



**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. 18/17

Date to Members: 05/05/2017

Member's Deadline: 11/05/2017 (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 providing details of

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

Dates and Deadlines for Circulated Schedule
During May Bank Holidays 2017

Schedule Number	Date to Members 9am on	Members Deadline 5.00PM
16/17 As Normal	Friday 21 April	Thursday 27 April
17/17	Thursday 27 April	Thursday 04 May
18/17 As Normal	Friday 05 May	Thursday 11 May
19/17 As Normal	Friday 12 May	Thursday 18 May
20/17 As Normal	Friday 19 May	Thursday 25 May
21/17	Thursday 25 May	Thursday 01 June

Please see changed deadlines in **RED**.
All other dates remain as usual

CIRCULATED SCHEDULE - 05 May 2017

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK16/6184/F	Approve with Conditions	The New Inn Westerleigh Road Westerleigh South Gloucestershire BS37 8QW	Westerleigh	Westerleigh Parish Council
2	PK17/0829/F	Approve with Conditions	1 Cleeves Court Court Farm Road Longwell Green South Gloucestershire BS30 9AW	Longwell Green	Hanham Abbots Parish Council
3	PK17/1443/CLP	Approve with Conditions	54 Grange Avenue Hanham South Gloucestershire	Hanham	Hanham Parish Council
4	PK17/1455/CLP	Approve with Conditions	80 Chiphouse Road Kingswood South Gloucestershire BS15 4TX	Rodway	None
5	PT16/4740/RM	Approve with Conditions	Parcel LC2 Charlton Boulevard Patchway South Gloucestershire BS34 5BN	Patchway	Patchway Town Council
6	PT16/4963/F	Approved Subject to S106	818 Filton Avenue Filton Bristol South Gloucestershire BS34 7AP	Filton	Filton Town Council
7	PT17/0505/F	Approve with Conditions	14 Watch Elm Close Bradley Stoke South Gloucestershire BS32 8AN	Stoke Gifford	Bradley Stoke Town Council
8	PT17/1195/F	Approve with Conditions	16 Winchcombe Road Frampton Cotterell South Gloucestershire BS36 2AG	Frampton Cotterell	Frampton Cotterell Parish Council
9	PT17/1216/CLP	Approve with Conditions	6 Salem Road Winterbourne South Gloucestershire BS36 1QF	Winterbourne	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 18/17 – 5 MAY 2017

App No.:	PK16/6184/F	Applicant:	Hawthorn Leisure Ltd
Site:	The New Inn Westerleigh Road Westerleigh South Gloucestershire BS37 8QW	Date Reg:	23rd November 2016
Proposal:	Erection of 2 no. dwellings with associated works, including reconfiguration of pub car park and beer garden.	Parish:	Westerleigh Parish Council
Map Ref:	369947 179706	Ward:	Westerleigh
Application Category:	Minor	Target Date:	13th January 2017



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 100023410, 2008. **N.T.S.** **PK16/6184/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule in light of the receipt of representations that are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of 2 dwellings on land that currently forms part of the car park for the New Inn, Westerleigh. The units are semi-detached 3 bedroom units in a staggered formation. Access is proposed from The Quadrangle, a cul-de-sac with other post war residential development.

The car park for the New Inn will as a consequence be reduced in size from 38 spaces to 22 parking spaces. The access to this will remain as at present from the main Westerleigh Road.

- 1.2 The site is located within the settlement boundary for Westerleigh, which is in the Green Belt. The New Inn is a locally listed building in use as a pub at the historic core of Westerleigh village. Near to the site are nationally listed buildings including St James Church (Grade I) and the War memorial (Grade II).

The design of the dwellings has been revised during the application, and a re-consultation exercise was carried out.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in favour of sustainable development
CS5 Location of Development
CS8 Accessibility
CS9 Managing the environment and Heritage
CS23 Community infrastructure and cultural activity
CS34 Rural areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L11 Archaeology
L13 Listed Buildings
L15 Buildings that contribute to the character and distinctiveness of the locality
T8 Parking Standards

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

PSP1 Local Distinctiveness

PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP11 Transport
PSP16 Parking Standards
PSP17 Heritage Assets
PSP34 Public Houses
PSP37 Internal space standards
PSP43 Private amenity space

- 2.3 Supplementary Planning Guidance
Development in the Green Belt SPD adopted 2007
Residential Parking Standards SPD adopted 2013
S106 and CIL SPD adopted 2015
Local List SPD 2007
South Gloucestershire Design Checklist SPD 2007
Waste Collection SPD 2015

3. RELEVANT PLANNING HISTORY

- 3.1 There is planning history relating to incremental development at the New Inn, but this is not considered particularly relevant to this proposal.
- 3.2 The following application is in close proximity to the site at The Quadrangle PT03/2296/F 7, 8, 9,10 The Quadrangle. Demolition of 4 houses and construction of 5 houses. Approved 12th September 2003.

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council (in relation to the original plans submitted)
Objection. The proposed dwellings are in close proximity to the listed building. The mass of the buildings are considered too great for a compact site. Concerns are raised in relation to the reduction in car parking spaces for the pub, and that this may result in overspill car parking onto the highway thereby causing a highway safety issue.

4.2 Other Consultees

Transportation officer

No objection. The transport statement submitted satisfactorily shows that the 2 dwellings will generate transport movements that will not have a material impact. Sufficient off street parking is provided at the site in line with the minimum standards.

Following a request for further information regarding whether sufficient parking would remain for the New Inn a parking survey has been submitted which provides evidence that the remaining 22 spaces will cater for the parking needs of the pub without causing a highway safety problem or overspill parking.

Landscape Officer

As the site is within the settlement boundary there is no objection in terms of impact on the wider landscape. A landscape condition is suggested.

Conservation Officer

Objection to the original scheme. Whilst the principle is accepted, concerns regarding the design of the units were expressed.

In relation to the revised proposals the scheme is still not supported although it is acknowledged to be an improvement. Concerns are raised about the lack of contextual information and the setting of the non-designated heritage asset. The design of proposed houses in isolation are fine but a new style of architecture risks visual incoherence. Concerns are expressed about the potential for visual competition and a resultant loss of prominence.

Highway Structures

Specific technical advice is given in relation to development near a highway.

Archaeology Officer

No objection subject to condition.

Lead Local Flood Authority

No objection

Other Representations

4.3 Local Residents

In relation to the original scheme 3 objections were received making the following points

- The proposal would harm the historic layout
- Loss of historic view of church to nearby residents
- There would be a loss of sunlight to nearby residents
- Overlooking to nearby residents
- Drainage concerns
- Parking for the dwellings is insufficient, and on street parking will cause access parking; blockage of drives and hinder emergency vehicles
- The remaining pub car park would be too small and cause overspill parking
- Devalue property
- Stress to dogs during construction
- Noise/dust and disturbance to residents during construction
- Questions regarding whether existing wall will be retained
- Questions what "blue line" on the plan relates to
- No affordable housing
- Disappointed that developer did not discuss proposals with nearby residents first

In relation to the revised scheme the following comments were received: 3 comments in support of the proposal and one objection (this letter reiterates some of the points listed above)

- The development will allow for the investment in the pub, it would be worse for the village to have a boarded up pub, and run down listed building.
- 2 additional homes are a benefit
- It will generally have a wider benefit for the village, and there needs to be some growth.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development including Green Belt

In addition to the consideration of Green Belt policy there are two main considerations which relate to the principle of this development, namely the provision of housing in this location; and how (if at all) this might impact on the pub.

5.2 In terms of the principle of additional housing at this location this is supported by adopted Development Plan policy. The site is within the settlement boundary, where in the Green Belt (as in this case) limited infilling is considered appropriate development. Whilst there is no national definition of infill development, some weight is given to the adopted Green Belt SPD definition. This indicates infill development is “small in scale and which fits into an existing built up area in a defined settlement boundary, normally in-between existing buildings, in a linear formation.” It is considered that the proposal would fall within this definition and would therefore be appropriate development within the Green Belt. Moreover, the fact it is within the settlement boundary would indicate this is a sustainable location. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development and suggests that where such proposals accord with up to date policy they should be approved without delay. Considerable weight is therefore given to the benefit 2 additional dwellings in a sustainable location would confer, this is particularly so in light of the fact that the Council is currently unable to demonstrate a five year supply of housing.

5.3 This then leads to the consideration of the implications for the pub which is considered to provide a community facility. The applicant has confirmed that some of the funds from the residential proposal will go into upgrading and renewing the (reduced) car park and external areas; and funds will assist in the refurbishment and redecoration of the public bar to provide an improved food service. This is considered a benefit of the scheme, but as they would not be secured as part of any planning permission only limited weight is given to it. However, when set against the context of national and local policies seeking to retain village pubs against a declining trend it is perhaps not surprising that this is something some local representations have based their support on. Overall the principle of development is supported by adopted policy, and there are additional benefits identified.

5.4 Design Quality and impact on historic environment

Given the location of the New Inn at the historic core of Westerleigh, the building has been identified on the local list. In addition there are statutory listed

buildings in close proximity – St James’ church being of the highest grading. Therefore the likely impact of this development on the historic environment is an important consideration in this proposal. A heritage statement has been submitted with the application which considers this wider historic context, and identifies that the Green triangle and surrounding buildings should be afforded greatest weight. It is considered that the proposed scheme does this by presenting the frontage of the dwellings to The Quadrangle at some distance away from the Green. The revised design, orientation and scale will therefore relate more to the residential developments in existence on that cul-de-sac rather than competing with the historic environment. The New Inn will remain a prominent locally listed building, but with a smaller car park. It is noted that the Conservation Officer has concerns, even to the revised design (which is considered further below) but importantly has indicated that no objection is raised in principle, and the concerns that are raised are in relation to the potential relationship with the New Inn (a locally listed building). No concerns are raised in terms of impact to statutory listed buildings or their settings (designated heritage assets).

- 5.5 The concerns relate to the detailed design of the dwellings and to what extent they are fitting in this context; and more importantly whether the potential to compete with the New Inn as raised by the Conservation Officer is a significant one. The dwellings now proposed have been altered from a conventional suburban design approach, to offering cleaner contemporary lines. Notwithstanding the Conservation Officers reservations this is considered to meet the requirement of policy CS1 and the NPPF. The scale of the buildings remains domestic, but is more distinctive than some of the more unremarkable domestic designs in evidence close by. In the main part it is the location of this proposal that will safeguard it from competing with the New Inn in the public domain. The New Inn presents directly onto the main Westerleigh Road and is central in The Green; this development is set back, facing in the opposite direction presenting onto a minor residential road. Accordingly, the Conservation Officers concerns are addressed sufficiently. Moreover, a condition is suggested to ensure the materials to be used in the dwellings will respect the best of the historic environment rather than some of the other materials that are in evidence in the immediate context. The plans suggest that these will be clay pantiles and render, not dissimilar to the New Inn.
- 5.6 As there is potential for archaeology to be found on the site, a condition is suggested to ensure archaeological recording where necessary.
- 5.7 Accordingly, it is concluded that the proposed design would not harm the locally listed building and the design quality meets the requirements of policy CS1. This is particularly so when one considers that the site is currently a somewhat unremarkable car park which does not particularly enhance the setting of the pub. However, even if one were to put greater weight on the concerns of the Conservation Officer, paragraph 135 of the NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account but that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of that heritage asset. The benefits already outlined in this report would tip the balance in favour of this proposal.

Transportation

- 5.8 The likely impact the proposal would have in terms of transportation and specifically the level of off street parking provided for the pub is an important consideration. The transport assessment submitted with the application demonstrated that the likely transport impact from the 2 additional dwellings would not be material, and this is accepted. Furthermore the parking for those dwellings meets the adopted minimum parking standards. The creation of the access onto The Quadrangle is not considered likely to lead to highway safety concerns such that a planning refusal could be justified.
- 5.9 The development of the site would however result in the reduction of car parking space for The New Inn, from 38 to 22 spaces. Further information has been provided to the transportation officer as evidence that the current car park is under utilised, and that this reduction would not lead to a material concern by displacing parking onto the highway. The transportation officer is satisfied with this evidence and raises no objection to the scheme. There is no current adopted minimum parking standard for public houses; indeed the adopted standard is a maximum one.

Residential amenity

- 5.10 The 2 dwellings will provide good internal space standards and will exceed the emerging minimum garden standard. Sufficient curtilage is provided for waste storage. The units are located at a sufficient distance from nearby residential properties so as not to cause unreasonable overlooking or impact on their living conditions. It is acknowledged that some existing private views may change, however this is not something that has been given weight in this case as it is not considered this would be acting in the public interest.

The new dwellings proposed would be in close proximity to the New Inn and its car park, but this is not considered to be an unusual arrangement in similar relationships can be found in many settlements. There is no reason to suppose this will lead to significant impact from noise.

- 5.11 Some residents have raised concerns about noise and disruption during the construction period. This is understandable, but no different from any development site and will be temporary. It is not considered the proposal is of a scale to warrant conditions governing construction given that the site currently relates to a pub car park.

Landscape and trees

- 5.12 It is noted that the landscape officer raises no objection to the scheme. The layout in fact provides for increased opportunities for some soft landscaping, and the frontage onto The Quadrangle will be an improvement over the existing fence. The dry stone wall to the north of the site is worthy of retention and a condition is suggested to this end. Otherwise it is not considered necessary to require further landscaping details over the general details provided on the layout plan.

A cherry tree will be removed as part of the proposal, to which there is no objection. However given that there are trees adjacent to the site a method statement will need to be agreed (reflecting the revised layout) prior to the commencement of development. A condition to this effect is recommended.

Drainage

- 5.13 The site is in Flood Zone 1 at lowest risk from flooding. There is a sewer pipe and easement crossing the site, and the layout takes account of this (this is the blue line referred to in one of the representations received). The drainage officer raises no objections to the proposal, and it is considered that this scale of development will be sufficiently addressed by the provisions of the Building Regulations, there is no additional need to require further details by way of a planning condition.

Planning Obligations

- 5.14 The residential proposal falls below the threshold whereby obligations under policy CS18 for Affordable Housing would apply. The scheme will however be liable for the Community Infrastructure Levy.

Other matters raised in representations

- 5.15 The impact on property values is not considered to be a material planning consideration in this instance.

The disappointment expressed by a local resident that they were not consulted by the applicant prior to the proposal being submitted is noted, but is not attributed weight in the assessment of the planning merits of this proposal.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 The application should be approved subject to the conditions listed below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

To comply with the requirements of s91 of the Town and Country Planning Act 1990 (as amended).

