



**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. 42/17

Date to Members: 20/10/2017

Member's Deadline: 26/10/2017 (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:

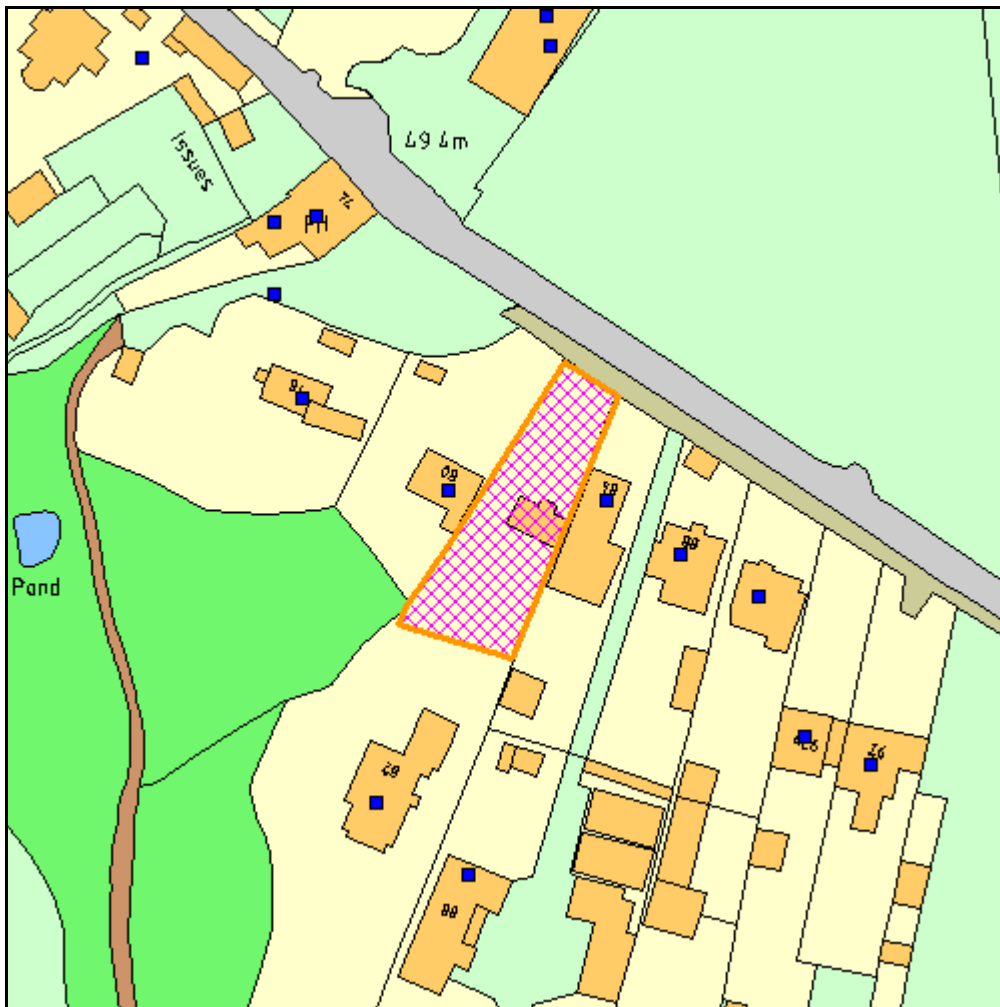
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

CIRCULATED SCHEDULE 20 October 2017-

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/1153/F	Approve with Conditions	82 Abbots Road Hanham South Gloucestershire BS15 3NR	Hanham	Hanham Abbots Parish Council
2	PK17/2120/F	Approve with Conditions	Cadbury Heath FC Cadbury Heath Road Cadbury Heath South Gloucestershire	Parkwall	Oldland Parish Council
3	PK17/2712/RM	Approve with Conditions	Amberley Lodge 4 Broad Lane Yate South Gloucestershire BS37 7LA	Yate North	Yate Town
4	PK17/3400/CLE	Approve	Bramley Cottage Homeapple Hill Wick South Gloucestershire BS30 5QF	Siston	Siston Parish Council
5	PK17/3964/F	Approve with Conditions	Land At Court Road Kingswood South Gloucestershire BS15 8PX	Woodstock	None
6	PK17/3996/F	Approve with Conditions	1 Cock Road Kingswood South Gloucestershire BS15 9SJ	Woodstock	None
7	PK17/4100/F	Approve with Conditions	The Salutation St James Place Mangotsfield South Gloucestershire BS16 9JB	Rodway	None
8	PK17/4126/CLP	Approve with Conditions	80 New Cheltenham Road Kingswood South Gloucestershire BS15 1TN	Kings Chase	None
9	PK17/4216/CLP	Approve with Conditions	7 Halls Road Kingswood South Gloucestershire BS15 8JD	Woodstock	None
10	PT17/2528/F	Approve with Conditions	Plot Rear Of 20 Filton Road Hambrook South Gloucestershire BS16 1QL	Winterbourne	Winterbourne Parish Council
11	PT17/2753/F	Approve with Conditions	Magnolia View 5 Oxbarton Stoke Gifford South Gloucestershire BS34 8RP	Stoke Gifford	Stoke Gifford Parish Council
12	PT17/3453/F	Approve with Conditions	Tunis Ram Hill Coalpit Heath South Gloucestershire	Westerleigh	Westerleigh Parish Council
13	PT17/3498/F	Approve with Conditions	64 Pretoria Road Patchway South Gloucestershire	Patchway	Patchway Town Council
14	PT17/3619/LB	Approve with Conditions	Westmead Aust Road Olveston South Gloucestershire BS35 4DE	Severn	Olveston Parish Council
15	PT17/3939/F	Approve with Conditions	11 Watermill Close Falfield Wotton Under Edge South Gloucestershire GL12 8BW	Charfield	Falfield Parish Council
16	PT17/3950/F	Approve with Conditions	20 Riverwood Road Frenchay South Gloucestershire BS16 1NX	Frenchay And Stoke Park	Winterbourne Parish Council
17	PT17/4129/CLP	Refusal	53 Shellard Road Filton South Gloucestershire BS34 7LX	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 42/17 – 20 OCTOBER 2017

App No.:	PK17/1153/F	Applicant:	Mr David Cox
Site:	82 Abbots Road Hanham Bristol South Gloucestershire BS15 3NR	Date Reg:	10th April 2017
Proposal:	Demolition of existing dwelling. Erection of 1 no. bungalow and associated works	Parish:	Hanham Abbots Parish Council
Map Ref:	364358 170805	Ward:	Hanham
Application Category:	Minor	Target Date:	31st May 2017



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 100023410, 2008. **N.T.S.** **PK17/1153/F**

CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of an existing dwelling and the erection of 1 no. bungalow and associated works.
- 1.2 The application site relates no. 82 Abbots Road, Hanham. It is outside the settlement boundary, there in the open countryside and within the Bristol/Bath Green Belt.
- 1.3 During the course of the application revised plans were received to clarify the parking provision on site.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape Protection and Enhancement
H3 Residential Development in the Countryside
H4 Development within Existing Residential Curtilages
T12 Transportation

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP40 Residential Development in the Countryside
PSP43 Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Development in the Green Belt SPD (Adopted) 2007
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 K7130
ERECTION OF ATTACHED DOUBLE GARAGE AND FRONT ENTRANCE
PORCH WITH PITCHED ROOF TO EXISTING DORMER (Previous ID: K7130)
– approved.
11.03.1992

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
No objection

4.2 Other Consultees

Highway Structures
Informative recommended

Lead Local Flood Authority
No objection

Sustainable Transport
No objection

Landscape Officer
Landscape condition recommended

Other Representations

- 4.3 Local Residents
1no. objection has been made by a local resident. The following comments have been summarised:
- disproportionate in scale
 - 2no. conditions requested restricting height and attic conversion
 - removal of planting will harm area character and appearance
 - overbearing
 - loss of light
 - loss of outlook
 - vehicular noise
 - visual impact of new access and parking arrangement
 - existing building is not a dwelling

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development / Five Year Land Supply**

The application stands to be assessed against the above listed policies and all material considerations. The site is located within the existing residential curtilage of no. 82 Abbots Road, lying outside the Hanham Settlement and the Bristol/Bath Green Belt. Policy H4 is supportive of new dwellings within existing residential curtilages and the NPPF allows limited infilling within the Green Belt. Of importance is the resulting appearance and impact on the character of the area in general, the impact on the amenity of future occupiers and closest neighbours, and the impact on highway safety.

5.2 It is acknowledged that the Council does not have an up-to-date five year land supply. This means that paragraph 49 of the NPPF is engaged. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph goes on to suggest that if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date.

5.3 The decision-taker is now also required to consider the guidance set out within paragraph 14 of the NPPF. This 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. Given that the development is within the curtilage of no. 82 Abbots Road and is considered appropriate in the Green Belt, it is considered to accord with adopted policy.

