 9  
3807/P/223 Proposed Ground Floor Plans Plots 10 to 15  
3807/P/224 Proposed First Floor Plans Plots 10 to 15

3807/P/720 Proposed Elevations Plots 1 to 2  
3807/P/721 Proposed Elevations Plots 3 to 6  
3807/P/722 Proposed Elevations Plots 7 to 9  
3807/P/723 Proposed Elevations Plots 10 to 15

3807/P/802 Proposed Street Scene A  
3807/P/803 Proposed Street Scene B

Reason:

For the avoidance of doubt

6. All works shall take place in accordance with the recommendations of the submitted Arboricultural report (Hillside Trees September 2017)

Reason:

To protect the health and well-being of the trees and in the interests of the visual amenity of the area to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013.

7. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason

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

A pre-commencement condition is needed in order to avoid the need for future remedial action

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

Reason

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

A pre-commencement condition is needed in order to avoid the need for future remedial action

9. Prior to the commencement of development (including any site clearance, ground works) a reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall include details of the receptor site, mitigation measures on site, translocation protocol and contingency plans. The works shall be carried out in strict accordance with the approved mitigation strategy.

Reason:

In the interests of the wildlife and the ecology of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013.

A pre-commencement condition is required in order to avoid the need for future remedial action.

10. Prior to the first occupation of the development, a lighting plan shall be submitted to and approved in writing by the local planning authority. The lighting plan must show the locations, heights, directions and wattage of any artificial external light. Specifically, light spill must be avoided around the vegetative boundaries of the site. The development shall be carried out in accordance with the approved details.

Reason:

In the interests of the wildlife and the ecology of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013.

11. Should the development (specifically the demolition of the buildings) not be completed within one year of the date of the bat surveys undertaken as part of the Ecological Impact Assessment (The Landmark Practice, September 2017), no demolition shall take place until pre-demolition bat surveys have been completed and submitted to the local planning authority for approval in writing. The development shall then proceed in accordance with the approved details.

Reason:

In the interests of the wildlife and the ecology of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013.

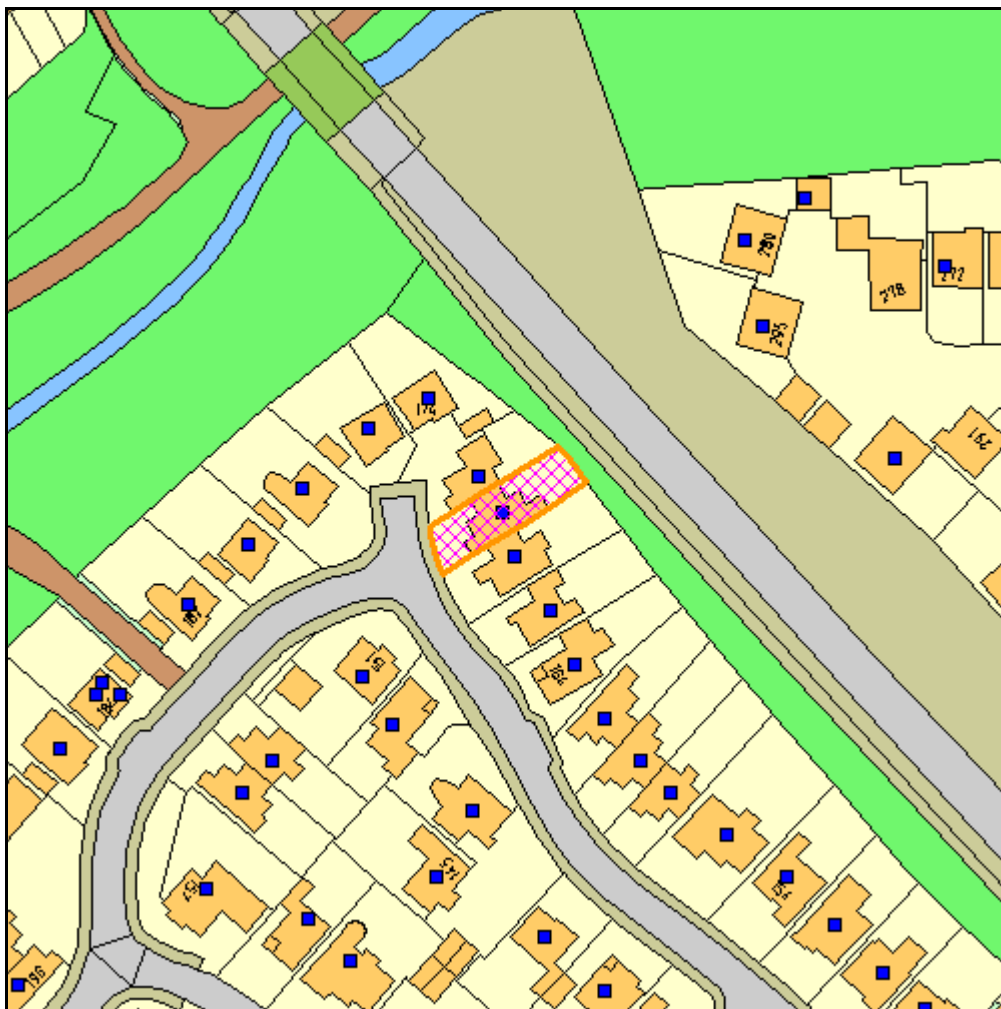
12. Prior to first occupation, the location and model of three bat boxes and three bird boxes shall be submitted to the local planning authority for approval in writing. The development shall be carried out in accordance with the approved details also prior to first occupation.