2. Prior to the relevant part of the development commencing details of the external materials to be used shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then proceed in accordance with the details agreed.

Reason

In the interests of the visual amenity of the area to accord with policy CS1 of the South Gloucestershire Core Strategy; Local Plan adopted December 2013.

3. The developer shall appoint a competent archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site and shall afford him/her or other archaeologist nominated by the Local planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Core Strategy; Local Plan adopted December 2013.

4. The existing stone wall enclosing the northern boundary of the site shall be retained.

Reason

In the interests of visual and residential amenity to accord with policy CS1 of the South Gloucestershire Core Strategy; Local Plan adopted December 2013.

5. The off street car parking provision shown for the dwellings; and the 22 spaces shown for the New Inn public car park on drawing 16-1066-005-C shall be provided prior to the first occupation of either of the dwellings hereby approved. The parking provision for the dwellings shall thereafter be retained.

Reason

To ensure the provision of sufficient off street parking spaces in accordance with policy CS8 of the South Gloucestershire Core Strategy; Local Plan adopted December 2013; and Residential Car parking standards SPD adopted December 2013.

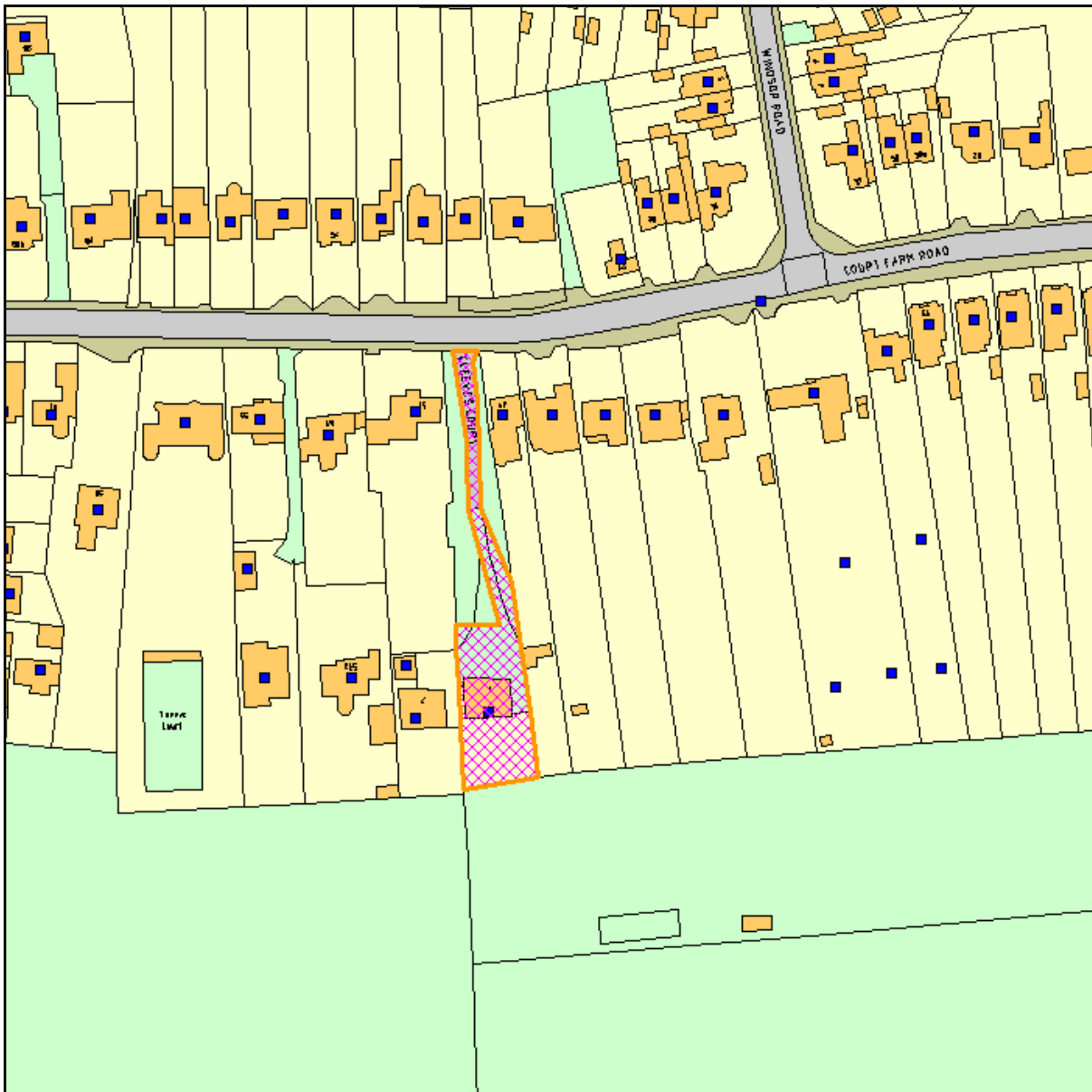
6. Prior to the commencement of development a method statement detailing how the trees adjacent to the site will be protected shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the agreed details.

Reason

To ensure the longevity of trees surrounding the site and to comply with policy CS9 of the South Gloucestershire Core Strategy; Local Plan December 2013. These details are required prior to the commencement of development as they need to be agreed prior to construction starting as this presents the greatest risk of damage.

CIRCULATED SCHEDULE NO. 18/17 – 5 MAY 2017

App No.:	PK17/0829/F	Applicant:	Mr Mark Dowding
Site:	1 Cleeves Court Court Farm Road Longwell Green South Gloucestershire BS30 9AW	Date Reg:	1st March 2017
Proposal:	Resurfacing of driveway.	Parish:	Hanham Abbots Parish Council
Map Ref:	365647 170518	Ward:	Longwell Green
Application Category:	Householder	Target Date:	25th April 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule in light of objections received from 2no. local residents, contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the resurfacing of a driveway which forms the access to 'Cleeves Court'. The access currently serves 2 backland properties off Court Farm Road which were given permission under application ref. PK05/0010/F.
- 1.2 The application site is situated within an established residential area within the defined East Bristol Fringe. The driveway is currently formed of gravel, which slopes slightly downward towards the properties. The driveway is bounded by vegetation and a number of trees, two of which are covered by a tree preservation order.
- 1.3 During the course of the application, revised plans were received in order to rectify concerns which were expressed by the tree officer, parish council and local residents.
- 1.4 The applicant has stated in the application form that a Certificate B notice has been served, as part of the land subject to this application is owned by another party.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Adopted Development Plans

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

H4 Development within Existing Residential Curtilages
T8 Parking Standards
T12 Transportation

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS8 Improving Accessibility
CS29 Communities of the East Fringe of Bristol Urban Area

2.3 Emerging Development Plan

Proposed Submission South Gloucestershire Policies, Sites and Places Plan (June 2016)

PSP1 Local Distinctiveness
PSP3 Trees and Woodland
PSP38 Development within Existing Residential Curtilages

- 2.4 Supplementary Planning Guidance
Residential Parking Standards Supplementary Planning Document (Adopted)
December 2013
Trees on Development Sites Supplementary Planning Document (Adopted)
November 2005

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK05/0010/F Approve with Conditions 21.02.2005
Erection of 2no. detached dwellings and 1no. detached garage with associated access and works. Resubmission of PK04/2762/F.
- 3.2 PK14/0427/F Approve with Conditions 07.05.2014
Alterations to access road
- 3.3 PK15/2297/F Refusal (Appeal Allowed) 09.10.2015
Erection of 1 no detached dwelling and associated works

4. **CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council
Objection. Proposed driveway would be located too close to protected trees. TPO officer should inspect the site to ensure that any trees with TPOs will not be put at risk.
- 4.2 Sustainable Transport
No objection. No transportation or highway safety implications.
- 4.3 Lead Local Flood Authority
No objection subject to a condition that the drive is formed of permeable surface, to ensure satisfactory means of drainage.
- 4.4 The Tree Officer Natural and Built Environment Team
Objection. Comprise rooting area of the Sycamore Tree. This development would compound previous compaction. Suggest that the driveway widens to the western side rather than the eastern.

Other Representations

- 4.5 Local Residents
2no objections were received to the development. Comments as follows:
- Previously approved access scheme ref. PK14/0427/F has been started and includes a landscape scheme and protective measures of trees.
 - PK15/2297/F was approved and plans showed further improvements to access way.
 - No drainage details have been submitted.
 - Objections in relation to distance of driveway from protected trees to the east of the site. The driveway should utilise space to the west to enable widening.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission to resurface a driveway which forms an access to Cleeves Court, located off Court Farm Road in Longwell Green. There are protected trees located near to the development. The pertinent issues to consider are highway safety, drainage, arboriculture, design and residential amenity matters.

5.2 Previous applications

Comments of local residents are noted, and previous applications at the site have been submitted in relation to the access road subject to this application. These are summarised below:

PK14/0427/F

This application proposed alterations to the access road, including new surface, provision of drainage and tree protection measures. The case officer noted on site that tree protection measures have been implanted. Condition 4 of this application requested that a landscaping scheme was submitted and approved by the local planning authority prior to commencement of the development. The case officer cannot find evidence that this condition is discharged. Nevertheless the application does remain extant at the time of writing.

PK15/2297/F

This application was for the erection of 1no.detached dwelling which would be located directly to the west of the existing access. As part of this application details were submitted of alterations to the access way including provision of parking and turning spaces. This application was allowed at appeal and remains extant at the time of writing.

5.3 The aforementioned applications as well as this application all show differing routes for the driveway and are all submitted by different applicants. Should this application be approved, and constructed, it would not undermine the other permissions, which could also be built out providing that they remain extant. This application is to be determined on its planning merits, any private issues between neighbours which may arise regarding the above would likely be a civil matter, rather than a matter for planning.

5.4 Highway Safety

During the course of the application revised plans were submitted which show alterations to the placement of the driveway. The proposed development would result in a driveway which is largely the same width and location as than at present. Transportation colleagues have reviewed the proposal and consider that it does not raise any highway safety concerns. Given the above, no objection is raised to this regard.

5.5 Trees

Concerns were raised by the tree officer, parish council and local residents regarding the proposed siting of the driveway close to protected trees to the east of the site. As a result of such, revised plans have now been submitted which show that the driveway would be a widened to the west away from these

trees. In addition, a number of new trees are proposed. As such these concerns are considered to be overcome. Having said this, a condition is recommended in line with the Councils Tree SPD to ensure that these trees are protected.

5.6 Design and Visual Amenity

The existing access is formed of a gravel track, the proposal seeks to resurface this. The materials used will be a non-porous material of tarmac. The proposed works are not considered to have a detrimental effect on the visual amenity or the character of the area, particularly given the amount of similar driveways in the immediate vicinity.

5.7 Flood Risk

Concerns from local residents in relation to the driveway are understood. Colleagues in drainage have been consulted and consider it important that the parking area is constructed with a permeable bound surface material, as such it is considered appropriate to recommend a condition to ensure this.

5.8 Residential Amenity

Driveways and areas of hardstanding area common within the local residential area. It is unlikely that the proposal would lead to any material impacts to local resident's residential amenity.

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 **APPROVED** subject to the conditions listed on the decision notice.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

2. Prior to the arrival of any construction materials or machinery on site, protective fencing shall be erected around trees on the application site that are protected by a Tree Preservation Order. The tree protection measures shall be to British Standards BS5837:2012 standard and shall remain in place throughout the duration of the construction period.

Reason

In the interests of the health and visual amenity of the trees, and to accord with saved policy L1 of the South Gloucestershire Local Plan (Adopted) 2006, policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, and the National Planning Policy Framework.

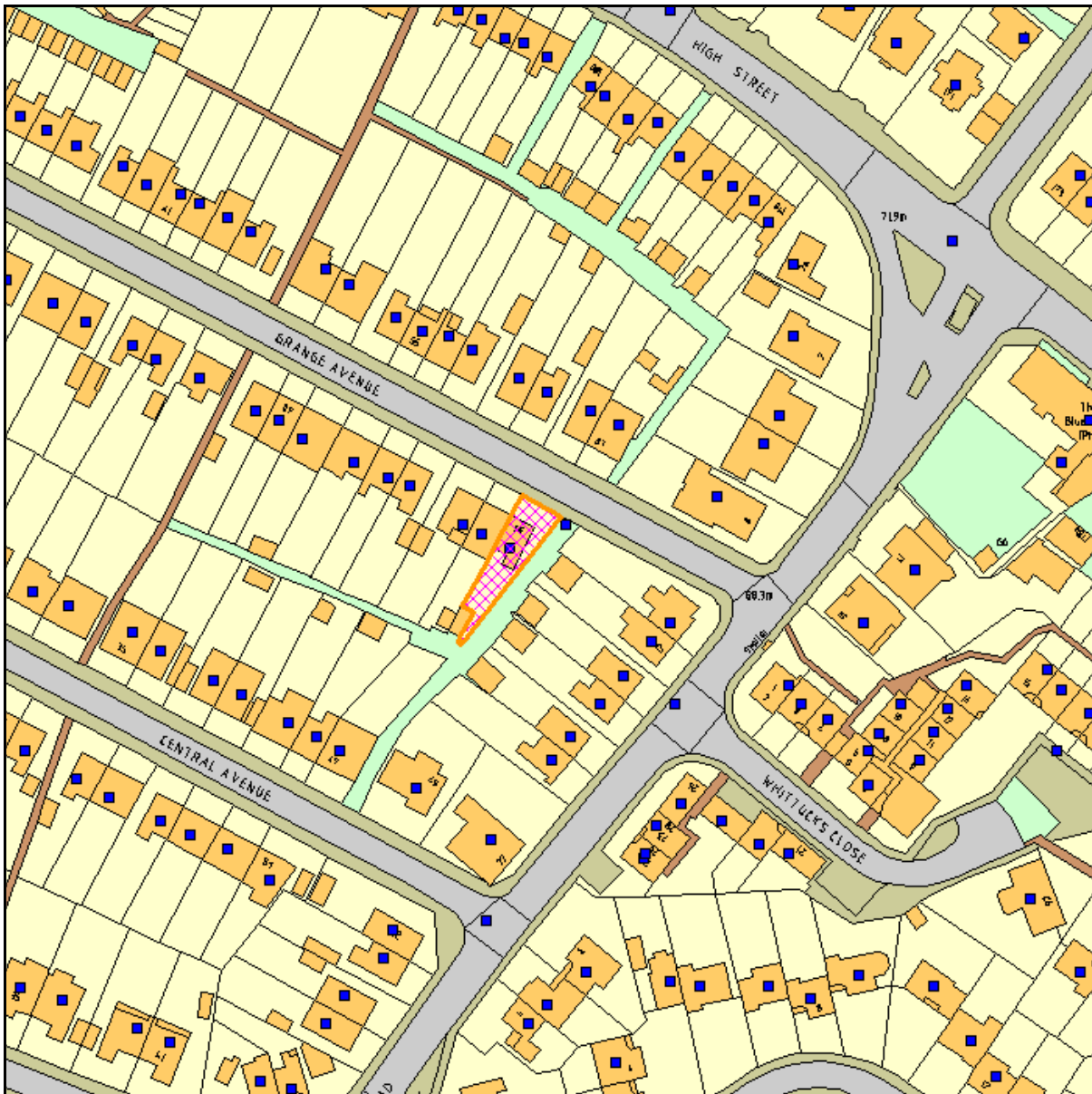
3. The resurfaced driveway hereby permitted shall be constructed with permeable bound surface material.