5.4 **Design**

The proposed single storey 3 bedroom dwellinghouse would be of a modern design that would infill a gap within a linear group of residential buildings of various heights and scale. Concerns have been expressed that due to its large roof the new house would appear disproportionately top heavy and unbalanced and could lend itself to a loft conversion. Owing to the existing scale, mass and height of properties on Abbots Road the site is capable of accommodating a relatively high building without appear incongruous or dominant. Plus there are other examples of large gables along the road; albeit never road ending. Nonetheless the dwelling proposed here would not appear ill-proportioned given it would be set back and a similar height to those of the immediate building group. It is also acknowledged that loft conversions are not uncommon and many properties benefit from the additional space such permitted development allows, but in this case there is a concern that such alteration would prejudice the amenities of neighbours either side. Therefore, in order to protect them, permitted development rights will be restricted to prevent further windows or alterations to the roof.

5.5 In terms of general design principles, including materials, detailing, form and appearance the house is considered acceptable and in Officer opinion would not be out of character with other dwellings in the immediate locale.

5.6 **Landscaping**

Currently there are a couple of small trees and well established shrub borders in the front garden of the existing property. This section of Abbots Road has a leafy character, although this is being slightly eroded by the lack of any planting in the front gardens of nos. 84 and 86. Comments from local residents are noted and whilst of the front garden would be lost, the current building represents an eyesore and the overall spaciousness of the area would be increased to the front of the new house through setting it back further into the plot. This frontage provides an opportunity for landscaping of appropriate species. Officers therefore regard this current proposal as appropriate subject to a condition requiring a detailed landscape plan.

5.7 **Residential Amenity**

Submitted plans show a garden is to be created around the new house without boundary treatment. However the development proposes its rear aspect to face no. 82 so it inevitably requires boundary treatment sufficiently high to provide screening and security to the private rear garden area. Such detailing can be agreed as part of the landscaping scheme.

5.8 Emerging planning policy under PSP43 indicates the amount of amenity space new dwellings should attain. A three bedroom house should have approximately 60 sq metres of space. Excluding parking spaces, the proposed garden measures about 326 sq metres and the remaining garden for no. 82 would also be well in excess. The size of the gardens would therefore be acceptable.

5.9 Openings for the new dwelling are to be located in all four sides. Mature planting screens no. 80 but openings in the east elevation form a bedroom, kitchen and dining room facing no. 84, but adequate boundary treatment would mitigate any harm so this will be secured by condition.

5.10 Neighbours to the east at no. 84 have commented that the proposal would create loss of light and outlook and be overbearing. It is acknowledged that the proximity of the new building to the boundary, together with its height means that these neighbours would experience the majority of the visual impact of the adjoining development, especially as it extends deeper into the plot than the previous building. However, whilst the pitched roof would be clearly seen, visibility does not necessarily equate to harmful impact, and that is the situation in this case. The new house would be a moderate distance away and its lower parts wholly or mainly obscured by the existing/future boundary treatment, which itself would soften the visual impact. Moreover, the roof would slope away, diminishing its apparent mass. It is not considered that there would be a significant loss of light to the house, as feared by the occupier. Overall it is considered that the building would not have a substantial overbearing impact, or create an unacceptable quality of outlook for the occupiers of this property.

5.11 **Sustainable Transport**

The existing access off Abbots Road will be shared by both properties and two off-street spaces are to be provided to the rear of the new house and two in front of the existing garage for no. 82. The Highways Officer considers this to be acceptable.

5.12 A couple of objections have been received relating to visual impact and noise. Firstly the residential plot is configured so that the existing access and parking area to the side and associated with no. 82 is continued to be used/marginally extended so there will be no impact on visual amenity. Secondly, parking activity associated with the occupation of the unit, and any comings and goings by occupants and visitors, is not likely to cause any disturbance or loss of amenity for neighbours given the existing use of the area.

5.13 **Other Matters**

It is acknowledged that Officers are not convinced the existing building is a dwelling, but as it is being demolished, Officers are satisfied that the development is acceptable subject to the imposition of conditions.

5.14 **Equalities**

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

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

5.16 **Planning Balance**

The replacement of an outbuilding with a new dwelling has been assessed above. It is acknowledged that the introduction of one new dwelling would have, albeit a small, but positive impact on the current housing shortfall. The scheme has been found acceptable in terms of design and impact on highway safety. Some harm to the visual amenity of the landscape and residential amenity has been identified but this can be overcome by appropriate conditions. Overall the planning balance is in favour of the scheme and it is recommended for approval.

6. **CONCLUSION**

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

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

(Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That the application be **APPROVED** subject to the conditions written below:

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

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

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. A scheme is needed prior to the start of work to ensure that appropriate protection during the construction phase for those plants to be retained is possible.

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. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes B and C) other than such development or operations indicated on the

plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

5. The development shall be implemented strictly in accordance with the following documents:

Received 15.03.2017:

Design & Access Statement

Detailed Proposal (317K. 6)

Site Plan & Location Plan (317K. 7)

Received 21.08.2017:

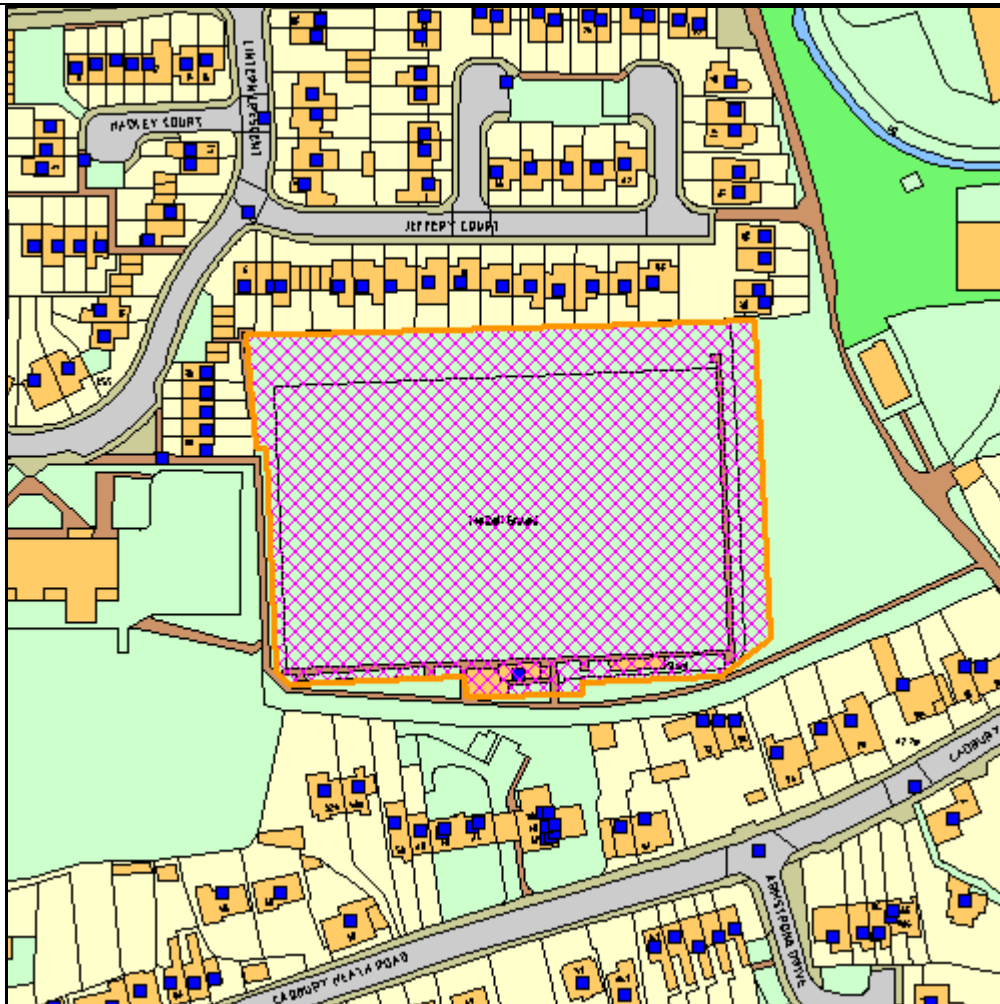
Site Plan (317K. 7/B)

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 42/17 – 20 OCTOBER 2017

App No.:	PK17/2120/F	Applicant:	Cadbury Heath Football Club
Site:	Cadbury Heath FC Cadbury Heath Road Cadbury Heath Bristol South Gloucestershire BS30 8BX	Date Reg:	12th June 2017
Proposal:	Demotion of existing covered stand/tea bar. Erection of new single storey clubhouse/ pavilion and extension to existing dressing room. Erection of new covered stand to northern touchline and retention of existing temporary stand as a permanent structure including landscaping and associated works (Class D2, as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987)	Parish:	Oldland Parish Council
Map Ref:	366660 172544	Ward:	Parkwall
Application Category:	Major	Target Date:	7th September 2017