Reason:

In the interests of the wildlife and the ecology of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013.

CIRCULATED SCHEDULE NO. 44/17 – 3 NOVEMBER 2017

<b>App No.:</b>	PT17/4349/CLP	<b>Applicant:</b>	Mr Richard Pountney
<b>Site:</b>	170 The Bluebells Bradley Stoke Bristol South Gloucestershire BS32 8DW	<b>Date Reg:</b>	3rd October 2017
<b>Proposal:</b>	Certificate of Lawfulness Proposed installation of rear dormer to facilitate loft conversion	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	362476 181384	<b>Ward:</b>	Bradley Stoke South
<b>Application Category:</b>		<b>Target Date:</b>	10th November 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 installation of a rear dormer window to 170 The Bluebells, Bradley Stoke 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 thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

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

- 3.1 PT17/4345/PNH – No Objections - 17.10.2017  
Erection of single storey rear extension
- 3.2 PT05/2958/F – Approved - 25.11.2005  
Erection of rear conservatory.

### **4. CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council  
No comment

#### **Other Representations**

- 4.2 Local Residents  
No comments received

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

- 5.1 The Location Plan  
Combined Plans – Drawing No. A02  
Received by Local Authority 15<sup>th</sup> September 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 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. As such permitted development rights are intact and exercisable. (Whilst the plans show a rear extension in addition to the dormer window this was previously approved as permitted development – reference PT17/4345/PNH).

6.3 The proposed development consists of the installation of 1 no rear dormer. This 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 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 height of the proposed dormer windows would not exceed the highest part of the roof, and therefore the proposed development meets this criterion.

- (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 window would be located to the rear 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. As such the proposal meets this criterion.

- (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 link-detached house and the proposal would result in an additional volume of no more than 50 cubic metres.

- (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 would include none of the above.

- (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 submitted plans confirm that the proposed dormer would be of a similar appearance to those used in the construction of the exterior of the dwellinghouse.

- (b) the enlargement must be constructed so that –**
- (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
    - (aa) the eaves of the original roof are maintained or reinstated; and**
    - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge or 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 rear dormer would be approximately 0.5 metres from the outside edge of the eaves of the original roof respectively. Additionally, the proposal 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 installed.**

The proposal would include none of the above.