Reason

To provide sustainable drainage and to avoid loose materials being tracked onto the public highway and to accord with Policy T12 of the South Gloucestershire Local Plan (2006) and Policy CS8 of the South Gloucestershire Core Strategy (2013).

CIRCULATED SCHEDULE NO. 18/17 – 5 MAY 2017

App No.:	PK17/1443/CLP	Applicant:	Mr Jack Bell
Site:	54 Grange Avenue Hanham Bristol South Gloucestershire BS15 3PF	Date Reg:	4th April 2017
Proposal:	Application for a Certificate of Lawfulness for the proposed erection of 1no rear dormer window.	Parish:	Hanham Parish Council
Map Ref:	364622 172012	Ward:	Hanham
Application Category:	Certificate of Lawfulness	Target Date:	24th May 2017



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination as a matter of process. The application is for a certificate of lawfulness for a proposed development.

1. THE PROPOSAL

- 1.1 The application seeks a formal decision as to whether or not the proposed development for the installation of a rear dormer at 54 Grange Avenue in Hanham would be permitted under the regulations contained within the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations. There is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history recorded for this property.

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
No objection.
- 4.2 Hanham Abbots Parish Council
No comments received.

Other Representations

- 4.3 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The following evidence was submitted to the Local Planning Authority on 29th March 2017.
 - Site location plan
 - Combined Plan - PLN-1

6. ANALYSIS OF PROPOSAL

6.1 This application seeks a Certificate of Lawfulness for the proposed installation of a rear dormer to facilitate a loft conversion at a property in Hanham.

6.2 Principle of Development

An application for a Certificate of Lawfulness is purely an evidential test and is a formal way to establish whether or not the proposed development can be implemented lawfully without the need for planning permission. Thus there is no consideration of planning merit, the application is based on facts presented. The submission is not a planning application and therefore the Development Plan is not of relevance to the determination of this application.

6.3 The key issues in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

6.4 Assessment of Evidence: Dormer windows

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 or Q of Part 3 of this Schedule (changes of use);

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

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

The plans submitted indicate that the proposed works do not exceed the maximum height of the existing roof.

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

The alterations to the roofline are at the rear of the dwellinghouse.

(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 dwellinghouse is an end of terrace property, the resulting roof space will not exceed the cubic content of 40 cubic metres.

(e) It would consist of or include –

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

The proposed development does not consist of or include any of e (i) or e (ii).

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

The dwellinghouse is not located 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 proposed dormer extensions will be constructed from materials to match those used on 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, 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 proposed development would not alter the eaves of the roof. The enlargement would be located approximately 40cm from the eaves. The proposed development joins the original rear roof of the property.

(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 dormer window would be located on the rear elevation of the dwellinghouse.

7. **RECOMMENDATION**

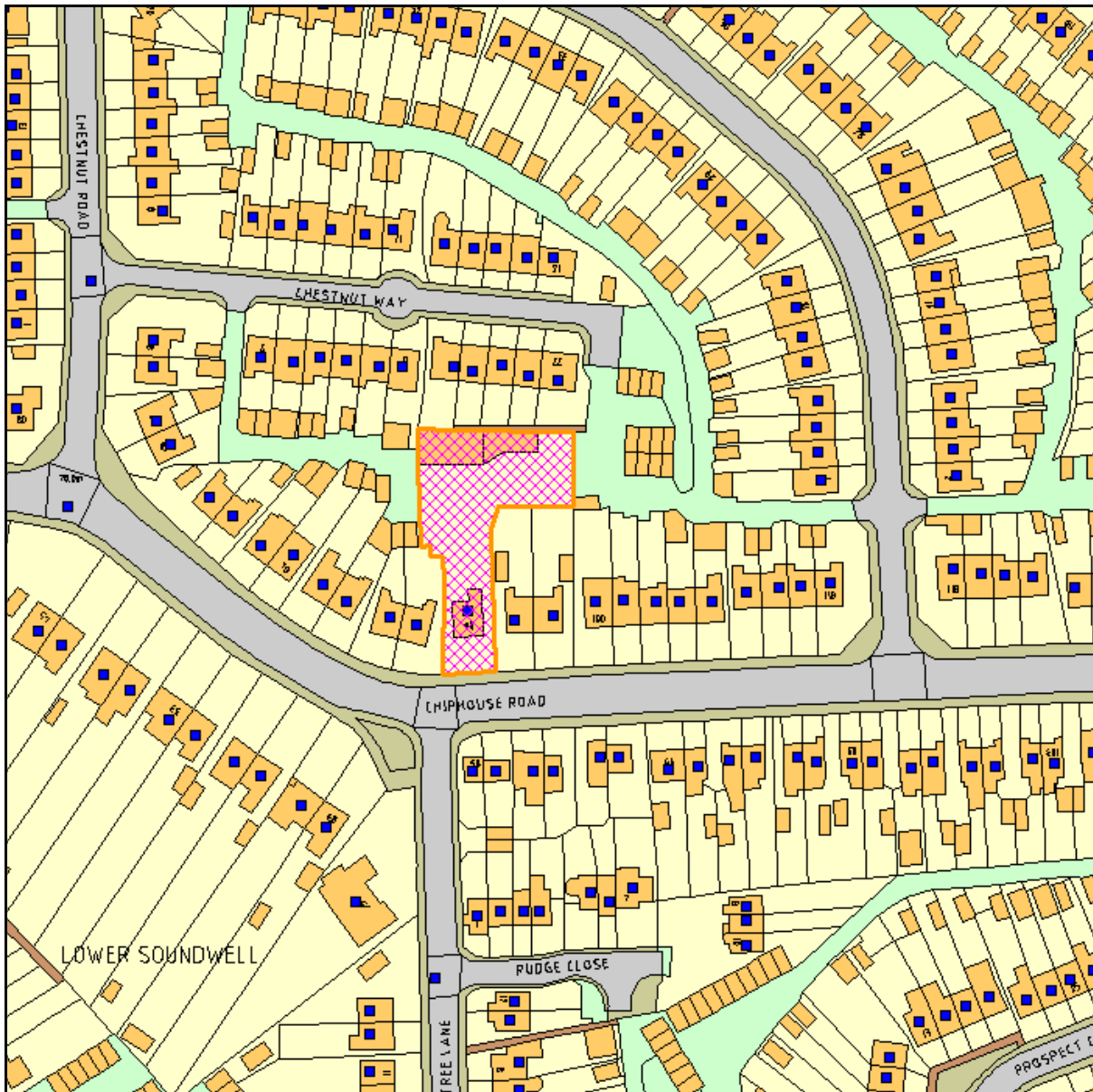
- 7.1 That a Certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed rear dormer falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CIRCULATED SCHEDULE NO. 18/17 – 5 MAY 2017

App No.:	PK17/1455/CLP	Applicant:	Mr Anthony Lewis 3rd Storey Technical Drawings
Site:	80 Chiphouse Road Kingswood Bristol South Gloucestershire BS15 4TX	Date Reg:	5th April 2017
Proposal:	The proposed erection of 2no side dormer windows.	Parish:	None
Map Ref:	365769 175055	Ward:	Rodway
Application Category:	Certificate of Lawfulness	Target Date:	25th May 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 2no side dormer windows at no. 80 Chiphouse Road, 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 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 The application site has no planning history.

4. CONSULTATION RESPONSES

- 4.1 Ward Councillors
No comments received
- 4.2 Town/Parish Council
The area is un-parished

Other Representations

- 4.3 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Location Plan
(Received by Local Authority 30th March 2017)

Combined Existing (Drawing no. 4060.TD.D1.Ap.Ab)
(Received by Local Authority 5th April 2017)

Combined Proposed (Drawing no. 4060.TD.D1.Cp.Ab)
(Received by Local Authority 3rd May 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.

6.3 The proposed development consists of the installation of two side dormers. 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 proposed dormers would be built up to the ridge line of the existing dwelling. As such, they would not exceed the highest part of the roof, and therefore meet 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 windows would be located on either side of the property, and as such would not extend beyond any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway. 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 detached house. Volume calculations submitted in support of the application indicate that the total increase in roof space of the original dwelling would be 48.08 cubic metres. As such, the proposal would result in an additional volume of no more than 50 cubic metres. Volume calculations undertaken by officers have provided similar results.

- (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;**

Submitted plans indicate that the proposed dormer will be finished in concrete tiles in a colour to match those on the existing dwelling. These materials are considered to be sufficiently similar in appearance to those used in the construction of the exterior of the existing dwellinghouse. As such, the proposal meets this criterion.

- (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 0.3 metres from the outside edge of the eaves of the original roof and the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse.

- (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 involve the insertion of a total of 5 windows to the side elevations of the property, with 3 windows to the east-facing side elevation and 2 windows to the west-facing side. Submitted plan (Drawing no. 4060.TD.D1.Cp.Ab) indicates that all of the windows will be obscurely glazed, with any opening parts of the windows being a minimum of 1.7 metres above internal floor level. As such, the proposal meets these criteria.

7. RECOMMENDATION

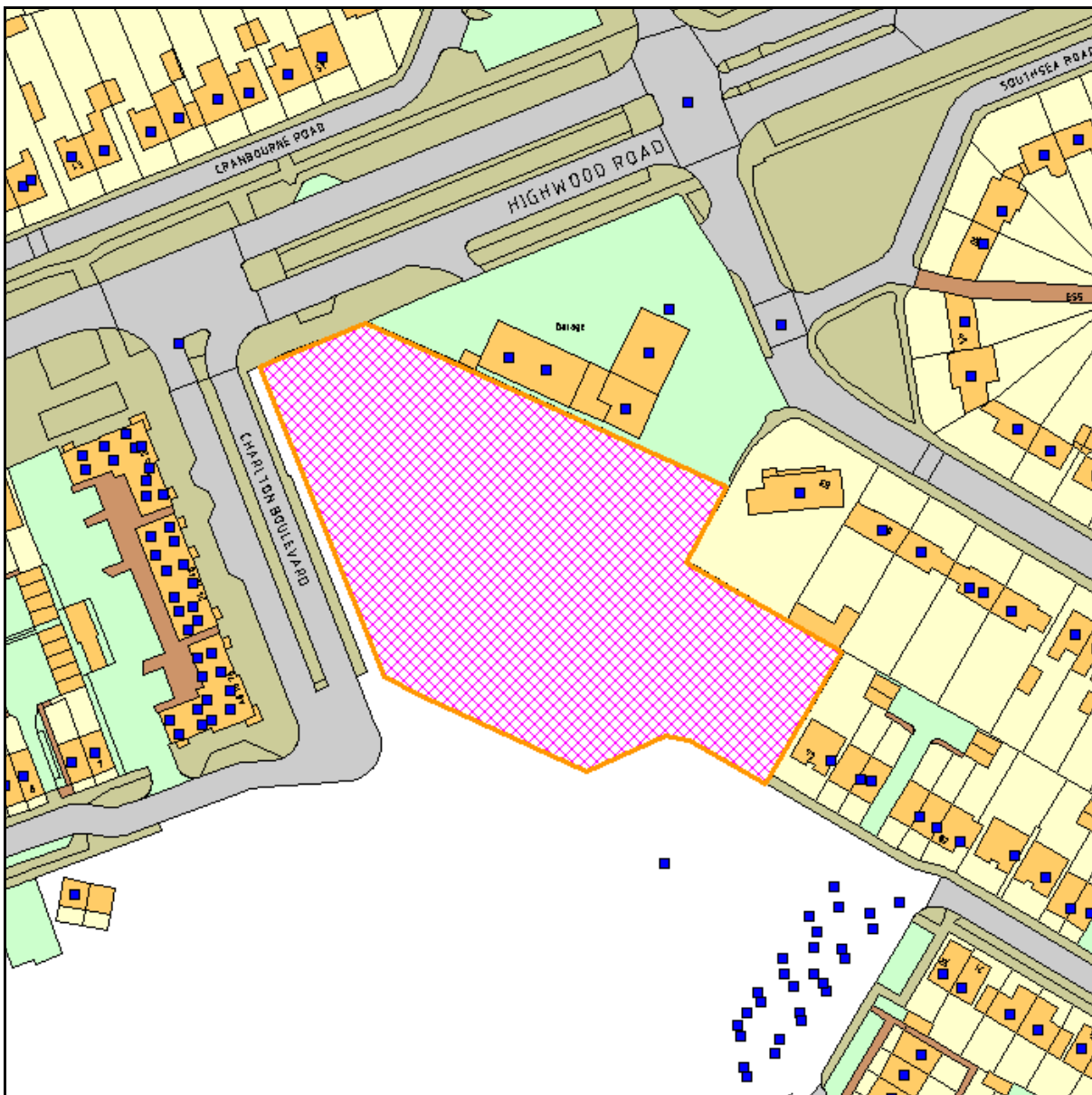
7.1 That a Certificate of Lawfulness for the proposed development is **granted** for the reasons listed below:

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CIRCULATED SCHEDULE NO. 18/17 – 5 MAY 2017

App No.:	PT16/4740/RM	Applicant:	Bovis Homes Ltd
Site:	Parcel LC2 Charlton Boulevard Patchway South Gloucestershire BS34 5BN	Date Reg:	8th September 2016
Proposal:	Erection of 2no. buildings to form 52 residential apartments, 2no. retail units (Class A1) and 1no. childrens day nursery (Class D2). Laying out of carpark with associated access, engineering and landscaping (Approval of reserved matters to be read in conjunction with PT03/3143/O)	Parish:	Patchway Town Council
Map Ref:	360012 181393	Ward:	Patchway
Application Category:	Major	Target Date:	30th November 2016



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REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of six letters of objection from local residents.