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule for determination to take account of a public comment received. The comment, although not specifically stated as an objection, could be construed as one.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for improvements to Cadbury Heath Football Club's ground to the north of Cadbury Heath Road. The improvements consist of:
- Erection of extension to existing building to form clubhouse to include: improved dressing rooms; improve catering facilities; improve toilets; and, internal hospitality space;
 - Erection of new spectator stand; and,
 - Retention of existing spectator stand.
- 1.2 The site comprises a fenced-off section of recreational space located to the rear of existing housing on Cadbury Heath Road and Jeffery Court. To the west of the site is Cadbury Heath Primary School. A tarmacadam path (outside of the application site) runs along the western and southern boundaries. There is no specific vehicular access to the site (although vehicular access can be gained to the wider recreational green space from Cadbury Heath Road); instead the site is accessed along existing paved footpaths.
- 1.3 The application site is within the existing urban area of the East Fringe of Bristol. In terms of designations, a public right of way runs along the paved paths adjacent to the site, and the site falls into the Coal Referral Area due to past mining activity.
- 1.4 Part of the proposal is to retain the existing stand. The existing stand was permitted on a temporary basis with a condition that it was removed by August 2017. Had this application been determined within the target time frame then the potential for conflict with the temporary permission was low. However, this application was delayed due to concerns over land stability. This issue has now been resolved. Therefore, should this planning application be granted the issue over the temporary stand would be resolved.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

CS9	Managing the Environment and Heritage
CS24	Green Infrastructure, Sport and Recreation Standards
CS29	Communities of the East Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1	Landscape
EP4	Noise Sensitive Development
T8	Parking Standards
T12	Transportation
LC3	Sport and Leisure Facilities within Defined Settlements
LC12	Recreational Routes

South Gloucestershire Local Plan: Policies, Sites and Places Plan - incorporating Inspector's Main Modifications September 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP21	Environmental Pollution and Impacts
PSP22	Unstable Land
PSP44	Open Space, Sport and Recreation

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/1137/F Approved 28/08/2015
Retention of temporary seating area to remain until 27 August 2017 and erection of additional temporary building to form female changing room to remain on site until 27 August 2017 only
- 3.2 PK12/1441/RVC Approved 16/07/2012
Variation of condition 5 attached to planning permission PK10/1419/F to read - No later than the 27th August 2015 or within one month of the completion of the permanent spectator seating accommodation hereby approved, whichever is the sooner, the temporary stand hereby approved shall be removed from site unless otherwise agreed in writing by the Local Planning Authority.
- 3.3 PK10/1419/F Approved 27/08/2010
Alterations to sports ground to include enlargement of technical area, installation of hardstanding area, 1 no storage container, erection of single storey changing rooms, spectator stand, temporary seating area and associated works.
- 3.4 K441/5 Approved 15/05/1992
Erection of changing rooms, toilets and store. Refurbishment of spectator stand and tea room
- 3.5 K441/1 Approved 16/06/1975
Erection of covered stand & refreshment room

3.6 K441 Approved
Extensions to existing club premises

13/03/1975

4. **CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council
No objection
- 4.2 Arts and Development Officer
No comment
- 4.3 Avon and Somerset Constabulary
No objection; applicant is advised that the windows may be subject to criminal damage and suitable protections measures should be considered
- 4.4 Coal Authority
Initial objection due to lack of risk assessment. Risk assessment submitted, Coal Authority objection withdrawn subject to conditions
- 4.5 Conservation Officer
No comment
- 4.6 Ecology Officer
No objection; suggest informative
- 4.7 Highway Structures
No comment
- 4.8 Landscape Officer
No objection; additional tree planting advised if possible
- 4.9 Lead Local Flood Authority
No objection
- 4.10 Public Rights of Way
Request the application resolves the long-standing issue of the definitive route of the PROW by submitting an application under s257 of the Act.
- 4.11 Sport England
No objection; design should be reviewed with regard to the layout of certain aspects. For example in higher leagues, toilets should not be accessed through the clubroom and the changing rooms are on the small side
- 4.12 Strategic Economic Development
No objection
- 4.13 Sustainable Transport
No objection

Other Representations

4.14 Local Residents

One public comment has been received which raises the following issues:

- public consultation responses not submitted with application
- evidence of how the club considered public comments should be made available
- concern clubhouse would be used for late night activities
- screen planting should be achieved
- club should expand but amenities of residents protected

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the extension and alteration of a building for sport and recreation purposes as well as the erection of a spectator stand and the retention of the existing spectator stand.

5.2 Principle of Development

The application site is within the existing urban area of the East Fringe of Bristol. Policy LC3 allows for the expansion and improvement of outdoor sport facilities within the existing urban area subject to considerations of sustainability, residential amenity, and environmental and transportation impacts. In this case issues of design and land stability are also relevant. However, in principle the proposed development is acceptable, and is generally supported and should be determined against the analysis set out below.

5.3 Sustainability

The site is situated in a sustainable location. It is within the urban area and has access to sustainable travel options, with a bus route along Cadbury Heath Road that goes to both Bath and Bristol city centres. More immediately, the site has good access by foot and cycle. The site has historically been used as a football ground with a local connection. It is therefore a sustainable location for development of this nature.

5.4 Residential Amenity

Around the site, land is predominantly used for residential purposes. This planning application relates only to the development being proposed; it does not affect the overall use of the site or other planning conditions which restrict its use. Such conditions would still continue to apply. Considerations on amenity should therefore reflect the scope of the application and the proposed development contained therein.

5.5 A new stand would be proposed to the north of the playing pitch. This would be closer to the residential properties on Jeffery Court than existing stands but would only be used in association with games at the site. The level of disturbance associated with the proposed stand is not considered to be notably greater than the level of disturbance associated with the site as a whole.

5.6 The retention of the temporary stand, on the south of the site, is not considered to have a prejudicial impact on the amenities of nearby occupiers. The stand

has been in place for a number of years now and the Environmental Protection team has not reported that it has led to a noticeable increase in any form of statutory nuisance.

- 5.7 As with the stands, the clubhouse would primarily be used when sport is being played. There are no previous conditions that restrict the use of the clubhouse and a clubhouse has been on the site since before 1975. The proposed extension is considered unlikely to lead to a significant rise in activities that may have a prejudicial impact on residential amenity.
- 5.8 Design and Appearance
The proposed development is not architecturally outstanding. The proposed structures are utilitarian in appearance and built for specific purpose. The site at present is occupied by uninspiring buildings and it surrounded by a palisade fence. The proposed development would not be harmful to the visual amenity of the area and is therefore acceptable in this instance. The scale of the buildings are appropriate for its context and setting. The backland nature of the site is not conducive to buildings of a greater scale.
- 5.9 Transport and Parking
As stated, the site does not have specific parking but is situated in a sustainable location. Travel associated with the site is not expected to rise as a direct result of this development. Travel demand in this instance is predicated on the level of club football played. Therefore the proposal is considered to have a neutral impact on transport, parking, and highway safety.
- 5.10 Environmental Effects
This application is considered unlikely to have a significant environmental effect. Due to past coal mining activity in the locality, there is a concern of ground stability. A Coal Mining Risk Assessment has been completed and subject to scrutiny by the Coal Authority. Subject to conditions addressing issues of ground stability the potential impact would be mitigated and development can continue.
- 5.11 Impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations.
- 5.12 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have a neutral impact on equality as such matters have been given due consideration in the formation of planning policy.
- 5.13 Other Matters
A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.

- 5.14 Concern has been raised by local residents that the planning application does not reflect the result of public consultation. The stated requirements for what should be contained in a Design and Access statement are set out in the Town and Country Planning Development Procedure Order 2015. This not require consultation to have been undertaken by an applicant, but should they choose to do so then comments should be referred to. In this case the design and access statement was considered sufficient to have met the minimum requirements for registering the application. The Local Planning Authority have carried out a notification exercise, and comments received are reported here and taken into account.
- 5.15 While landscaping would be beneficial, the red edge demarking the planning application boundary would not enable significant areas of planting to be achieved. As already concluded, the design is not harmful and therefore additional landscaping is not required as a means of mitigation.
- 5.16 The public rights of way team have requested that the applicant rectify the definitive route of the public right of way. At present, the route crosses the land enclosed as part of the football pitch whereas the 'walked' route follows the tarmac path around the south and west of the site. The obstruction to the right of way is not a direct result of the development contained within this application and is a historical mapping peculiarity.
- 5.17 The comments of Sport England are of interest to the applicant who may need to make alterations to their building should they be promoted through the league pyramid. However, they are not considered to present a reason on which this application can be resisted at this time.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 It is recommended that planning permission is GRANTED subject to the conditions listed below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. Prior to the application of any external finish, a photographic schedule detailing the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure 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 commencement of development, a scheme of intrusive site investigations (required in order to establish the exact situation regarding coal mining legacy issues on the site) shall be submitted to and approved in writing by the Local Planning Authority. The intrusive site investigations shall then be carried out in full. A report detailing the findings of the intrusive site investigations shall be submitted to and approved in writing by the local planning authority prior to the erection of any new development hereby permitted.

Reason

In the interests of land stability and public safety and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013. This is required prior to commencement to ensure that appropriate investigation is undertaken.