## **7. RECOMMENDATION**

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

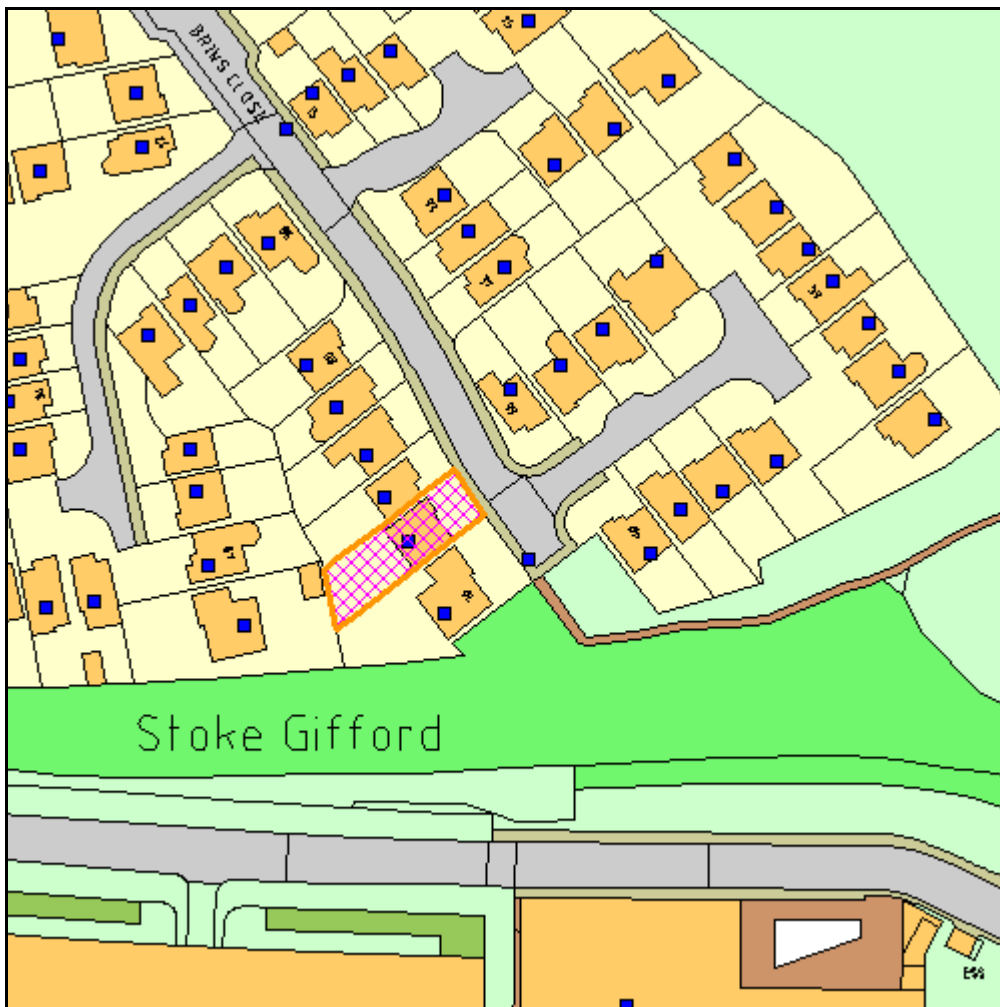
**Contact Officer: Westley Little**  
**Tel. No. 01454 867866**

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, Class B of the Town and Country Planning General Permitted Development Order 2015.



CIRCULATED SCHEDULE NO. 44/17 – 3 NOVEMBER 2017

<b>App No.:</b>	PT17/4393/F	<b>Applicant:</b>	Mr Declan Moss
<b>Site:</b>	68 Brins Close Stoke Gifford Bristol South Gloucestershire BS34 8XU	<b>Date Reg:</b>	25th September 2017
<b>Proposal:</b>	Erection of two storey rear extension to form additional living accommodation.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362598 179684	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Householder	<b>Target Date:</b>	16th November 2017



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## 1. THE PROPOSAL

- 1.1 The application seeks approval for the erection of a two storey rear extension to form additional living accommodation at 68 Brins Close, Stoke Gifford.
- 1.2 The host property is a detached, two storey dwelling located within the built up residential area of Stoke Gifford.

## 2. POLICY CONTEXT

### 2.1 National Guidance

National Planning Policy Framework March 2012

### 2.2 Development Plans

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

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

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

H4 Development within the 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 PT01/1638/PDR

Conversion of garage to living accommodation (retrospective)

Approved: 27<sup>th</sup> June 2001

### 3.2 P89/0006/4

Residential development on 4.6 acres of land including the erection of 60 detached houses and associated garages. Construction of new estate road. (In accordance with the revised layout plan received by the council on the 18th January 1990).

Approved: 20<sup>th</sup> February 1990

- 3.3 P87/0020/34  
Residential and ancillary development on approximately 4.6 hectares (11.5 acres) of land to include erection of 125 houses and 6 bungalows with related garages, boundary walls and parking areas. Construction of two estate roads on land off rock lane and north road, Stoke Gifford. (In accordance with the applicants' letter received by the council on the 29th May 1987)

Approved: 8<sup>th</sup> November 1989

- 3.4 P84/0006/1  
Residential development on approx.5.96 hectares (14.7 acres) of land. Construction of new pedestrian and vehicular access (Outline).

Refused: 24<sup>th</sup> October 2017

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

- 4.1 Stoke Gifford Parish Council  
Local Member to call to sites. Concerns raised regarding over development.
- 4.2 Archaeology  
No objection
- 4.3 Sustainable Transport  
As there is no increase in bedrooms proposed, there is no transportation objection raised to the proposed development.