1. THE PROPOSAL

- 1.1 This application seeks Reserved Matters consent for the erection of 52 residential flats, two retail shops (A1) and a Children's Day Nursery (D2). The development will be contained within two separate buildings – one four storey building containing 40 market flats, the retail units and the nursery; and a separate three storey building containing 12 affordable units. The development will have a single entrance point from Highwood Road and a single exit point onto Charlton Square. Parking and servicing areas will be provided to the rear of the proposed buildings.
- 1.2 The proposal is for the delivery of development areas LC2 of 'phase 1' of the Charlton Hayes development. This site is covered by the agreed Charlton Square Design Brief. The design brief makes allowance for the following land uses to be included on the ground floor – medical facility, pharmacy, nursery, retail and offices. It also confirms that the upper floors may accommodate apartments, elderly accommodation and a community centre.
- 1.3 The site is currently vacant and has been cleared. The site lies at the very northern end of Charlton Boulevard and abuts Charlton Square (which is yet to be constructed). To the South of the site lies Grove Care nursing and extra care home. A garage workshop lies to the east and residential units lie to the north and west.
- 1.4 Amended plans were received during the course of the application to address a number of issues including bin storage, urban design and compliance with the design code, changes to the parking arrangement, clarification of highway surfacing materials, changes to external facing materials, improvements to the landscaping proposals, and various minor layout alterations to improve levels of residential amenity. The amended plans also resulted in a reduction in the number of proposed flats from 55 down to 52 and so the description of development has been amended accordingly. The necessary re-consultation was carried out.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance 2014

2.2 Development Plans

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

EP2 Flood Risk and Development

L1 Landscape Protection and Enhancement

L11 Archaeology

- LC1 Provision for Built Sports, Leisure and Community Facilities
- M1 Site 4 Major Mixed Use Development Proposals at Northfield
- T12 Transportation Development Control Policy
- T7 Cycle Parking

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS2 Green Infrastructure
- CS5 Location of Development
- CS6 Infrastructure and Developer Contributions
- CS7 Strategic Transport Infrastructure
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing
- CS24 Green Infrastructure, Sport and Recreation Standards
- CS26 Cribbs/Patchway New Neighbourhood
- CS35 Communities of the North Fringe of Bristol Urban Area

- 2.3 Supplementary Planning Guidance
 Residential Parking Standards SPD (Adopted) 2013
 South Gloucestershire Design Checklist SPD (Adopted) 2007
 Waste Collection: Guidance for New Developments SPD 2015
 Affordable Housing SPD Adopted

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/3143/O Major mixed-use development across 81.25 hectares of land comprising 2,200 new dwellings, 66,000 sq m of employment floor space (B1, B2 and B8), 1,500 sq m of A1, A2, A3, A4 and A5 floor space: together with the provision of supporting infrastructure and facilities including; new vehicular and pedestrian accesses to Highwood Road, new link road, public open space, primary school, community building, hotel (C1) (Outline).
 Approved following signing of S106 agreement March 2008.
- 3.2 PT10/2029/RM Erection of Charlton Square including highway infrastructure, landscaping, street furniture and associated works.
 Approved October 2010.
- 3.3 The Charlton Square Design Brief, as submitted under condition 7 of the outline planning permission, and including the current site, was approved in August 2010.

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
 No response received

4.2 Internal Consultees

South Gloucestershire Council Housing Enabling Officer

The revised plans showing 12 affordable units in a self-contained building complies with the requirements of the S106 agreement attached to the original outline permission (and the subsequent deed of variation)

South Gloucestershire Council Lead Local Flood Authority

No Objection subject to the attachment of conditions

South Gloucestershire Council Environmental Protection

No objection subject to a condition to ensure that noise from the plant and equipment does not exceed the existing background noise level

South Gloucestershire Council Conservation Officer

The site is to the north of what was once Filton Airfield, which included a number of historic WWII related structures including a three storey flak tower, double pill box and a sleeping shelter. All of these structures have been demolished and the northern airfield comprehensively redeveloped for housing. As a result, there are no heritage assets, designated or undesignated, in the locality and I have, therefore, no comments to make on the proposal.

South Gloucestershire Council Highway Structures

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

South Gloucestershire Council Arts Officer

Public Art is secured through the s106 attached to the outline permission. There is no requirement for Public art on this site.

South Gloucestershire Council Urban Design Officer

Objected to the application as initially submitted. Following re-consultation, there is no objection to the amended plans as submitted subject to a condition to ensure the agreement of materials.

South Gloucestershire Council Landscape Officer

Further to the amended layout for the car-park area, I confirm that the layout has been better rationalised and now includes climbers and planting to the boundaries, a good level of tree planting within Silva cell running through the centre of the car-park and some better sized planting beds. Therefore overall it is considered that the landscape proposals are now acceptable.

South Gloucestershire Council Public Open Space Officer

Public open space is secured through the s106 attached to the outline permission. There is no provision for POS on this site.

South Gloucestershire Council Archaeology Officer
No Objection

South Gloucestershire Council Economic Development Officer
No objection

4.3 External Consultees

Crime Prevention Adviser

The Crime Prevention officer originally raised an objection to the scheme on the basis that an ATM was included. There were concerns that in the event of a gas explosion, the flat units above could be severely damaged. As a response the ATM has been removed from the scheme and therefore the concerns of the Crime Prevention Officer have been removed.

Wessex Water

Do not wish to comment

Ofsted

Do not wish to comment

Other Representations

4.4 Local Residents

6 letters of objection have been received from local residents throughout the course of the application. A summary of the points of concern raised is as follows:

- Will create a rat run from the High Road into Chessel Drive
- The width of the roads in adjacent neighbourhoods do not appear to be appropriate to accept the level of traffic which may obstruct emergency vehicles.
- Additional noise, traffic and inconvenience to locals
- A pedestrianised zone would be preferred
- Lack of parking
- Litter from the retail unit
- Affordable block will affect neighbours privacy
- The car park will be used 24/7 – not enough separation from neighbouring properties
- Queries over shop opening hours
- Will devalue neighbouring properties
- Concerns over Saturday working
- Objects to the construction of a retail unit as priority should be given to filling existing empty shop units rather than building new ones.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of development was approved as part of the outline planning permission (PT03/3143/O) and set out in the approved masterplan in the Site Wide Design and Access Statement.

The approved masterplan shows the current application site as part of the local centre (allocated a mixed use retail/commercial/residential) subject to the submission of a design brief. The Charlton Square design brief was submitted in April 2010 and, following consultation, was approved in August 2010. The design brief shows a primary active frontage on the ground floor of the building, defined as the main frontage elevation having overlooking windows at ground and upper floors, with a building up to 4 storeys high. The design brief also states that the buildings on this site shall be designed to ensure that the landmark building on the opposite side of The Boulevard remains prominent in views upon approach along Highwood Road. The design brief states that in terms of architectural design the buildings must be designed to achieve contemporary and clean lined facades, using a palette of materials to give articulation to the elevation.

5.2 Whilst there is further assessment of the design of the proposed building below, the proposals accord generally with the principles set out in the design brief. Furthermore, the land uses proposed accord with the approved masterplan as set out in Site Wide Design and Access Statement, and as such, the principle of development is acceptable. The proposal is therefore acceptable subject to the following detailed assessment.

5.3 Urban Design and Visual Amenity

These Reserved Matters are pursuant to Outline Permission PT03/3134/O for the North Field (Charlton Hayes) site comprising some 2200 dwellings, up to 66000 sqm of employment floor space, 1500sqm of A1-A5 floorspace and supporting infrastructure. The Site Wide Master Plan & Design & Access Statement identify parcel LC2 as '*mixed-use, retail, commercial, residential subject to a brief*'. The brief identifies a number of land-uses to be accommodated in the new local centre; medical facility, pharmacy, nursery, retail (up to 1500sqm, no one single unit more than 1100sqm), offices, apartments (up to 76 units), elderly accommodation and community centre. A medical facility and pharmacy was planned on parcel LC3 however the NHS Trust no longer support such a facility in this location, the Council has also elected to provide the Community Centre offsite. Offices are optional and some 8000sqm are proposed on land at the western end of the Charlton Hayes site.

5.4 *Use, amount, layout & scale*

In terms of retail (A1-A5 uses including food outlets) the following is currently proposed:

Parcel LC1 – 178m² – (constructed & currently vacant)

Parcel LC3 – 250m² - (small shop, hairdressers and café restaurant under the care home – under construction)

Travelodge – 275m² – (Coffee bar and Subway Outlet – operating)

Parcel MU5 (Hayes Way) – 109m² (subject to a further application and unlikely to be delivered)

Parcel MU1 – Phase 2 – (small retail / café outlet proposed on the Access Boulevard / square)

- 5.5 In terms of uses therefore the proposal comprising 667m² of A1 retail in two units of 371m² & 196m² (taking the likely total to 1370m²), 52 apartments (12 of which will be affordable) and a nursery (also required under the terms of the S106 agreement) is considered acceptable.
- 5.6 The block is proposed up to 4 storeys high (with elements of three storey) and generally located as per the Design Brief fronting the boulevard, with car park to rear. Use, amount, general layout and scale is therefore considered acceptable. The Charlton Square Design Brief (pg22) sets out appearance principles, in summary:
- Contemporary and clean lines
 - Palette of materials (masonry, glass, render and timber)
 - Ground floors formed predominantly of glass
 - Simple mono-pitch or minimal pitch roof (so that no roof plane is visible), to accentuate the roof edge against the skyline.
 - Elements set forward to provide articulation to elevations
- 5.7 In terms of adjoining development, the block on LC1 has constructed only some 4 years ago is appearing dated. Large expanses of (yellow) render are beginning to stain, large framing elements to the façade were omitted and window reveals are shallow, creating a somewhat bland external appearance. The extent of retail was also reduced to a single unit at ground floor so significantly reducing 'active frontages'. The care home on LC3 is more successful (PT14/0760/F). At ground floor 'retail' units / elements are set back and clearly defined by pilaster and changes in (glazed brick) colour, upper storeys have deep reveals and are characterised by large projecting 'framing' elements as per the brief and predominantly brick. A more robust appearance has been achieved.
- 5.8 The design has evolved through the course of the application. Additional glazing has been introduced around the shop units and significant changes have been made to the design of the cycle and bin stores to the rear of the building. Additional detail has been received to confirm that all windows will have a minimum 100mm reveal and the window and door frames will all be finished dark grey. It is still the opinion of your officers that the design of the building could be somewhat improved through measures such as the shop / commercial units could be distinguished by clear division and change in colour, stallrisers should be defined in a different material, and fascia / signage surrounds could / should project a little and be different material / colour to the rest of the ground floor. Subject to the attachment of conditions to ensure the submission of details relating to the shop fronts, and to ensure that the timber boarding is recessed, on balance, the design of the mixed use block is considered acceptable and in accordance with the approved Design Brief.
- 5.9 The design of the affordable block has also evolved through the course of the application. As initially submitted, the block had a slight horseshoe shaped footprint with two projections out to the rear. For various reasons, during the course of the application, one of the rear projections has been removed from the scheme to provide a much reduced footprint.

- The layout has also been reconsidered so all 12 flats within the block also share a single point of access. The design of the affordable block is also considered to be acceptable.
- 5.10 The rear elevation of the mixed use block is dominated at ground floor level by bin and cycle stores. As initially submitted, the plans showed closed board cycle parking and bin storage enclosures to the car park elevation which was considered to unacceptably dominate and degrade this elevation. Concern was also expressed by your officers regarding the proposed 1.75m high fencing along the boulevard frontage. In order to address these concerns, the closed board bin stores have been amended to brick which is supported. As these are also prominent structures they will need to be constructed of a good quality brick – the condition requiring samples of materials will cover the bin and cycle stores also. The fencing to the nursery is also now amended to a 1m railing and a render wall which is acceptable.
- 5.11 The proposed nursery is located close to the vehicular exit from the site. The nursery will have an outside garden space that will be surrounded by a 1.8m high rendered wall. This wall is considered a suitable visual and protective screen for the nursery. However, given that the nursery garden is located at a visually prominent location, a condition will be attached to ensure that no storage buildings over 1.8 metres in height are installed at any location within the nursery garden.
- 5.12 By means of conclusion, subject to the attachment of conditions to ensure the use of high quality materials, the design of the proposed development is considered to be acceptable.
- 5.13 Landscaping
As initially submitted, the proposal included a complex landscape feature in the centre of the car park and a notable lack of hedge and trees around and within the nursery play area. Concern was also expressed about the lack of suitable boundary treatment with properties to the south and east.
- 5.14 Through the course of the application, the landscaping proposals have evolved significantly. The large landscape feature within the car park area has been reduced in size and the boundary treatments around the site have been rationalised. 1.8m fencing has been added around the boundaries with the neighbouring dwellings. Further to the amended layout for the car-park area, it is the view of the Councils landscape architect that the layout has been better rationalised and now includes climbers and planting to the boundaries, a good level of tree planting within Silva cell running through the centre of the car-park and some better sized planting beds. Therefore overall it is considered that the landscape proposals are now acceptable.
- 5.15 Street Lighting
During the course of the application your officer requested that a street lighting design be submitted. Submission of such a plan would allow officers to check for conflict between drainage, landscaping and lighting plans. Unfortunately this information was not received.

Although regrettable, this issue alone is not sufficient to warrant refusal of the application but instead will be addressed through the attachment of a suitably worded condition.

5.16 Transportation

As secured through the outline permission and the approved Design Brief, access to the site is via Highwood Road through the car park to the rear of the building before exiting onto Charlton Square (which hasn't yet been built). As initially submitted, the car and cycle parking provision was sub-standard and was not supported by officers. Through extensive negotiation, the level of car parking on site has been significantly increased so that each flat is now provided with cycle and car parking in accordance with the Residential Parking Standards SPD. Separate spaces are also being provided for the two retail units and the nursery.