4. If, as a result of the intrusive site investigations required by condition 3, remedial works (to treat the areas of shallow mine workings, to ensure the land stability) are identified, prior to the commencement of development a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

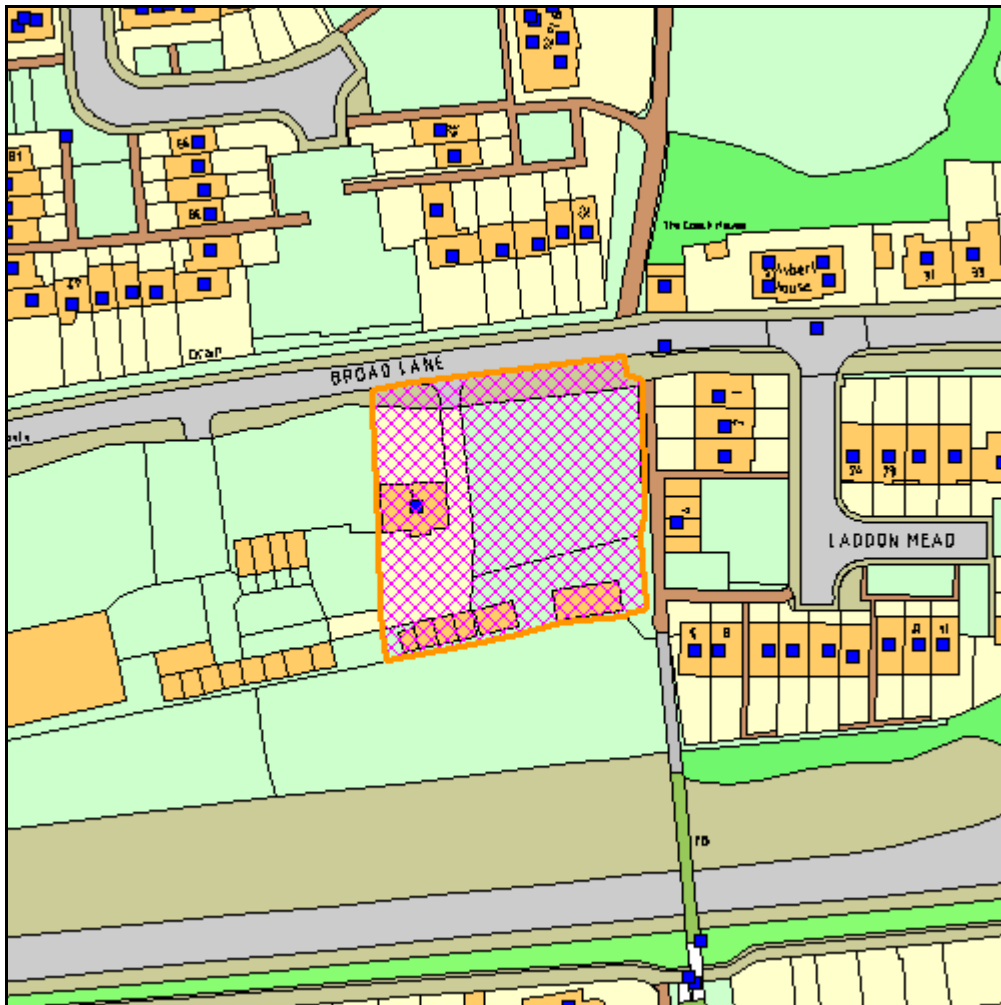
In the interests of land stability and public safety and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013. This is required prior to commencement to ensure that appropriate investigation is undertaken.

5. The development hereby permitted shall be carried out in accordance with the following plans:
NRD/3046/01 Proposed Floor Plan; NRD/3046/02 Proposed Elevations; NRD/3046/04 Spectator Stand; NRD/3046/03 Site Layout Plan; and, NRD/3046/05 Site Location Plan.

Reason
For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 42/17 – 20 OCTOBER 2017

App No.:	PK17/2712/RM	Applicant:	Newland Homes LtdNEWLAND HOMES LTD
Site:	Amberley Lodge 4 Broad Lane Yate Bristol South Gloucestershire BS37 7LA	Date Reg:	6th July 2017
Proposal:	Approval of the appearance, landscaping, layout and scale in relation to the erection of 5no. dwellings with associated works. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK16/5622/O).	Parish:	Yate Town Council
Map Ref:	370864 183749	Ward:	Yate North
Application Category:	Minor	Target Date:	24th August 2017



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CIRCULATED SCHEDULE

This application first appeared on the Circulated Schedule list following an objection from a local resident and from the Town Council and has been resubmitted due to additional details and plans being received by the Council.

1. THE PROPOSAL

- 1.1 The application seeks permission for approval of the appearance, landscaping, layout and scale in relation to the erection of 5no. dwellings with associated works. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK16/5622/O).
- 1.2 The application site is at 4 Broad Lane, Yate and PK16/5622/O gave permission for the demolition of the existing cottage, Amberley Lodge, in order to facilitate the erection of 5 no. dwellings and garages with access. The site is situated within the settlement boundary of the town of Yate in an established residential area. A Public Right of Way runs across the front of the site and down the footpath to the east.
- 1.3 During the course of the application additional details regarding drainage, parking, width of footpath and landscaping were submitted following initial comments by consultees.
- 1.4 Additional details regarding the position of bat boxes and proposed materials have also been received. It is considered appropriate that these be included in the assessment rather than as conditions attached to the decision notice as this will assist in a speedy delivery of development.

2. POLICY CONTEXT

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

2.2 Development Plans
South Gloucestershire Local Plan Core Strategy Adopted December
2013

CS1 High Quality Design CS5 Location of Development CS8 Improving
Accessibility
CS9 Environment and Heritage
CS15 Distribution of Housing CS16 Housing Density
CS17 Housing Diversity

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)
H4 Development within Existing Residential Curtilages
T12 Transportation
T7 Cycle Parking
LC12 Recreational Routes

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

PSP1 Local Distinctiveness
PSP3 Trees and Woodland
PSP5 Undesignated Open Areas within Urban Areas
PSP8 Residential Amenity
PSP16 Parking Standards
PSP20 Drainage
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Standards

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/5622/O Approved
Demolition of existing dwelling and outbuildings and erection of 5no. dwellings with associated works (outline) with access to be determined. All other matters reserved.

Related planning application

- 3.2 PK17/2020/F Demolition of existing agricultural buildings. Erection of 26 no new dwellings with garages, parking and associated works.
Pending

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
Objection:
Repeat previous objection: Over development. Important that there are conditions provided for: Enhanced road safety at access as this is main route to school. Enhanced street lighting necessary on footpath that runs adjacent leading from Goose Green. Highlight need for screening at the property nearest to the footbridge as the bridge will be at bedroom height

- 4.2 Other Consultees

Drainage

No objection in principle

It has been confirmed that no additional SuDS features/measures will be implemented alongside the permeable paving on site to manage surface water runoff. The proposal to deal with surface water is to discharge into the existing mains public system which will be subject to Wessex Water agreement.

Further revised drainage comments:

Following discussions it is confirmed that the discharge rate of 3.7l/s into the existing watercourse is acceptable subject to a condition to that effect.

Landscape Architect

My concern with application PK17/2712/RM is that Condition 10 of the outline approval requires that the mitigations recommended in section 6 of the 'Noise Impact Assessment' are carried out. This recommends that 1.8m high noise barriers are erected on the south and part of the west of the site. The submitted planning layout dwg no 214-100A shows a close board fence to the southern boundary with Goose Green Way, and is annotated that 'existing hedges are trimmed and retained as far as practicable'. The fencing contractors may decide it is not practical to retain the hedge and remove it and the close board fence will be highly visible, eroding the leafy character of this section of the road. Ideally the fence would be located within the gardens of the dwellings on the inside of the existing hedge/scrub. The planning layout for the application shows the red line at the end of the gardens and I am not sure why they are showing a new acoustic fence outside this boundary. The site to the west is currently being considered as a full application – PK17/2020/F – for 24 houses. The planning layout for this appears to show the close board fence along the boundary with Goosegreen Way, though the site boundary does not extend to the whole length of this boundary, and stepping in to continue along the bottom of the gardens.

Updated comments:

Additional information in the form of revised plans have shown that the fence to the southern boundary will comprise a 1.8 metre close boarded fence to be located inside the existing hedgerow which would be trimmed back.

Tree Officer

No objection provided the development does not impact on the trees covered by tree preservation order.

There are currently 2 holly trees that are subject to TPO which must be retained as part of this development. It is understood in comments from the Highway Officer, a 3m wide footpath/cyclepath adjacent to these trees is preferable. I would object to any excavation within the RPAs of these trees but am confident that a 'no-dig' solution is viable here. The southern edge of the footpath must take into consideration the extremities of the branches. Some side trimming of the trees would be acceptable but this would need to be specifically detailed in an arboricultural method statement. A concern, should the width of the path need to be 3m is the proximity that would be needed to the retained trees in order to achieve this. Would it be possible to reduce the width to 2m at the points of the tree, and the cycle path be temporarily re-directed into the road at these points, given the low volume of traffic?

Sustainable Transport

No objection in principle – for the proposed number of dwellings on site an additional visitor's parking space is needed. At outline the requirement was for a 3 metre wide footway/cycleway. However, there are now TPO'd trees adjacent to this area. It is officer's request for a 3 metre wide shared path created where possible with a 2 metre wide path close to the trees facilitated by a no-dig method to ensure there would be no impact on the trees.