#### **Other Representations**

- 4.4 Local Residents  
1no. objection was received from a local resident. Comments are summarised as follows:
- Significant overbearing and loss of light for side kitchen window and patio area.
  - Lack of proper consultation with applicants prior to the application being submitted.

These matters are addressed within the subsequent sections of this report.

#### **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 the 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 proposal seeks to erect a two storey rear extension, enlarging an existing bedroom on the first floor. The proposed extension would measure approximately 8.1 metres in width, of which 2.5 metres will be single storey. The proposal would extend from the rear wall of the original dwelling by 4.35 metres, the eaves height would be 4.7 metres and ridge height 6.4 metres. The single storey element would be approximately 1 metre from the north west boundary of the site, would have an eaves height of 2.4 metres and ridge height of 3.2 metres. The two storey element will have a hipped roof and the single storey element will have a sloped roof.
- 5.3 Although the proposed extension is large, it sits within a relatively large plot and would not be visible from the public domain due to its position at the rear of the existing dwelling.
- 5.4 The host dwelling is brick built with a clay tiled roof and white UPVc windows and doors. The proposed extension would be finished with materials to match the existing.
- 5.5 Overall, the scale, massing and proportions of the proposed extension in relation to the host dwelling are deemed acceptable. It is not considered to be detrimental to the character or appearance of the dwelling or surrounding area. As such, it is considered to comply with policy CS1 of the Core Strategy.
- ## 5.6 Residential Amenity
- The application site benefits from a good size garden which would not be detrimentally affected by the proposed extension.
- 5.7 There is an additional window proposed on the first floor side elevation, however, this would serve a bathroom and will be obscure glazed. As such, there are no concerns regarding loss of privacy.
- 5.8 Concerns have been expressed by a local resident regarding overbearing and loss of light. The neighbouring property at no.70 is located south of the proposed development, it is stepped back from the application site and the proposal would bring the rear wall of the host dwelling beyond the rear wall of no.70 by approximately 1 metre. From a site visit on 20/10/17 it was observed that the neighbouring property at no.70 has an obscure glazed window and a glass door serving a utility room on the ground floor side elevation which is approximately 4 metres from the boundary. As the window and door on the side elevation of the neighbouring property do not serve a habitable room and considering the siting of the proposal, it is deemed that the proposed development will not result in an overbearing impact or significant loss of light to such a degree as to warrant refusal. The single storey element would be bordering the neighbouring occupier at no. 66 which would reduce the impact of overbearing on that particular property. Overall, the site, size and positioning of the proposed development is considered to be acceptable in terms of residential amenity.

#### 5.9 Sustainable Transport

The application is proposing an increase in size of an existing bedroom; the number of bedrooms will remain as four. There is sufficient space for two off street parking spaces and therefore there are no objections on grounds of parking provision or highway safety.

#### 5.10 Consideration of likely impact on Equalities

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

5.11 In relation to the above statement, the proposed development is considered to have a neutral impact on equalities.

#### 5.12 Other Matters

In regards to the neighbour consultation, an applicant has no obligation to consult with the neighbours prior to an application being submitted and this is not a material consideration. South Gloucestershire Council sent consultation letters to adjoining neighbours on 25/09/17 in accordance with the Councils consultation procedure.

### 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 the application is **APPROVED** subject to the conditions on the decision notice.