5.17 Auto-tracking diagrams have been submitted to demonstrate how an 11m long 28T rigid delivery lorry can enter, manoeuvre throughout, and exit the site safely. Auto-tracking drawings showing larger articulated vehicles exiting the site cause highway safety concerns as such large vehicles would occupy both sides of the carriageway through part of Charlton Square. Given the circumstances (in that this is a reserved matters application where the principles of access and egress have already been established and surrounding Reserved Matters consents have already been approved) it is considered appropriate and necessary to apply a condition restricting the size of vehicle that may enter the site. Although the use of such a condition is not usually encouraged because of issues of enforceability, given the amount of natural surveillance, the existence of delivery logs, and the high probability of CCTV being in place, in the event of a reported breach, it is considered that such a condition would be sufficiently enforceable in this instance. The applicants have agreed to the attachment of such a condition.

5.18 In addition to the above, given that a primary school is to be constructed on the opposite side of Charlton Square, it is anticipated that there will be lots of activity in the area around the start and end of the school day. For this reason, delivery hours will be restricted so that they do not conflict with the bulk of school traffic. Again, the applicants are accepting of such a condition.

5.19 Given that Charlton Square is not yet constructed, it is not clear how construction traffic will exit the site during the construction phase. For similar reasons, such as ensuring the suitable provision of wheel washing, a condition requiring the submission of a Construction Environmental Management Plan will also be attached.

5.20 Although it is noted that a neighbour has expressed concern that the access arrangements will create a rat run, officers do not agree with this position. Once Charlton Square is constructed, vehicles will be free to flow from Highwood Road through to Charlton Square and beyond anyway. There is no reason to believe that driving through the car park would be faster than driving along the highway.

5.21 Affordable Housing

Parcel LC2 is bound by schedule 18A of the Deed of Variation (20th May 2011) supplemental to the agreement dated 14 March 2008. Any provision of Affordable Housing on this parcel must be considered in accordance with the Base or Target Affordable Housing Schedule and Plan as described in the Deed of Variation. The current approved version of these are Base and Target Schedule S and Base Plan R. Base Schedule Si has since been submitted to the Council and will be used for the purpose of assessing this application.

5.22 The revised plans showing 12 affordable units in a separate and self contained block match Target Schedule Ti. The location of the affordable housing complies with the approved version R of the Sitewide Affordable Housing base plan.

5.23 The affordable housing provision is therefore deemed to be acceptable and in compliance with the Affordable Housing Master Plan and S106 attached to the outline permission reference PT03/3143/O. The Deed of Variation specifies clusters of no more than 10 affordable dwellings. There have been occasions where an acceptable compromise has been proposed for other parcels on this site where the affordable flats are provided in a block above the cluster limit specified, where specific design and access arrangements have been taken into account.

5.24 The affordable housing provision is proposed for this parcel in one apartment block which is welcomed. Some amendments have been made to improve car parking provision. The allocated parking spaces have been amended for this flat block and all flats now have 1 parking space each, with an additional 2 visitor spaces, all within one courtyard. A separate bin and cycle store is also provided. There is therefore no objection to the affordable housing element of the scheme.

5.25 Residential Amenity

The proposed development has been designed having regard to the orientation of and relationship between the proposed dwellings. No 60 lies immediately to the southeast of the application site and will sit adjacent to the proposed affordable block. As initially submitted, the affordable block included balconies on the rear elevation of the flats in very close proximity to the garden of No. 60. All of the balconies on the rear corner of the affordable block closest to No. 60 have since been removed from the plans and replaced with windows. The doors to the bin and cycle stores have also been re-orientated so they face away from this neighbour rather than towards it. Although the garden of No. 60 will experience some additional levels of overlooking from windows in the rear elevation of the affordable block, this is not considered unusual for a sub-urban location such as this. Similarly, it is also accepted that, due to the height of the affordable block and the slight change in ground levels, there will be some overshadowing of No. 60 in the later afternoon/evening. As there are no primary windows in the side elevation of No. 60 facing the application site, the additional overshadowing is not sufficient to warrant refusal of the application.

- 5.26 As initially submitted the residents of the dwellings to the north of the car park expressed concern regarding the lack of boundary treatment to divide their dwellings from the car park. This concern was shared by your officer and a 1.87m high close boarded fence has been secured. Due to the separation distances involved, it is not considered that the residential dwellings to the north will suffer any unacceptable loss of privacy or overshadowing as a result of the proposed development.
- 5.27 In terms of the impact on Grove care and the flats in the Landmark Building, the separation distances are all considered to be acceptable and in accordance with the design brief.
- 5.28 It is acknowledged that the proposed development has potential to cause some noise disturbance and conditions will be attached to limit disturbance as far as possible. At the same time, your officer is mindful that the site is as part of a local centre serving the wider Partchway/Charlton Hayes community. The site is supposed to be busy and vibrant and potential future residents will be well aware of this before purchasing a property - conditions are being attached to limit disturbance rather than prevent it.
- 5.29 A series of conditions are necessary – to restrict the opening hours of the retail and nursery unit, to restrict hours of work during the construction phase, to restrict the level of noise from any plant and equipment, and to restrict delivery hours. The conditions have been discussed with the applicant who has not expressed any concern. Subject to compliance with the conditions, the impact upon levels of residential amenity for existing and future residents is deemed acceptable.
- 5.30 Ecology
The site is not covered by any statutory or non-statutory nature conservation designations and therefore there are no ecological constraints to granting planning permission subject to continued compliance with conditions 37, 38, 39, 40 attached to the outline planning permission reference PT03/3143/O.
- 5.31 Crime Prevention
The scheme initially included the installation of an ATM machine on the front of the building adjacent to the entrance to retail unit 1. Due to the number of gas explosions around the South Gloucestershire area, this caused the Crime Prevention Officer concern – if the ATM was blown up, it could severely damage the residential flats above. In order to address this concern, the ATM was removed from the scheme. Full planning permission would be required for any ATM machine in this location which would be considered again by the crime prevention officer at that time.
- 5.32 Drainage
There remain some unanswered questions about the proposed drainage system. Therefore it will be necessary to attach a sustainable urban drainage system condition to ensure that the drainage scheme proposed is suitable and fit for purpose.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That the Reserved Matters application submitted in accordance with conditions 1, 2, 3, 4 of the associated Outline Planning Permission reference PT03/3143/O dated 14th March 2008 shall be approved subject to the conditions below:

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

1. Development must be carried out exactly in accordance with the following plans:

Received by the Council on 23rd March 2017:

Rev L - Landscape Proposals
Rev P - Mixed Block GF and FF Plans

Received by the Council on 24th February 2017:

Toy Storage for Nurseries
Rev B - Affordable Bin Store
Rev M - Layout

Received by the Council on 1st February 2017:

Design and Access Statement
Rev G - Affordable Apartments GF
Rev E - Affordable apartments FF
Rev E - Affordable Apartments SF
Rev B - Affordable Apartments Street Elevations
Rev F - Affordable Apartments Block Elevations
Rev H - Mixed Use block Elevations
Rev N - Mixed Use Block GF and FF

Received by the Council on 8th December 2016:

Silva Cell Detail
Rev H - Mixed Block floor plans

Received by the Council on 2nd September 2016:

Site Location Plan

Reason

In the interests of clarity and completeness.

2. Notwithstanding the submitted details and prior to the commencement of the relevant stages of construction full, details of the following items shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.
 - (a) recessed timber boarding
 - (b) The shop front details including cross sections of the stall risers, windows, pilasters and fascia's.

For the avoidance of doubt, all windows shall have a minimum 100mm reveal.

Reason

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

3. Notwithstanding the submitted plans and prior to the commencement of any external finishing's on the buildings, cycle/bin stores or boundary treatments, details and samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out exactly in accordance with the approved details.

Reason

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

4. Details of all external lighting and external illuminations, including measures to control light spillage, shall be submitted to, and approved in writing by the Local Planning Authority and development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

Reason

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

5. No individual commercial or residential unit shall be occupied until the vehicle and cycle parking and bin storage associated with that unit have been implemented in accordance with the approved plans. For the avoidance of doubt, the cycle stores must be undercover.

Reason

In the interests of visual amenity and to ensure satisfactory parking provision. And to accord with the requirements of Policies CS1 and CS8 of the South Gloucestershire Local Plan Core strategy (Adopted) and the Residential Parking Standards SPD (Adopted).

6. No individual commercial or residential unit shall be occupied until the boundary treatments as shown on the plans hereby approved are installed.

Reason

In the interests of both visual and residential amenity and to comply with the requirements of Policy CS1 of the South Gloucestershire Local Plan Core Strategy and the NPPF.

7. Any storage buildings or external play facilities within the nursery garden shall not exceed 1.8 metres in height.

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.

8. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall not be carried out any later than the first available planting season following the first occupation of any commercial or residential unit or in accordance with the programme agreed with the Local Planning Authority. Any vegetation that fails, is dying or is removed in the first five years following planting shall be replaced in the next available planting season.

Reason

In the interests of 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.

9. Notwithstanding refuse and emergency vehicles, the site shall be serviced by vehicles no larger than 28T rigid HGV's which, for the avoidance of doubt, means no deliveries are permitted using articulated lorries.

Reason

To ensure that vehicles can exit the site safely 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.

10. No development shall commence until a Construction Traffic Management Plan is submitted for approval and all development must take place exactly in accordance with the agreed details. For the avoidance of doubt this will include site access, construction traffic routing, timing of deliveries, wheel washing and site compound location together with any variations in accordance with possible phasing.

Reason

To explain how construction will take place given that Charlton Square has not yet been constructed, to ensure 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.

11. Both retail units shall not be open to customers outside of the following times - 07.00 to 23.00 Monday to Saturday and 08.00 to 16.00 on Sunday and bank holidays
The nursery shall not be open to children outside of the following times - 07.00 to 19.00 Monday to Friday
The outside area of the children's nursery shall not be accessible to children after 18.00 Monday to Friday

Reason

To protect the amenity enjoyed by those living in the locality to accord with the provisions of the National Planning Policy Framework.

12. Deliveries to the retail units and children's nursery shall be strictly limited as follows:
On Mondays to Friday, deliveries may only be taken at or despatched from the site between the hours of 07.00 to 07.45; 09.15 to 14.30, and 16.00 to 22.00.
On Saturdays deliveries shall only be taken at or despatched from the site between 07.00 to 22.00.
On Sundays, Bank and Public Holidays, deliveries shall only be taken at or despatched from the site between 08.00am to 16.00pm.
All deliveries are to strictly comply with the following rules:
(a) All engines to be switched off as soon as vehicles are parked at the unloading dock;
(b) Whilst vehicles remain stationary in the service yard, no engines are to be left idling for more than 30 seconds;
(c) Refrigeration units must be turned off prior to the arrival at the retail unit, and should not be turned back on until the vehicle has left the retail unit;
(d) Delivery vehicle cab radios to be switched off upon entry to the site;
(e) All delivery vehicles to be driven in as quiet a manner as possible, avoiding unnecessary engine revving;
(f) Staff to be instructed to work quietly when outside the store or in the service yard;
(g) The ground surface of the delivery area be smooth, to reduce potential noise from roll cages

Reason

To protect the amenity enjoyed by those living in the locality to accord with the provisions of the National Planning Policy Framework.

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

Reason

To protect the amenity enjoyed by those living in the locality to accord with the provisions of the National Planning Policy Framework.

14. The Rating Noise Level of plant associated with the retail and nursery units shall not exceed the pre-existing LA90 Background Noise Level when measured and assessed in accordance with the British Standard 4142:2014 as amended.

Reason

To protect the amenity enjoyed by those living in the locality to accord with the provisions of the National Planning Policy Framework.

15. Prior to the installation of any kitchen extraction system on the commercial or nursery units, full details of the proposed system (including a maintenance schedule) shall be submitted to the Local Planning Authority for written approval. The system must be fully installed and maintained exactly in accordance with the agreed schedule at all times.

Reason

In the interests of environmental protection and to protect the amenity enjoyed by those living in the locality to accord with Policy RT9 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of the National Planning Policy Framework.

16. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) within the development shall be submitted for approval in writing to the Local Planning Authority. For the avoidance of doubt the information submitted shall include the following:
- submission of a detailed drainage plan including details of the final location for the storage crates and the proposed hydrobrake along with both cover and invert level details for the proposed network.
 - submission of drainage calculations for the proposed drainage system to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus 30% climate change storm event.
 - In addition to the drainage calculations, if any flooding occurs on site a plan indicating flood flow routes to demonstrate how they will be managed.
 - Confirmation as to who will be responsible for managing and maintaining the surface water infrastructure once built.