Updated comments:

Revised plans showing a path of between 2 and 3 metres to accommodate the protected trees and also show one visitor's parking space. This is acceptable.

Highway Structures

No objection subject to an informative

Ecology

No objection subject to the introduction of bat boxes

Avon and Somerset Constabulary

No objection

The plans generally meet with the requirement of the CPTED (Crime Prevention Through Design) however there is one area of concern, namely the height of the rear boundary to Plots 1 to 5. The plan shows a post and rail fence of 1.5 metres in height. This is inadequate construction and an inadequate height. The boundary must be of a solid construction and a minimum of 1.8 metres in height. Over 66% of burglaries in South Gloucestershire occur via the rear ground floor and so preventing offender access to the rear reduced the risk of crime considerably. It is noted that a 1.8 metre fence is located to the southern boundary to provide sound attenuation but this is too far away as from the base of the overbridge the gap between the fences can be accessed.

Other Representations

4.3 Local Residents

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

- Limited access for large vehicles and does not permit through access
- No consideration for a vehicle turning area
- Development will attract more large vehicles than currently experience and they will need to park on Broad Lane whilst making their deliveries
- Parking on Broad Lane will obstruct access by other vehicles including emergency ones
- Privacy and management of hedge – concerned that the extent of the lateral reduction of the hedge is not defined
- Hedge provides abundance of wildlife
- No reference to the height of the proposed hedge

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal stands to be assessed against the above listed policies and all material considerations. Of particular importance is the recently approved outline scheme for five houses on the site. This means the principle of development has been established for this development. This reserved matters application is to assess the information for reserved matters of scale,

appearance, siting and landscape. The matter of access has been determined under the outline application.

5.2 Siting

The proposed detached 5no, dwellings would be positioned along the south boundary of the site roughly following the pattern of development established by the adjacent site at Broad Lane being considered under PK17/2020/F (for the erection of 26 new dwellings with garages), and staggered from the west rising to the east. Two sets of detached garage buildings would be positioned to the north of this block one to the west and one to the east boundary. In this way the end dwellings would each be opposite the side elevation of the garage blocks. However, the gap between each of these respective structures would be between 5 and 7 metres.

5.3 It is acknowledged that some of the dwellings in the older development to the east at Laddon Mead would be at right angles to the site, but the new development would be complementary with the new development off Broad Lane, recently approved in outline. The position the five dwellings and garage blocks on this basis is considered acceptable.

5.3 Scale and Appearance

The five dwellings would comprise two different designs. Three of one design, slightly larger than the two of the other style. The overall height of the three larger dwellings would be around 2.5 storeys while the others would be 2 storeys, achieving around 9 metres and 8.3 metres respectively. The heights have been taken from the Laddon Mead development which consists of two and three storey terraces and coach houses. Footprints would be either 48 sq metres for the taller houses or 65 sq metres for the lower ones. Open plan front gardens with individual paths would lead to the courtyard, parking and garages to the front of the site and each would have good sized private gardens to the rear.

5.4 In terms of appearance the dwellings would present as a mixture of gables, hipped and apex roofs creating a small individual, grouping of new homes. In terms of materials the development proposes good quality materials to match the surroundings and these would include painted render, reconstituted stone, red roof tiles and grey slate like tiles. The quality of the materials used would be important. A schedule of materials has been submitted and found acceptable.

5.5 Landscape and trees

Revised plans have confirmed that the proposed fencing would be inside the gardens with the hedges remaining outside and therefore viewed from the public realm. It is noted that there are no details confirming the height of the hedge merely that it would be trimmed back. This hedge is an established part of the landscape characteristic of this area and its retention is important. Details in the landscaping programme document include the care of existing and new planting. These details are considered to be acceptable and appropriate.

5.6 With regards to the TPO'd Holly trees adjacent to Broad Lane, these are considered worthy of retention and important to the character of the area of this

part of Broad Lane. It is noted that there is the potential for the proposed footway/cycle way shared surface to impact on these trees and therefore to accommodate them a path of between 2 metres and 3 metres in width a no-dig construction method is required to protect the trees. Details of the protection of these trees have been discussed in the submitted arboricultural report and are considered acceptable.

5.7 Sustainable Transport

The principle of residential development of the application site has already been established at Outline Planning stage as part of application PK16/5622/O. This Reserved Matter Application seeks approval of Layout including parking, Scale, Landscaping and Appearance. Access has already been approved.

- 5.8 In respect of parking, plans submitted show that each house would have 3no. parking spaces (including a garage) and this is in line with the Council's adopted parking policy. Notwithstanding this, it was noted that no provision for visitors' parking was initially proposed. According to the Council's minimum parking standards SPD, parking requirement for visitors is 0.2 space per house. For the proposed 5no. dwelling on this site therefore, there is requirement for minimum of parking one visitor space. Revised plans show that one parking space is to be provided to the north.
- 5.9 Following the Tree Officer's comments the importance of Holly Trees along the northern boundary is noted. At Outline planning stage, the requirement for the provision of a footway along the site frontage on Broad Lane was noted, but Highway Officers requested that this should be 3m wide (in line with the existing 3m wide shared footway/cycleway that runs along the Laddon Mead development to the east of this site, rather than the originally proposed 2m. Revised plans have indicated the willingness of the applicant to try to accommodate both opinions with the footpath being for the most part 3m wide but narrowing to 2m to avoid damaging the roots of the protected trees. This is considered acceptable in highway terms.
- 5.10 Comments have been received from a concerned neighbour with regards to lack of turning areas and possible inappropriate parking on Broad Lane which could affect access for other users. Although small, there would be on-site turning for users, deliver or emergency vehicles within the application site. It is acknowledged that Broad Lane is narrow and it would be up to the driver to be sensible regarding blocking up this highway. Such situations are not uncommon where narrow roads exist and any inconvenience is usually for a short period of time. However, any extended and inappropriate use of the highway would need to be reported to the proper body such as the Police Authority.
- 5.11 With regards to the footpath alongside the east boundary, this is a well used route, especially by students of the nearby school. It is acknowledged that the introduction of fencing along this boundary would further enclose the footpath but existing lighting columns are noted along this path which assist with security and safety. It is considered that on balance the proposal would not alter the existing situation and in this respect is therefore acceptable.

5.12 Residential Amenity

The new dwellings would have a north – south orientation with the main openings being in these elevations. To the north they would face the parking area serving the new houses and to the south a wide grassed area would separate the development from the main road. In addition a 1.8 metre high close boarded fence would help to provide noise attenuation. It is noted that other houses and their rear gardens in the adjacent estate of Laddon Mead are much closer to the main road, Goose Green Way. To the west the proposed triple garage would be adjacent to the parking area proposed under PK17/2020/F while the house closest to the west, identified as Plot 1 would be next to end of the proposed terrace. The building line of both of these dwellings would be roughly the same and the two would be separated by 1.8 metre high close boarded fencing. In this way the privacy of both properties would be assured. To the east a footpath runs between the site and the estate of Laddon Mead which directs pedestrians to a footbridge over Goose Green Way. It is acknowledged that these existing properties will experience changes given that they have had the advantage of a rear view over a large expanse of garden associated with the former farmhouse, Amberley Lodge. The eastern most garage of the proposed development would be to the rear of the three storey block; these houses have their garages at ground floor level to the front and although there is access into the rear garden at ground floor it is assumed that the main living accommodation is at first and second floor. As such the single storey garage would not have an adverse on their amenity. In addition gardens serving the three storey elements at around 10 metres deep would help to separate the two developments. Of greater concern is the impact on the amenity of the coach houses. These would be opposite the side of the house identified as Plot 5 on submitted plans. These houses have their rear elevations almost up against the footpath. There are no windows at ground floor level only at first floor level. It is assumed that these windows serve the living area for the coach houses. The opposite wall of Plot No. 5 would have a window serving the landing. To avoid any overlooking or inter-visibility a condition will be attached to the decision notice that it be of obscure glazing. In addition its roof would be hipped away from these neighbours to limit negative impact. With regards to the proposed amenity space for the new dwellings this would range between around 65 sq metres to 90 square metres which is an appropriate amount for dwellings of this size.

5.13 On balance the impact on residential amenity is considered acceptable for dwellings in this location of Yate.

5.14 Ecology

An Ecological Appraisal completed by All Ecology (August 2016) was submitted in support of this application. It found that the building to be demolished was judged as having low roost potential for bats, and the other buildings were of negligible value to bats. Two species were detected on site. There is also low potential for dormice, hedgehogs and slow worms.

5.15 Comments from a neighbour have stated that the hedges provide an abundance of wildlife. The retention of the hedges are noted in the landscape

maintenance plan. The Council's Ecology officer has no objection to the development provided that conditions ensure that it takes place in accordance with the recommendations within the Ecological Appraisal, and ecological enhancement will be provided in the form of bat boxes in order to replace the habitat being lost. The development is therefore considered to accord with policy L9 of the Local Plan.