**Contact Officer: James Reynolds**  
**Tel. No. 01454 864712**

## **CONDITIONS**

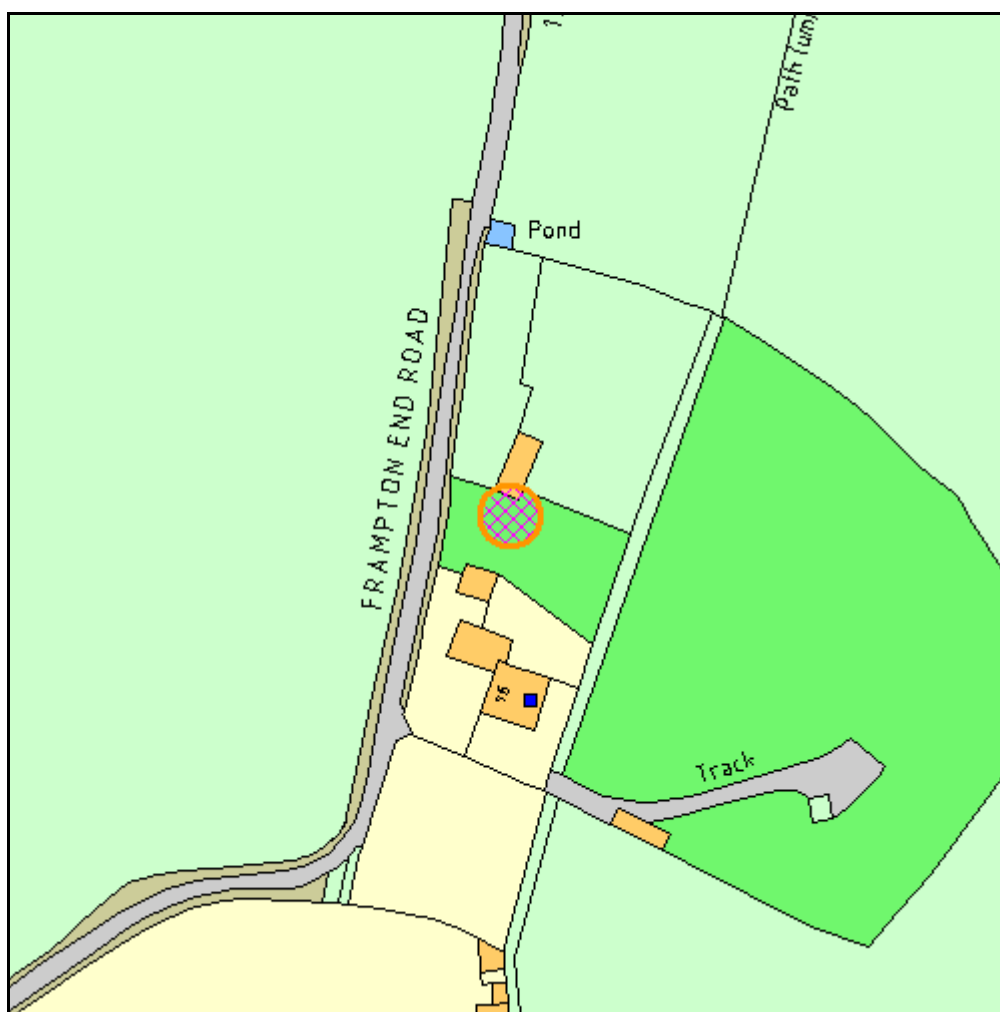
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 44/17 – 3 NOVEMBER 2017

<b>App No.:</b>	PT17/4436/TRE	<b>Applicant:</b>	Mrs Marie-Christine Rogers
<b>Site:</b>	Cherry House 94 Frampton End Road Frampton Cotterell Bristol South Gloucestershire BS36 2LA	<b>Date Reg:</b>	26th September 2017
<b>Proposal:</b>	Works to fell 1no Polar tree covered by Tree Preservation Order 376 (Cherry House) dated 26th November 1986.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	367402 182193	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>		<b>Target Date:</b>	16th November 2017



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 100023410, 2008. N.T.S. PT17/4436/TRE

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

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

### **1. THE PROPOSAL**

- 1.1 Works to fell 1no Polar tree covered by Tree Preservation Order 376 (Cherry House) dated 26th November 1986.

### **2. POLICY CONTEXT**

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

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

- 3.1 No relevant planning history

### **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
No objections

#### **Other Representations**

- 4.2 Local Residents  
A letter of objection has been received from a member of public who is questioning the need to remove the tree. He suggests that poplar having a wider root base, will be less prone to falling. He also states that no arboricultural evidence has been provided to support tree removal.

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

- 5.1 Works to fell 1no Polar tree covered by Tree Preservation Order 376 (Cherry House) dated 26th November 1986.
- 5.2 Principle of Development  
The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.
- 5.3 Consideration of Proposal  
The tree is a semi to early-mature poplar. It is twin stemmed from approximately 1m from the base, with a significant bark included union. This defect alone is reason to remove the tree.



- 5.4 Poplars have low wood density and have the propensity to lose limbs even in the mildest of weather conditions. For this reason they are not considered suitable trees for growing near buildings or other high value targets.
- 5.5 As the tree is growing adjacent to a building it is strongly recommended that the tree is felled as these defects only worsen in time.
- 5.6 A replacement tree in the form of an English oak has already been planted and is now covered by the same TPO.
- 5.7 To address the comments of the objector, the defect is not with the rooting area as he suggested, but at the union of the low stem. This defect is ongoing and also likely to result in failure of one or both trunks in the future.

## **6. RECOMMENDATION**

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

**Contact Officer: Phil Dye**  
**Tel. No. 01454 865859**

## **CONDITIONS**

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

### Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

### Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

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

### Reason

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