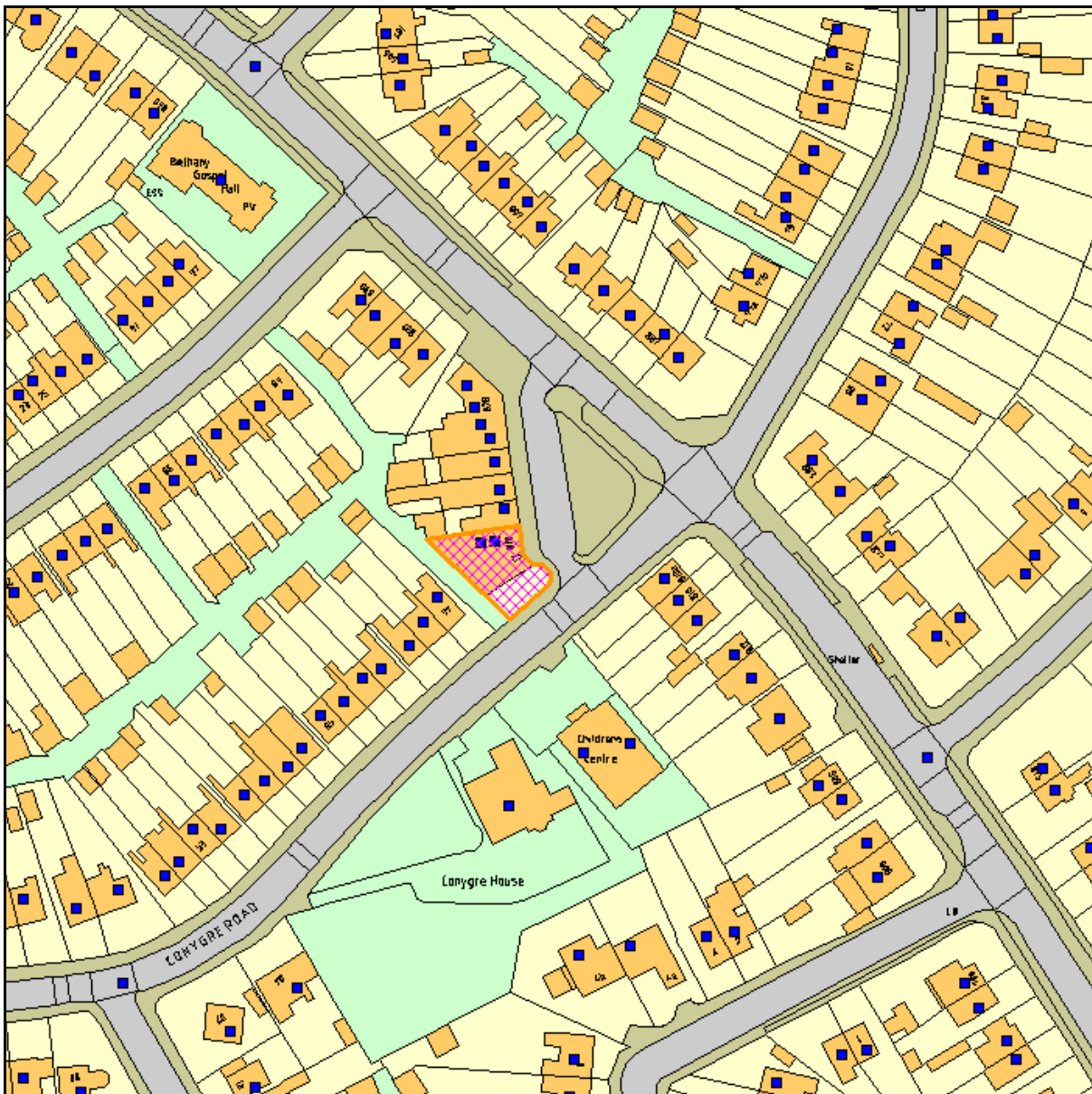
Development shall be carried out in accordance with the approved details.

Reason

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

CIRCULATED SCHEDULE NO. 18/17 – 5 MAY 2017

App No.:	PT16/4963/F	Applicant:	Mr C.A. Riaz
Site:	818 Filton Avenue Filton Bristol South Gloucestershire BS34 7AP	Date Reg:	2nd September 2016
Proposal:	Erection of single storey and two storey side and rear extensions to extend the existing shop unit and create 2no. additional flats with associated works (Resubmission of PT16/0345/F).	Parish:	Filton Town Council
Map Ref:	360751 179463	Ward:	Filton
Application Category:	Minor	Target Date:	26th October 2016



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 100023410, 2008. N.T.S. PT16/4963/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following an objection from a local resident. It also appears on this list due to the requirement of a s.106 agreement for works to the highway directly outside the application site to accommodate parking.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a single storey side extension to extend the existing shop unit and a two storey side and rear extension to facilitate the creation of 2no. additional flats with associated works.
- 1.2 This proposal has involved extensive negotiations moving away from the original intention of a having two storey side and rear extensions to create 1no. additional shop unit and 3no. additional flats which was considered not to represent an acceptable form of development by Officers. This greatly reduced proposal is considered to have overcome concerns relating to overlooking, overdevelopment, living conditions for future occupants and parking.
- 1.3 During the course of the application the need for a s106 for works to alter the location of speed bumps directly outside the proposed parking area was identified. The applicant has agreed to this in principle but has elected to wait for the application to proceed through the circulated schedule process and for a resolution to be made, prior to entering the legal agreement.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (NPPF) March 2012

National Planning Policy Guidance

Technical housing standards – nationally described space standard (THS)

March 2015

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS14 Town Centres and Retail

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

RT8 Small Scale Retail Uses within the Urban Areas

T7 Cycle Parking

T12 Transportation Development Control Policy for New Development

- 2.3 Supplementary Planning Guidance
 Residential Parking Standard SPD (Adopted) December 2013
 South Gloucestershire Design Checklist SPD (Adopted) August 2007
 South Gloucestershire Waste Collection: guidance for new development SPD
 (Adopted) January 2015
- 2.4 Emerging PSP DPD Site and Places
 PSP44 Private Amenity Space Standards

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/0345/F Erection of single storey and two storey side and rear extensions to create 2no. additional shop units and 3no. additional flats with associated works
 Refused 14.4.16

For the following reasons:

Design

The proposed extensions, by reason of bulk, scale, massing, design and external appearance, would represent a cramped form of development which would be out of keeping with the existing building and other nearby properties and, if allowed, would detract from the visual amenities of both the site and the locality. The proposal is therefore considered contrary to saved Policy RT8 of the South Gloucestershire Local Plan (Adopted) 2006, Policy CS1, CS16 and CS17 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and NPPF (2012).

Residential amenity

The proposal by virtue of its massing, scale and overall design will impinge on the residential amenity of No. 77 Conygre Road due to overlooking and thereby impact on the privacy of this dwelling to the detriment of residents. As such the proposal is contrary to saved Policy RT8 of the South Gloucestershire Local Plan (Adopted) 2006; Policies CS16 and CS17 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the NPPF (2012).

Parking

The proposal fails to address the demand for residential car parking, a total of 5no. spaces, which is contrary to the South Gloucestershire Council SPD: Residential Parking Standards (Adopted) 2013 and saved Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006

- 3.2 PT09/1115/F Erection of single storey side extension to provide additional shop facilities, cycle storage and bin store. Erection of two storey side extension to facilitate subdivision of existing dwelling into 4 no self contained flats and associated works.
 Refused 16.6.09

Reason 1:

The proposal will impinge significantly on the established building line of Conygre Road and will result in a detrimental impact on the visual amenities of the streetscene. This impact is exacerbated by the massing, scale and overall design of the building proposed. As such the proposal is contrary to Policy RT8 and D1 of the South Gloucestershire Local Plan(Adopted) 2006 and the south Gloucestershire Design Checklist (Adopted) 2007.

Reason 2:

The proposed extension, by reason of its bulk, massing, design and external appearance, would be out of keeping with the existing building and other nearby properties and, if allowed, would detract from the visual amenities of both the site and the locality. The proposal is therefore considered contrary to Policies D1, H4 and RT8 of the South Gloucestershire Local Plan (Adopted) 2006 and the South Gloucestershire Design Checklist (Adopted) 2007.

Reason 3:

In the absence of a legal agreement the scheme fails to make adequate provision to mitigate the impact upon the local road network in the Bristol North Fringe, contrary to policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

- | | | |
|-----|------------------------|--|
| 3.3 | PT04/3490/F
Refusal | Erection of shop with two flats over.
8.10.04 |
|-----|------------------------|--|

Reason 1:

The proposal will impinge significantly on the established building line and will result in a detrimental impact on the visual amenities of the streetscene. This impact is exacerbated by the massing, scale, and overall design of the building proposed. As such the proposal is contrary to Policy RT8 and D1 of the South Gloucestershire Local Plan (Revised Deposit Draft).

Reason 2:

The proposal will result in additional pressure on the available parking for the existing shops. Consequently there will be an increase in on street congestion on a junction with a busy classified highway that forms a bus, commuter and school route. As such the proposal is detrimental to the transportation safety of all classes of highway user and is contrary to Policy LP23 of the adopted Bristol North Fringe Local Plan and Policy T12 of the South Gloucestershire Local Plan (Revised Deposit Draft).

- | | | |
|-----|-----------------------------|---|
| 3.4 | PT00/2270/F

Approved | Retention of existing boundary wall reducing in height to 1800mm (retrospective). Installation of replacement shop front; upgrading of existing stair enclosure to rear of property leading to first floor flat.
21.8.00 |
| 3.5 | P95/2495 | Change of use of premises from retail to hot food takeaway. (Class A1 to Class A3 of the Town and Country Planning (Use Classes) Order 1987). Installation of extractor flue. |

	Refused	2.11.95
3.6	P92/2451	Change of use of premises from D.I.Y. Shop to hot food takeaway (class A1 to class A3 of the town & country planning (use classes) order 1987)
	Refused	23.10.92
3.7	P88/3318	Installation of dormer windows in side and rear elevations
	Approved	10.11.88
3.8	N2615	Erection of single storey extensions at side and rear of existing shop to form additional living area and additional shop space.
	Approved	2.1.90

4. **CONSULTATION RESPONSES**

4.1 Filton Town Council
Objection on the grounds of insufficient parking

4.2 Other Consultees

Sustainable Transport

Objection: In transportation terms this is very similar to the previously refused proposal. Whilst the application has provided an element of car parking for the residents it does not go far enough. In addition the waste facilities for residents does not comply with the Council's standards.

Updated comments:

The site is constrained in terms of size. Given the constraints it is recommended that the applicant reduce the overall size of the scheme. The revised plans do not address issues previously identified and as such does not comply with policy and is recommended for refusal.

Further updated comments:

The reduced proposed scheme is now acceptable but to accommodate the required parking a new Traffic Regulation Order would be required to vary the position of the existing speed bumps. The existing street light would also need to be replaced.

Archaeology

No objections

Economic Development Officer

No objection

Highway Structures

No comment

Lead Local Flood Authority

No objection

Other Representations

4.3 Local Residents

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

- The construction will disrupt my daily living as I work nights
- No consideration in the plans to address the impact locally of this proposal
- There is already a convenience store less than 20 yards away
- No consideration has been given to vehicle parking and access to the site – likely impact on where I can park as there is already a strain on the parking here
- A larger shop would not be in the interests of local people – the Abbey Wood shopping complex is less than 2 miles away

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all other material considerations. The development would result in the creation of new living accommodation in the form of 2no. new flats, the increase in size of an existing flat and the extension of the existing shop unit. Of particular relevance here is the resulting design and impact on the character of the existing property and the area in general. Impact on the residential amenity of neighbours and of the existing and future occupants is considered, as is the impact of the development on parking and highway safety.

5.2 Paragraph 14 of the NPPF states that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. In the first instance, it is noted that the proposal is for development within the existing urban area and therefore accords with the adopted Development Plan.

5.3 Policy CS1 of the Core Strategy demands the 'highest possible standards of design and site planning', a number criteria which compose high quality design are form, scale, massing, density and overall layout. Policy CS16 and Policy CS17 deal with the subdivision of existing properties to form flats where it would not adversely affect the character of the area and where cumulatively, it would not lead to unacceptable localised traffic congestion and pressure on parking. In addition both policies call for such conversions to provide adequate private/semi-private and/or communal outdoor space. Although the existing property has already been converted into a flat, the internal re-configuration with the introduction of an additional bedroom means that the impact on highway and the provision of amenity space must be taken into consideration.

- 5.4 The NPPF (2012) promotes sustainable development and encourages economic growth and this means *seeking positive improvements in the quality of the built, natural and historic environment*. It also supports the *integration of residential and commercial uses within the same unit*. Although it is recognised that saved Policy RT8 (small scale retail uses within urban areas) is an older adopted policy its ethos remains broadly aligned with the aims of the NPPF. These are summarised as supporting employment uses within urban areas but only where such development would not have an adverse impact on the environment, on highways, on residential amenity or the general character of the area.
- 5.5 The proposal therefore has a number of elements in its favour which include both the potential of employment opportunities through the increase in size of the existing shop and also the creation of new homes through the proposed 2 no. new flats. It is furthermore noted that this amended scheme has addressed previous issues such as the provision of off-street parking, the poor residential amenity for future and existing occupants, the impact on neighbours and the overall appearance of the resulting structure.
- 5.6 Policy assessment
The ethos of saved Policy RT8 remains essentially in accordance with the NPPF and so it is useful to consider the proposal using some of the heading criteria of this older policy: character; residential amenity; highway matters; and environmental impact which are pertinent to this proposal as well as it being a mixed use development.
- 5.7 Character
The area surrounding the application site comprises mainly residential streets. The application site is part of a rank of local shops with alternative closest shops being located on the far side of Station Road. As a development of flats and a shop the proposal would not be out of keeping with its immediate surroundings and this counts in its favour. Significant weight can be given to it being an appropriate form of development in principle.
- 5.8 *Economic benefit*
One comment from a local resident has expressed the view that the extension to the shop would not be of benefit to the local residents. The proposed extension would be about 64.94 square metres of ground floor retail space. It is acknowledged that no justification or details regarding the demand for the increase has been given. However, on the basis that it is an extension to an existing business, rather than a separate one, there is no objection to the proposal but only a very small amount of weight can be given in favour of the development for this reason.
- Design and Visual Amenity*
- 5.9 It is noted that within the existing rank, each of the properties has been altered in some shape or form from the introduction of dormer windows to large rear extensions. The corresponding property at the other end of the rank was extended some time ago to provide additional retail floor space and accommodation above.

The application site similarly benefits from an area of land to its southern side and on this occasion the proposed extension would not be as extensive as previously proposed. In total it would comprise a single storey flat roof addition to the south to accommodate the extension to the shop, a two storey pitched roof side/rear extension to accommodate two new two bed flats and alterations to the existing flat to increase the number of bedrooms from two to three.

Overall bulk and massing

5.10 Whereas the previous scheme proposed to fill the entire curtilage with some form of built form, it is acknowledged that this scheme represents a reduction given that the existing shop unit is to be extended and only two additional flats are proposed. Parking for the residential elements has been provided in the area currently used as storage for the ground floor shop unit. To the rear, a flat roof would cover the entire area taking the built form up to the boundary with the rear access lane, as is the current situation. Within this area would be facilities for the ground floor shop, the refuse areas for shop and flats and entrance stairs to the three flats above.

5.11 The proposed pitched roof two-storey element will in its entirety house the shop extension, part of the existing shop unit and the two new two bed flats – Flat 1 at first floor level and Flat 2 and second floor level. By reconfiguring the internal arrangement of the existing flat, entrances to all three flats plus an additional bedroom to Flat M1 can be created.

5.12 It is noted that this development would be a sizeable addition to the existing property but at the same time it is noted that other properties in this rank have benefitted from some large extensions, including some which have also taken up much of the curtilage. In this design it is noted that there is some break in the built form by means of subservient roof heights but it is furthermore, considered that this proposal would in its current form represent the maximum this property could be extended. Development within existing urban areas is encouraged by both national and local planning policy and as this scheme complies with these policy aims weight is accordingly awarded in its favour.