5.16 Equalities

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

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

5.17 Planning Balance

The proposal is for 5no. new homes in Yate. This would contribute positively to the current housing supply shortage. In addition there would be some economic benefit resulting from the build and some social benefit given that the houses are close to the centre of Yate with its businesses, shops and schools. Environmentally the impact would be neutral given the site had ceased operating as a farm/holding and land immediately surrounding it has been used or proposed for residential development. Weight is given in favour of the scheme for this reason. There would be sufficient amenity space for future occupants and impact from the proximity of Goose Green Lane has been mitigated against by the proposed new fencing. Again weight is awarded in favour of the proposal. Sufficient off-street parking is to be provided and betterment in the form of a footpath along Broad Lane is to be created. Weight is therefore given for the development. With regards to impact on the amenity of neighbours, there would be some impact on the amenity of the coach houses at Laddon Mead. Some weight is awarded against the scheme for this reason. In the balancing exercise, the benefits of the scheme are sufficient to recommend approval of the scheme.

6. CONCLUSION

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

January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

As received on 9.6.17:

Location plan - 214 Rev A

Street scene - 214-95

Garage plans and elevations - 214-96

Plans and elevations - Plot 1 -214-97

Plans and elevations - Plots 3 and 4 - 214-98

Plans and elevations - Plots 2 and 5 - 214-99

As received on 28.9.17:

Layout plan - 214- 100 Rev C

As received on 2.10.17:

Landscape maintenance proposals - 17/447/01/A

Landscape plan - 17/447/02/A

As received on 18.10.17:

Planning layout Bat box - 214-100 Rev C

Reason:

For the avoidance of doubt.

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework 2012.

3. Surface water runoff from the site that is to discharge into the existing watercourse that bounds the site should not exceed the rate of 3.7 l/s which has been agreed with the Lead Local Flood Authority (LLFA)

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.

4. The first floor glazing on the east elevation of Plot 5 as identified on Planning Layout 214-100 Rev C shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

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

5. Development shall be carried out in accordance with the approved schedule of landscape maintenance plan 17/447/01/A which accompanies Landscape plan - 17/447/02/A both received on 3.10.17.

Reason

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

6. The dwellings shall not be occupied until the associated vehicle parking areas and manoeuvring areas have been drained and surfaced in accordance with the details approved in writing by the Local Planning Authority. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

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.

7. Development shall proceed in strict accordance with the recommendations made relating to reptiles in Section 4.8 of the submitted Ecological Appraisal (All Ecology - August 2016).

Reason

In order to ensure that reptiles are not harmed by the development in accordance with policy L9 of the South Gloucestershire Local Plan (adopted) January 2006.

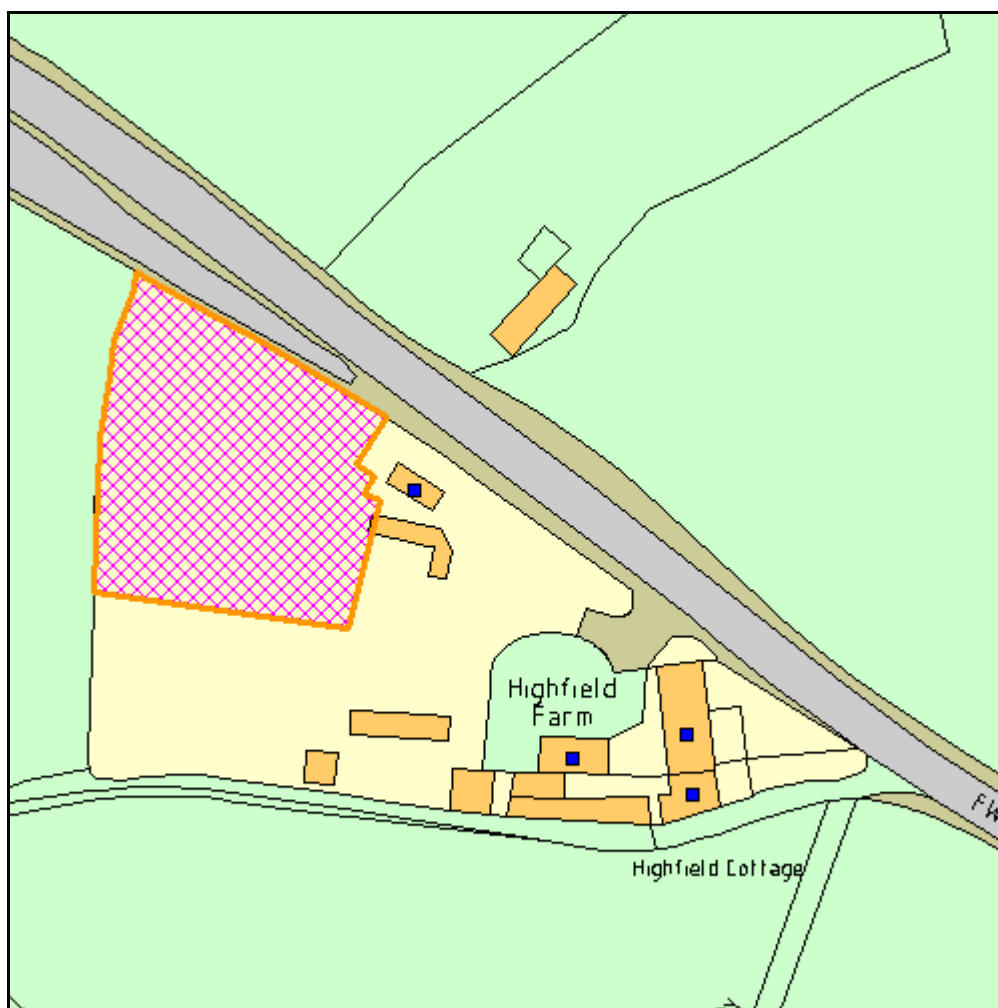
8. Development shall proceed in accordance with mitigations recommended within section 6 of the Noise Impact Assessment (Matrix Acoustic Design Consultants - 4th November 2016).

Reason

In order to ensure noise levels do not harm residential amenity, in accordance with policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 42/17 – 20 OCTOBER 2017

App No.:	PK17/3400/CLE	Applicant:	Mr Joe McAlinden
Site:	Bramley Cottage Homeapple Hill Wick South Gloucestershire BS30 5QF	Date Reg:	15th August 2017
Proposal:	Application for a certificate of lawfulness for existing use of land as residential garden (Class C3) as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended.	Parish:	Siston Parish Council
Map Ref:	368729 172842	Ward:	Siston
Application Category:		Target Date:	14th September 2017



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule in accordance with the Council's scheme of delegation as it is for a certificate of lawfulness.

1. THE PROPOSAL

- 1.1 This application seeks a Certificate of Lawful Existing Use of land as residential garden (Class C3) as defined in Town and Country Planning (Use Classes) Order 1987. The land in question is the area to the north west of properties known as Bramley Cottage and Bramley Barn.
- 1.2 This certificate of lawfulness is sought on the basis that the use of the land as residential garden is immune from enforcement action. This is on the basis that the land in question has been used as residential for a period in excess of 10 years, and under 171B(3) of the Town and Country Planning Act 1990 ("the Act"), and in accordance with section 191(2) of the Act, the use is lawful.

2. POLICY CONTEXT

- 2.1 National Guidance
- i. Town and Country Planning Act 1990: s171B and s191
 - ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
 - iii. National Planning Practice Guidance: 17c (06.03.2014)

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/1519/CLE Approve 25.07.2014
Application for certificate of lawfulness for the existing dwelling and outbuildings (Class C3).
- 3.2 PK17/0358/F Refusal 20.04.2017
Demolition of existing dwelling and erection of 1no detached replacement dwelling and associated works. (Re-submission of PK16/1279/F)

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 4.1 To support this application, the following have been submitted:
- Supporting Statement
 - Statutory declaration of Mr J McAlinden
 - Statutory declaration of Mr B Britton
 - Letter from Dr Bigwood
 - Aerial Photographs dated between 1st January 1999 and 9th September 2014.

4.2 The LPA also has access to aerial photographs of the site from 1991, 1999, 2005, 2006, and 2008/9.

5. SUMMARY OF CONTRARY EVIDENCE

5.1 A comment has been received from Wick and Abson Parish Council but it relates to a building which is outside of the red line boundary and does not constitute evidence.

5.2 The local planning authority holds no contrary evidence of its own.

6. OTHER REPRESENTATIONS RECEIVED

6.1 Wick and Abson Parish Council
“dispute the relevance of this application since the application is relevant to appertaining to a residential property. Since this property is clearly not a residential property but a commercial property as it is advertised on various websites including www.bristolstagacomodations.co.uk for commercial use, this application clearly cannot be taken forward.”

7. EVALUATION

7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the existing use of the land as residential garden is lawful.

7.2 Breach of Planning Control
No planning permission has been granted for the use of the land as residential garden. Therefore the use of the land in such a manner would form a breach of planning control. Section 171B of the Act introduces statutory time limits in which enforcement action against breaches of planning control should be taken. If the breach has occurred continuously for the period stated in this section it would become immune from enforcement action.

7.3 Grant of Certificate of Lawfulness
Grant of Certificate of Lawfulness Certificates of lawfulness for existing uses are covered in section 191 of the Act. Section 191(2) states:

*For the purposes of this Act uses and operations are lawful at any time if -
(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason);
[...]*

7.4 Time Limit of Immunity
The applicant is claiming that the use of the land for residential purposes has occurred since 2001. This would constitute *any other breach of planning control* and therefore in accordance with section 171B(3) of the Act,

the development would become lawful at the end of a period of 10 years beginning with the date of the breach.

- 7.5 In order for this certificate of lawfulness to be granted it must be demonstrated that, on the balance of probability, the use of the land as a residential garden has occurred continuously for a period exceeding 10 years and that there has been no subsequent change of use.
- 7.6 Assessment of Lawfulness
The local planning authority holds aerial photographs of the site dating back to 1991 with the latest edition dating from 2008. The applicant has also provided aerial photographs of the site between these dates and also the site more recently in 2013 and 2014.
- 7.7 The aerial photographs seem to show that the land in question appears to be a managed lawned area for the period from 1991 to 2014. They also show the area clearly bounded by vegetation which separates it from the surrounding agricultural land to the west. In the photographs from 1999 it appears that a pair of childrens football nets were introduced. Following this, photographs between 2005 and 2007 show other paraphernalia introduced and a clearly mowed lawn. This would suggest that this area of land has not been used for agricultural purposes and there has been a significant degree of domestic use, and it is consistent with the sworn statements received.
- 7.8 Aerial photographs show that at some point between 2008/9 and 2013 a boundary was introduced to separate the land subject to this this application with the land directly to the south. This is likely due to the erection of Bramley Cottage which was around this time. Throughout this period aerial photographs continue to show this land as managed lawn and clearly different to the agricultural land to the west. This continues to demonstrate domestic use.
- 7.9 These photographs demonstrate that, from above, the land appears similarly managed and domestic throughout. This is important as it confirms that there is no evidence to suggest that a change of use of the land has occurred recently.
- 7.10 From the applicant's evidence, it is claimed that the change of use has occurred since 2001. Evidence to support this claim is provided in the form of two statutory declarations and an unsworn letter.
- 7.11 When making an assessment of, on the balance of probability, the lawfulness of a particular development statutory instruments are given significant weight. This is because it is an offence to knowingly include information within it that is inaccurate. As such the declarations are given significant weight in the assessment of the application. The first statutory declaration from a previous owner, Mr Britton, outlines that between January 2007 and January 2016 the land was at no time used for agricultural purposes. It is also stated that throughout this it was used continuously for social and domestic use as a residential garden. The second statutory declaration from the current owner, Joseph McAlinden, states that from January 2016 to the present day the land has been used as part of a residential garden and that during this time has never been used for agricultural purposes.

- 7.12 The third piece of evidence submitted to the local authority is a letter. Whilst this is signed it is unsworn and therefore is given lesser weight than the statutory declarations. The letter is from Dr Bigwood who states that he was the former freeholder of the land for some six years up until 2007. It states that throughout his ownership the land was continuously used for general garden use, including to play football and other family games. It is claimed that the football nets seen in aerial photographs were used by his children. It is also stated that at no time throughout his ownership was the land used for agricultural purposes.
- 7.13 The statutory declarations submitted in support of the application claim that the land has been continually used as residential garden since January 2007 (Over 10 years). In addition, the unsworn letter claims that it has continually been used as a residential garden since 2001 (16 years). The aerial photographs available to the local planning authority appear to support these claims. Furthermore, the local planning authority is not in receipt of any evidence of sufficient weight to tip the balance away from that supporting the evidence presented by the applicant.
- 7.14 Assessment of Findings
Paragraph 17c-006-20140306 of the National Planning Policy Guidance states:
- In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.*
- 7.15 It is therefore concluded, on the balance of probability, the land in question has been used as a residential garden for a period of more than 10 years. It is therefore considered that the use of the use of the land as a residential garden would be immune from enforcement action by virtue of section 171B(3) of the Act and under section 191(2) a certificate of lawfulness should be granted.
- 7.16 Other Matters
While the comments of Wick and Abson Parish Council are noted in respect of this application, this application relates to the use of the land alone rather than any land or buildings which are outside of the red line boundary of the site.
- 7.17 It is noted in the Supporting Statement submitted with this application that the applicant states that the certificate was prompted by an enforcement investigation in relation to an outbuilding. The applicant states that this would constitute permitted development under Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part, 1, Class E. For avoidance of doubt this certificate is solely looking at the use of the land as a residential garden and would not confirm lawfulness for any building.

8 RECOMMENDATION

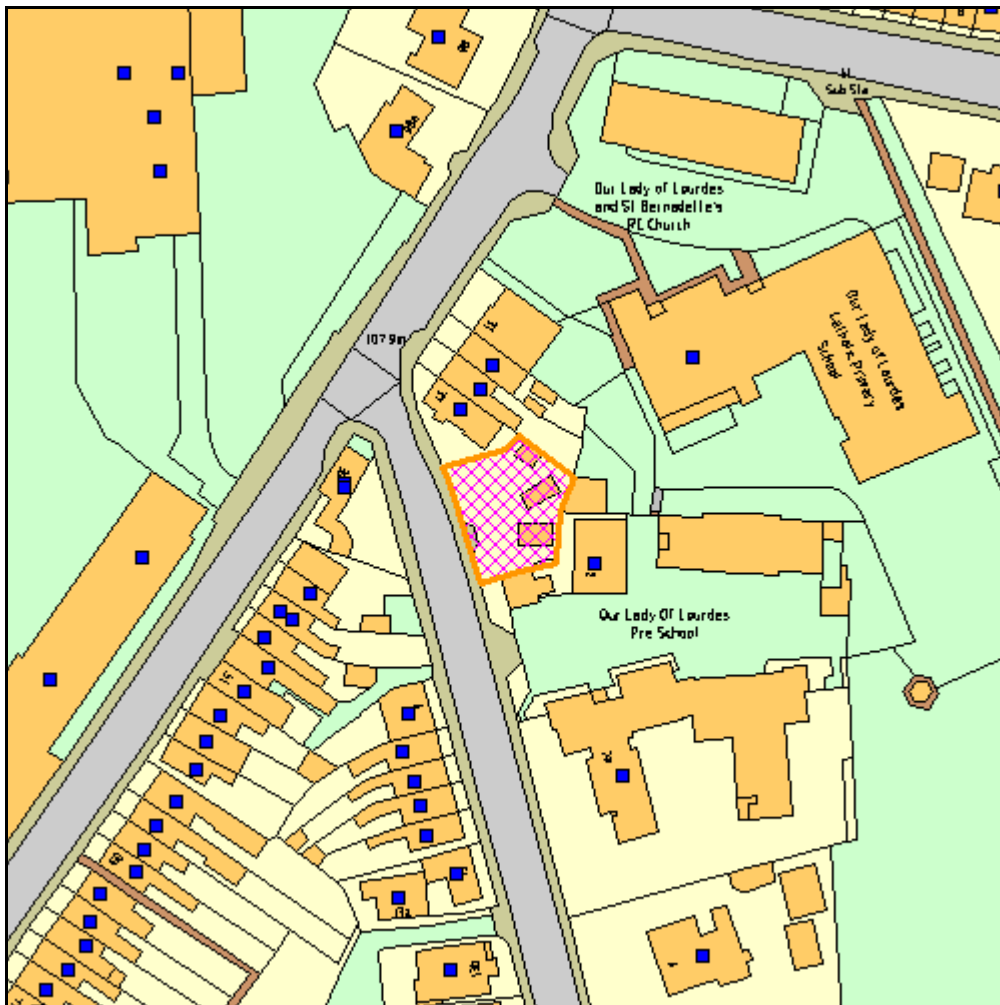
8.1 It is recommended that a Certificate of Lawfulness is GRANTED for the reason listed below.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

On the balance of probability, the land subject to this application has been used as residential garden for a period in excess of 10 years from 2007 and there has been no subsequent change of use. It is therefore concluded that the existing use of the land as residential garden is lawful.

CIRCULATED SCHEDULE NO. 42/17 – 20 OCTOBER 2017

App No.:	PK17/3964/F	Applicant:	Mr ProsserGrandie Developments
Site:	Land At Court Road Kingswood Bristol South Gloucestershire BS15 8PX	Date Reg:	15th September 2017
Proposal:	Erection of 2no dwellings with access and associated works.	Parish:	None
Map Ref:	364956 173445	Ward:	Woodstock
Application Category:	Minor	Target Date:	16th October 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under the circulated schedule procedure as a result. The application has been recirculated to clarify parking provision on site.