Two storey pitched roof side/rear extension

5.13 A previous refusal reason for a scheme on this site in 2009 cited that a two storey side extension which followed on from the existing front building line would *impinge significantly on the established building line of Conygre Road and will result in a detrimental impact on the visual amenities of the streetscene*. Clearly this scheme has attempted to overcome that previous refusal reason by proposing a two-storey addition at a 30 degree angle from the end of the terrace and by this means would not be forward of the front building line of No. 77 Conygre Road. It is acknowledged that the other end of the rank of shops has been extended in a similar way and another angled two storey extension could balance the end of the terrace. Changes to the design and resulting fenestration have removed the impact on residential properties along Conygre Road and on other nearby residential properties and this is discussed in the residential amenity section.

5.14 The pitched roof two-storey side/rear extension would include within it:
- at ground floor the extension to the existing shop unit

- at first floor a new two bed flat, Flat F1 and the reconfiguration of the lower part of the existing flat M1 and the entrance to Flat F2
 - at second floor level a new two-bed flat, Flat F2 bedrooms to the existing flat M1.
- 5.15 Although the bulk of the shop unit would be within the proposed pitched roof two-storey element, part of the shop frontage would present as a single storey addition to the side of the existing shop. This is considered in more detail under the single storey side extension assessment below.
- 5.16 The existing property benefits from three dormer windows of modest proportions which have allowed the conversion of the roof space into habitable accommodation resulting in the current flat, M1. Under this application the existing front dormer window would remain unchanged and the existing small rear dormer would be altered in terms of its shape but would essentially stay in the same place. However, the scheme proposes three very large dormers, one to each of the south, west and northwest elevations.
- 5.17 The three dormers are unusual in their shape but it is acknowledged that two would not be visible from the main roads. The largest dormer on the south side elevation would serve to accommodate the living space and bedrooms of Flat 1 and are necessary to achieve the residential element. Its corner position does somewhat emphasise this design feature but at the same time dormer additions to properties are not unusual, albeit recognised as being different to original rooflines.
- Single storey side extension*
- 5.18 The side extension would be to the south. This area of land is unusual in shape as it forms the end part of a crescent-like shape at one end of this rank of shops/flats. It is acknowledged that the proposed single storey structure has been significantly reduced at this point and does not propose to follow the boundary line. Instead, it would extend out from the proposed two-storey addition, for the most part by about 1.5 metres, extending to a maximum of 3 metres to accommodate the new shop frontage. The current boundary is a high, curving wall demarking this corner. This feature would be removed and the area converted into a parking area for 4 no. residents parking bays and 3no. cycle hoops. The single storey structure would have a flat roof and plans indicate that it would be about 3 metres in height, about one metre higher than the existing side/rear boundary wall at this point.
- 5.19 This proposed asymmetrical structure would incorporate the proposed retail unit and 4 parking spaces dedicated to the residential units. The extension to the shop is fairly modest but existing empty shops within this rank are noted, leading Officers question the potential contribution to economic growth in terms of the service it could provide to locals or its contribution to employment (although here there are no details to assess in this respect). Neutral weight is therefore given for this retail element.

5.20 Conclusion of character/design assessment

It is recognised that the proposal has some merits in that it would provide new homes and in this respect the potential to assist in addressing the general current housing shortage and the more specific shortfall in the Council's five year land supply. Weight is given in its favour for this reason, but the degree of weight from these new flats would have a 'less than significant' impact on housing numbers and is therefore limited. The potential to promote the local economy given the size of the proposed unit is, however, negligible, especially as no supporting evidence has been provided and the corresponding weight is considered neutral.

5.21 Weight must now accordingly be attributed to the overall design. It is acknowledged that the application site is within a built up area and development is encouraged in such locations. However, this cannot be at the expense of the resulting appearance. Changes made to the overall design during the course of the application by reducing the bulk and massing of, in particular, the two-storey pitched roof extension and the two-storey flat roof extension which would have had a detrimental impact on the existing street scene are acknowledged and welcomed. Although the different styles of dormer windows is noted, overall the scheme cannot be regarded as being visually intrusive development in the context of the character of the area in general and on this basis is supported.

5.22 Residential Amenity

The existing structure comprises a shop unit at ground floor and a two bed flat at first floor and second floor levels. Given that there is a substantial flat roof rear extension to the main property it is acknowledged that there is a lack of dedicated amenity space for the two bed flat. The area to the side which would be developed as part of this application (the car parking area for 4 vehicles) has the function of additional amenity space/garden serving the ground floor shop. The proposal however, would increase the residential accommodation provision on the site whilst at the same time removing the possibility for using the land to the side as amenity space for any of the future occupants.

5.23 South Gloucestershire Council have an emerging Policy Sites and Places DPD which sets out the private amenity space standards as follows:

1 bed flat 5sqm

2+ bed flat 5sq m + private shared community space

It is acknowledged that this had not yet been fully adopted and so attracts only little weight. Nevertheless, the importance of some form of dedicated amenity space for any new dwelling is recognised. In this case there is no provision for amenity space for any of the flats but it must be recognised that these are unlikely to be occupied by families, that opportunities for leisure exist at the nearby Abbey Wood retail park, and that the site is well served by public transport with the prospect for using the nearby open spaces.

- 5.24 Moving on to potential impact on neighbours. The proposed single storey extension to the side which would host the new shop unit and would not impact on the amenity of neighbours to the southwest at No. 816 Filton Avenue and similarly not adversely affect the existing children's nursery opposite on Conygre Road. Although the large dormer in the southwest elevation would be closer to these two than the existing side dormer, they would be separated by a distance of over 20 metres which is acceptable.
- 5.25 The impact on the adjacent neighbour at No. 77 Conygre Road must now be assessed. This property is separated from the application site by a rear access lane, about 5 metres wide. It is acknowledged that this property does not have any openings in the opposing elevation. Two first floor high level windows would be directly opposite the property, but the possibility of overlooking of the rear garden of No. 77, would be limited. The proposed rear dormer serving the second floor flat would not have any windows directly opposite this neighbour, but the presence of new openings in the side dormer are noted and again it is considered that the overlooking would be limited. These changes have sufficiently overcome the concerns expressed in the refusal of the previous application.
- 5.26 Comments from a local resident expressing concerns regarding potential disruption are noted, however, the scale of the development must be taken into consideration and it is likely that such a scheme would be completed within a reasonable amount of time. However, to minimise disruption a condition will be attached to the decision notice to ensure that appropriate construction hours are adhered to.
- 5.27 Sustainable Transport
The site is on a corner position with an area of public open space at the corner's apex. Parking is provided on both sides of the small access lane to the front of the rank – an approximate 14no of spaces to serve 5no shops and it is assumed between 5 and 6 no flats above the shops.
- 5.28 The car parking demand generated by the proposed development would be for the residential accommodation only as the proposed new retail unit would be less than 35 sq metres. According to the Council's parking standards a development of 2 x 2 bed and 1 x 3 bed flats would require 5 spaces. Four residents parking spaces are proposed in what was the walled garden and four secure cycle spaces are proposed within the refuse area for the flats close to the rear access area. On the basis that the application site is located in an area close to many employment opportunities and with a number of cycle routes, the provision of 4 dedicated parking spaces for the flats is considered acceptable.
- 5.29 Comments from a local resident are noted, however, the site is accessible by sustainable modes of transport and parking for the proposed retail element could be accommodated on the adjacent highway network where time limited parking is available as well as the parking on the adjacent service road. Servicing of the retail unit can take place from the service road or Filton Avenue.

This is the existing situation and the small extension to the existing shop would not generate a significant increase on service vehicle movements and as such would not be detrimental to highway safety.

5.30 It is noted that access to the proposed residential parking spaces would require the existing speed cushions to be moved, requiring a new Traffic Regulation Order. This will be dealt with by a s106 agreement between the applicant and the Council. The existing street light would also need to be removed to accommodate the car parking.

5.31 Suitable and sufficient cycle parking is proposed for the flats and the shop in accordance with the Council's standards and adequate bin storage areas are proposed for the new shop in accordance with the Council's Waste SPD.

5.32 Environmental effects

The proposal would be for retail and residential and given its location within a rank of shops and flats in a residential area of Filton, it is considered that it would not give rise of any adverse environmental effects.

5.33 Overall conclusion to the assessment

In conclusion the proposed shop unit could result in additional facilities for nearby residents, although no specific details have been provided and no evidence to suggest that such facilities are needed and no justification as to why empty units in the rank cannot be used. Similarly it could provide additional employment but again this is difficult to substantiate with any certainty without any justification in the form of additional figures/details. Given the scale of the unit at 64.94 sq m a modest amount of weight is given to this element.

5.34 It is recognised that 2no. additional new flats could be a benefit to the area and to the housing supply in general and modest weight is given to the contribution this number would make to housing figures.

5.35 Changes made under this application have sufficiently addressed the concerns raised under the previously refused scheme. In the overall balancing exercise the proposal is now considered acceptable and can be supported.

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
- a) A sum of £15,000 for works to move the existing speed bumps and update the Traffic Regulation Order and move the existing street light.
- 7.2 That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.
- 7.3 If the S106 Agreement is not signed and sealed within 6 months of this determination then, in view of the length of time, the application should either:
- a) Be returned to the Circulated Schedule for reconsideration;
- Or
- b) The application should be refused due to the failure to secure the Heads of Terms listed above under a Section 106 Agreement, for the reason listed.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. Development shall be in strict accordance with the below listed plans:
As received on 31.8.16:
Site and block plan - PL04 A

As received on 21.6.17:
Existing and proposed floor plans - PL02 E
Existing and proposed elevations - PL03 C

As received on 26.4.17:
Existing and proposed elevations - PL01 D

Reason

For the avoidance of doubt and to accord with Policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 213; saved Policies H4, T7 and T12 of the South Gloucestershire Local Plan (Adopted) 2016 and the NPPF (2012).

3. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on 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 saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

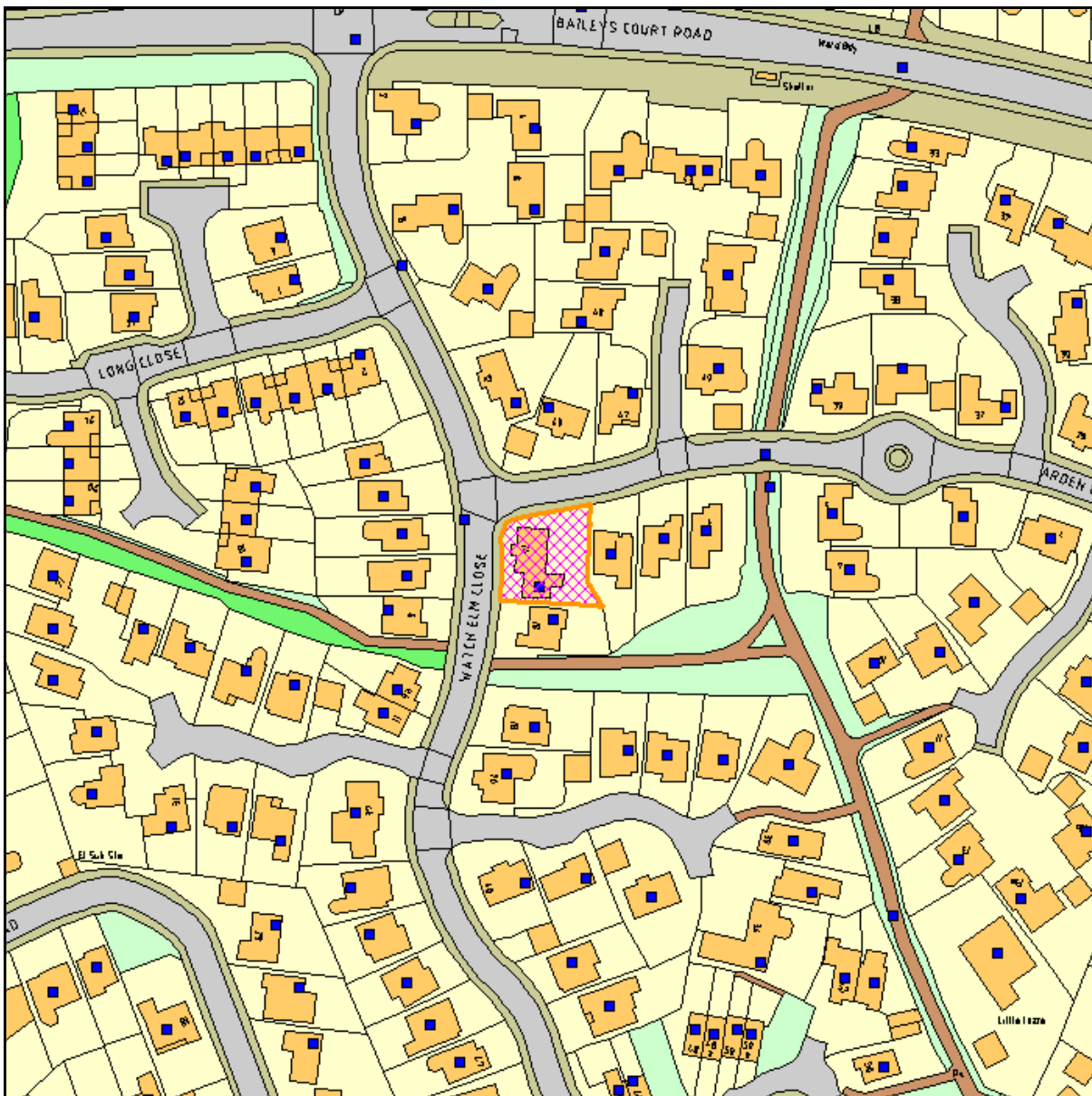
4. The off-street parking facilities (for all vehicles, including cycles) shown on the plan Existing and Proposed Floor Plans PL02 E hereby approved shall be provided before the first occupation of the new flats and shop extension and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 18/17 – 5 MAY 2017

App No.:	PT17/0505/F	Applicant:	Lois Coulson
Site:	14 Watch Elm Close South Gloucestershire BS32 8AN	Date Reg:	17th February 2017
Proposal:	Erection of two storey side and rear extension and single storey rear extension to provide additional living accommodation (Class C3).	Parish:	Bradley Stoke Town Council
Map Ref:	362258 180805	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	12th April 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for the erection of two storey side and rear extension and single storey rear extension to provide additional living accommodation.
- 1.2 The property is a modern, volume built detached dwelling located within the residential area of Bradley Stoke.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS8 Access/Transport
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Objects to this planning application on the following grounds: Overdevelopment of the site, out of keeping with the streetscene and loss of residential amenity

Sustainable Transportation
The applicant seeks to extend the dwelling to include a fifth bedroom. The proposals will not alter the existing off street parking arrangements. There are no transportation objections.

Other Representations

4.2 Local Residents

Three letters of objection from local residents have been received, summarised as follows:

- The property currently seems to be being used as a Bed and Breakfast establishment which causes parking problems, particularly in the adjoining Arden Close.
- object on the grounds of Highway safety issues that will arise. This is due to the increased pressure it will generate on parking spaces in Arden Close
- There are no parking facilities for guests and very limited parking in Watch Elm Close
- Traffic turning into Arden Close, from Watch Elm Close, has to be mindful of vehicles potentially on the wrong side of the road. Any extra accommodation, and the possibility of extra parked cars, will exacerbate this situation
- The proposed double storey extension would overshadow adjoining properties and cause loss of privacy to adjacent properties
- The dwelling has already extended closer to adjacent properties and the current proposal will extend significantly beyond the original house line and would be too close to the boundary fence
- The proposal would be an overdevelopment of the site

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

- 5.2 The comments regarding potential use of the dwelling as a bed and breakfast are noted. The application has been submitted as a householder application to extend the existing dwelling. No change of use is proposed or has been previously granted for such use and a Bed and Breakfast (C1) would be a different use class to a dwelling (C3), and as such require planning permission in its own right and individual assessment on this basis. In this respect it is confirmed that the matter has been referred to the Enforcement Team and is under investigation.

5.3 Residential Amenity

The amenity concerns raised above are noted. The extension of the property to first floor would be above the existing garage and single storey utility room to the rear and would effectively infill the corner area behind the garage to two storey level. The proposals would not protrude beyond the rear building line of the existing dwelling i.e. the single storey utility room, although development would be to two storey.

The rear wall of the dwelling, to two storey level, would be approximately 4.3 metres from the rear shared curtilage boundary to the east, at its nearest point, and approximately 7.8 at its furthest, as the boundary edges away from the application dwelling. The nearest neighbouring property on the eastern elevation is located off an adjacent road, Arden Close. The orientation of the properties is such that the rear of the application property backs onto and runs parallel with the side of the nearest property to the east, whose curtilage continues beyond the extent of the application site curtilage. Whilst the extension would bring the rear wall of the property, at two storey level, nearer to the shared boundary, the rear building line would be similar to that of the next dwelling down to the south. Given the relative orientations and relationships of the adjacent dwellings and their curtilages and the relative scale, nature and location of the proposals, it is not considered that they would give rise to material or additional overbearing impact such as to warrant objection and sustain refusal of the application in its own right. As such it is not considered that the proposals represent overdevelopment of the site.

- 5.4 The proposed two first floor rear rooms are not primary habitable rooms but consist of an en-suite bathroom and dressing room. Further to this it is also recommended that the rear facing 1st floor windows should be of obscure glazing. These factors would serve to prevent any potential material issues of overlooking and loss of privacy.

5.5 Design

The proposals would incorporate a pitched roof design, as existing, above the garage, but subservient to the main part of the dwelling, with a gable end finish to the rear. The proposals are considered to be of an appropriate standard in design and would not be out of keeping or incongruous with the existing dwelling, character of the area and surrounding properties. The extension is of an acceptable size in comparison to the plot and the site and surroundings. Materials would match those of the existing dwelling. Sufficient garden space would remain to serve the property. On this basis it is not considered that the proposals would represent an overdevelopment of the property.

5.6 Transportation

The comments regarding parking and potential use of the dwelling as a bed and breakfast are noted. As stated above, the application has been submitted as a householder application to extend the existing dwelling. No change of use is proposed or has been previously granted for such use and a Bed and Breakfast (C1) would be a different use class to a dwelling (C3), and as such require planning permission in its own right, the assessment of which would include parking provision for that use. As it stands the Council's adopted residential parking standards should apply and in this respect the proposals would not alter the existing off street parking arrangements or requirements which would remain as existing. It is the development control role of the Council to ensure that sufficient parking is available for individual properties, in line with the Councils adopted residential standards, individual unlawful parking of vehicles would not be a planning matter, but would be governed under different legislation such as the Road Traffic Act.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposals are of an appropriate standard in design and are not out of keeping with the context of the area and surrounding properties. Furthermore the proposal would not materially or significantly harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Adequate parking can be provided on the site. As such the proposal accords with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason
To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.
3. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the eastern elevation shall be glazed with obscure glass to level 3 standard or above.

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.

4. The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 14 Watch Elm Close;.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and to protect the residential amenity of the area, and to accord with Policy CS1 and CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 18/17 – 5 MAY 2017

App No.:	PT17/1195/F	Applicant:	Mr Potter
Site:	16 Winchcombe Road Frampton Cotterell Bristol South Gloucestershire BS36 2AG	Date Reg:	21st March 2017
Proposal:	Removal of chimney. Installation of front dormer to form additional living accommodation	Parish:	Frampton Cotterell Parish Council
Map Ref:	366576 181913	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	10th May 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as a result of a conclusion response received, from the Parish Council, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for the removal of a chimney and installation of a front dormer to form additional living accommodation.
- 1.2 The property is a semi-detached bungalow dwelling, within the settlement boundary of Frampton Cotterell.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS8 Access/Transport
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 P85/2680 – Dormer window in roof. Approved 15th January 1986

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
The Parish council objects, this will have an unacceptable impact on the street scene.

Other Representations

- 4.2 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design

The comments of the Parish Council are noted. Initial plans illustrated the dormer with one window and a significant length of blank cladding, which it was felt by your Officer gave rise to a somewhat unbalanced appearance to the dormer within the context of the dwelling and the streetscene on this front elevation. Revised plans were subsequently received illustrating an additional window and the dormer rendered. This is considered to give more balance to the dormer and the application dwelling itself and be more in keeping with the surrounding area. Much of the area is characterised by chalet bungalow designs and front dormers. There is a similar front dormer on the adjacent property immediately to the west. The application property also has a rear dormer and the front dormer would mirror its scale and dimensions, giving a certain amount of balance. The proposed extension therefore is considered to be of an appropriate standard in design and is not out of keeping with the character of the main dwelling house and surrounding properties. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials are considered acceptable.

5.3 Residential Amenity

The length, size, location and orientation of the proposals are not considered to give rise to any significant or material overbearing impact on adjacent properties.

5.4 Transportation.

It is not considered that there would be any significant highways or parking impact associated with the proposed development. The amount of parking provision or requirement would not be altered.

6. CONCLUSION

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

6.2 The proposals are of an appropriate standard in design and are not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies H4 of the South Gloucestershire Local Plan (Adopted) 2006 and

CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

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

7. RECOMMENDATION

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

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

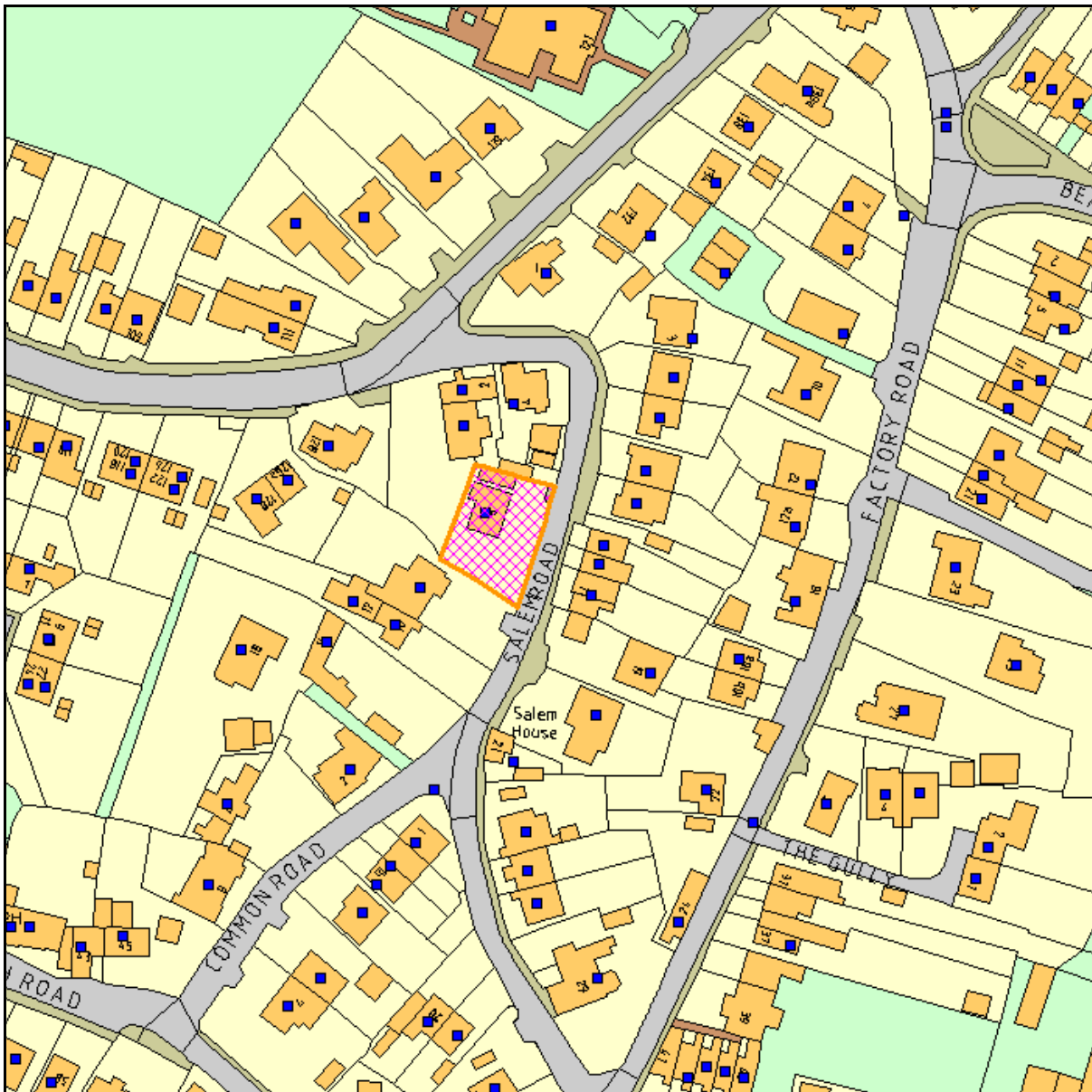
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 18/17 – 5 MAY 2017

App No.:	PT17/1216/CLP	Applicant:	Mr Peter Blunden
Site:	6 Salem Road Winterbourne South Gloucestershire BS36 1QF	Date Reg:	23rd March 2017
Proposal:	The proposed installation of a rear dormer to facilitate extension to loft conversion	Parish:	Winterbourne Parish Council
Map Ref:	365773 181218	Ward:	Winterbourne
Application Category:		Target Date:	12th May 2017



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 100023410, 2008. N.T.S. PT17/1216/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of 1no rear dormer window at no. 6 Salem Road, Winterbourne, 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 PT15/2190/F

Erection of single storey side extensions to form garage and additional living accommodation and installation of 2no. front dormer windows to facilitate loft conversion. Erection of front porch.

Approved: 24.06.2015

3.2 PT15/1055/F

Demolition of existing garage. Erection of side and rear extension, installation of 2 no. front dormer windows to form additional living accommodation, loft conversion and attached garage.

Refused: 16.04.2015

3.3 PT10/2352/F

Demolition of existing dwelling to facilitate erection of 2 no. semi detached dwellings with associated works (Resubmission of PT10/0304/F)

Refused: 04.10.2010

3.4 **PT10/0304/F**

Demolition of existing dwelling to facilitate erection of 2 no. semi detached dwellings with associated works.

Refused: 29.06.2010

4. **CONSULTATION RESPONSES**

4.1 Ward Councillors

No comments received

4.2 Winterbourne Parish Council

Objection - The Parish Council is aware that the proposed dormer window would overlook the property at the rear causing an infringement of privacy with windows also over-looking the garden, patio and living and dining room. The glass in the dormer should be obscure and a condition that it should be so in perpetuity. Should the planning officer be minded to approve this application the planning committee would like this called in to the South Glos DC West Committee.

Other Representations

4.3 Local Residents

One comment of objection has been received. This raises the following concerns:

- Dormer window will overlook garden, patio area and main living/dining room of neighbouring property. Will have major adverse impact on quality of life of occupiers.
- If development is approved, we ask that that a condition 'in perpetuity' be included to the effect that both windows have obscured glazing.
- Covenant exists relating to the application site, this may impact upon the application.

One comment raising neither objection nor support has been received. This raises the following points:

- The dormer seems a reasonable design and size. I would request that the walk-in wardrobe window is also obscure as it looks directly into our (previously not overlooked) garden.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Location Plan
Site Plan
Existing and Proposed Plans, Section and Elevations (Drawing no. 01)
(Received by Local Authority 20th March 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.

- 6.3 The proposed development consists of the installation of a 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 detached house. Volume calculations as shown on Plan 01 indicate that the total increase in roof space of the original dwelling would be 36.51 cubic metres. As such, the proposal would result in an additional volume of no more than 50 cubic metres. Volume calculations undertaken by officers have provided similar results.

- (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;**

Submitted plans indicate that the proposed dormer will be finished in materials to match the finish of the existing front dormers. The roof and windows of the proposed dormer will be finished in materials to match those used in the external finish of the main dwelling. As such, the proposal is considered to meet this criterion.

- (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 1 metre from the outside edge of the eaves of the original roof and the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse.

- (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 does not involve the insertion of any windows to the side elevation of the dwellinghouse.

6.4 Objection Comments

With regard to the potential impacts of the proposal on the residential amenity of any neighbouring residents, planning merits of the proposal are not assessed as part of an application for a Certificate of Lawfulness. 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.

With regard to the request for a condition to be attached to any decision requiring windows to be obscure glazed, applications for a Certificate of Lawfulness are not subject to conditions. The application is simply determining whether or not the proposal can be lawfully implemented without the need to apply for express planning permission. As the proposal can be lawfully implemented, the Local Planning Authority does not have the power to attach conditions to any decision. That said, submitted plans indicate that the proposed bathroom window will be obscurely glazed.

With regard to the impacts of an existing Covenant at the property, 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.

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 installation of a rear dormer would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015.

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