1. THE PROPOSAL

- 1.1 The proposal seeks to erect 2no. dwellings with access and associated works within brownfield land on Court Road, Kingswood.
- 1.2 The host property is a plot that appeared to have once formed the curtilage of 37 Hanham Road and currently has garage structures on the site.
- 1.3 Access to the property is via Court Road and a dropped kerb vehicle crossover.
- 1.4 Pre-application discussions were held following two unsuccessful full applications. The proposal appears to have been amended in line with the advice of the respondent case officer.
- 1.5 The site is located within the built up residential area of Kingswood and an area occupied predominantly by late Victorian and early 20th century properties. To the rear is a residential care home/sheltered housing and nursery school.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4a Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing
- CS23 Community Infrastructure
- CS24 Open Space Standards

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- H4 Development within Existing Residential Curtilages
- T12 Transportation

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

- PSP1 Local Distinctiveness
- PSP8 Residential Amenity
- PSP16 Parking Standards

PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions and Sub-Divisions
PSP42	Custom Build Dwellings
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
 Design Checklist SPD (adopted) August 2006
 Residential Parking Standards SPD (adopted) December 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 PRE17/0671 – Enquiry – 01/08/2017 – Construction of 2 no. 2 bedroom semi-detached dwellings
- 3.2 PK17/1677/F – Refusal – 31/05/2017 – Erection of 2no. dwellings with access and associated works (resubmission of PK16/6848/F)
Reason: “1. The proposal is considered a cramped form of development, which has attempted to shoe-horn in an excessive number of units into the application site. By virtue of the contrived design of the roof, the proposed dwellings have failed to achieve the highest possible standards of design and as a result would harm the character of the area. The proposal is therefore considered contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 Saved Policies, and the National Planning Policy Framework (2012).”
- 3.3 PK16/6848/F – Refusal – 16/02/2017 – Erection of 2no semi-detached dwellings, access and associated works.
Reasons: 1. “The proposal is considered a cramped form of development, which has attempted to shoe-horn in an excessive number of units into the application site. By virtue of the proposed dwellings orientation and the site layout, the proposal has failed to achieve the highest possible standards of design and as a result would harm the character of the area. The proposal is therefore considered contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 Saved Policies, and the National Planning Policy Framework (2012).”
2. “The proposal represents an over-development of the site which would result in a situation of overlooking over and above the existing situation. This is considered to be detrimental to the amenities of the occupiers of neighbouring residential properties to the north of the application site, in particular No 35 Hanham Road. The amount of natural daylight and the outlook of No. 37 Hanham Road would be detrimentally impacted by the close relationship to the boundary and orientation of Plot 1 of the proposed dwellings. The proposal is therefore considered to be contrary to Policy H4 of the South Gloucestershire Local Plan (Adopted) 2013 and the National Planning Policy Framework (2012).”
3. “The proposed development would result in the loss of the existing garages and parking area. There is a lack of information relating to the ownership of the land and whether there would be any potential loss of off-street parking provision for neighbouring dwellings. The proposal would result in unsatisfactory turning and manoeuvring space on site, and could lead to an increase in standing and manoeuvring of vehicles on the public highway. The proposed access to the site would be widened to the entire width of the

application site and as a result this would increase potential vehicle and pedestrian conflict. The proposal is considered to be contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006 (Saved Policies), Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013.”

4. CONSULTATION RESPONSES

4.1 Unparished area
No Comment Available

4.2 Other Consultees

Highway Structures
No Comment

Lead Local Flood Authority

No objection in principle. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. A detailed development layout showing surface water and SUDS proposals is required as part of this submission.

Coal Authority

No objection subject to the appendage of standard advice.

Transport Officer

No objection subject to the appendage of the following conditions.

- Prior to occupation of any dwelling on site, provide off street parking as shown on submitted and approved plan and subsequently maintain them satisfactorily thereafter.
- Any work on the public highway and associated with vehicular access shall be completed in accordance with the Council standards of construction details with all the details first to be obtained from the Council Street-care department.

Other Representations

4.3 Local Residents

One comment received objecting to the proposal due to the highway impact of the proposal and the proposal not providing 4 car parking spaces. This is discussed in detail in the transport section of the report.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted

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

5.2 The location of the site would be considered a suitable location for development and would be acceptable in principle. Consequently the main issues to deliberate are the design and appearance of the dwelling and the impact on the character of the area; the impact development may have on the amenities of neighbouring occupiers and the proposals impact on transport and parking provision. The proposal would represent a modest contribution to this housing land supply and is therefore a material consideration in the determination of this planning application. The proposal is subject to the consideration below.

5.3 Design and Visual Amenity

The proposal consists of the erection of 2no semi-detached dwellings with associated works and access. The proposal site is situated to the rear of no 37 Hanham Road and is believed to have once formed part of the curtilage. It appears at some point in recent years a screen fence has been put in behind the property. In the immediate vicinity of the property dwellings tend to be late Victorian or Early 20th century which utilise a combination of render and natural stone. The property with which the dwellings would be best associated is 37 Hanham Road, this has a stone front elevation, modest proportions and a rendered side elevation. The proposal would utilise similar materials and from the road would have a similar character. On this basis the proposal is considered to be in keeping with the general character of the area.

5.4 The existing structures on site will be cleared to facilitate the build of the new dwellings. These have no particular aesthetic interest and no objection is raised to their loss.

5.5 Pre-application discussions were held prior to the submission of this current application which followed two unsuccessful full planning applications (Ref. PK16/6848/F and PK17/1677/F). Under this advice it was found the scheme submitted would likely be found acceptable and had resolved the reasons for refusal under the earlier schemes. It is acknowledged that the catslide roof to the rear is slightly unusual and the rear bedroom being provided with only a single rooflight is less than ideal but these features are situated to the rear of the property in a discreet location and resolved other amenity issues. As a result small amount of negative weight will be attached to this consideration. The previous application had provided larger properties and this had resulted in a cramped form of development which would not only have a negative impact on the amenity of neighbours but the appearance of the area. This current proposal has been reduced in scale, providing larger separation distances

- between buildings while also reducing the bulk of the proposed dwellings. This has been considered to have overcome the previous refusal reason.
- 5.6 Overall, it is considered that the proposed development would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Whilst some negative weight should be attributed to design considerations of the proposal this is considered to be outweighed by the benefit the proposal will be providing with regard to its contribution to housing. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to largely accord with policies CS1 and H4 and the adopted Local Plan.
- 5.7 Residential Amenity
Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.
- 5.8 Whilst it is acknowledged that the proposal site is separate from 37 Hanham Road, it does appear to have formed the former curtilage of the property. For the purposes of this report the land has been assessed as forming an existing residential curtilage and PSP40 and H4 have been used in assessing the proposal.
- 5.9 It has been noted that the reason for the previous refusals was in part the impact on residential amenity of nearby dwellings and the residential care home to the rear of the site. The proposal has subsequently been reduced in scale and reoriented further from the affected properties. The proposal has now been considered to be within acceptable parameters. This impact is not significant as the proposal would not directly face window openings with a blank elevation nor would there be windows that would result in deterioration of privacy. The first application was refused due to the potential overlooking and loss of outlook impacts as well as the overdevelopment and loss of parking spaces. These issues are now considered to have been resolved. Therefore the current proposal is considered to have an acceptable impact on the amenity of its neighbours.
- 5.10 The properties will be served by 81 and 83 m² of outdoor amenity space respectively. This is in excess of the requirements of the Policies Site and Places plan that is due to be adopted imminently. No objection is raised with regard to this.
- 5.11 The subject property is located within a built up residential area and given the scale and location of the proposed development will not result in an unacceptable detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.

5.12 Sustainable Transport and Parking Provision

The proposal would see the replacement of the garages and hardstanding and the erection of 2 no 2 bedroom dwellings. New development must provide off-street parking in accordance with the Residential Parking Standards SPD (adopted) December 2013. A 2 bedroom property is required to provide 1.5 private parking spaces. As two new dwellings will be erected with 2 bedrooms, a total of 3 private car parking spaces must be provided on site. 3 parking spaces have been identified on the block plan. There is therefore no objection with regard to parking provision.

5.13 Comments have been received from a local resident concerned with the impact on the highway and local parking provision. The comments also suggest that at least 4 parking spaces are provided. It is acknowledged that 2 new dwellings will be provided, however these are in accordance with the parking standard and therefore no objection could be raised with regard to parking. Cycle parking is also being provided to the sides of the properties. On this basis it would be unreasonable to request additional spaces are provided.

5.14 Comments from the transport officer show that the additional pressure as a result of the new development is not considered to adversely impact safety as there is an existing residential use on the site. Given this consideration and professional opinion of the transport officer, the proposal is not considered to have any adverse impact on highway safety and is therefore acceptable in respect of saved policy T12 and the provisions of the South Gloucestershire Residential Parking Standards and the NPPF (2012).

5.15 Planning Balance

Some negative weight has been attributed to design considerations. The catslide design to the rear roof pitch and the rooflight are considered to have some negative impact with regard to design and the amenity of future occupiers. Nevertheless the proposal is for 2 new residential units. Currently South Gloucestershire are unable to provide an up to date 5 year housing land supply. Therefore according to paragraphs 14 and 49 of the NPPF, there is a presumption in favour of sustainable development, unless material considerations indicate otherwise and the negative impact of allowing development would significantly and demonstrably outweigh the benefit of allowing the development. The proposal site is within a defined settlement and would be considered a suitable location for residential development. Furthermore the proposal would represent a modest contribution to the housing land shortfall and positive weight would be attached to this. Overall the modest negative weight attached to the design and amenity considerations in this case have not been found to outweigh the benefit of permitting development.

5.5 Consideration of likely impact on Equalities

The application would have a neutral impact on equalities.

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

7. RECOMMENDATION

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

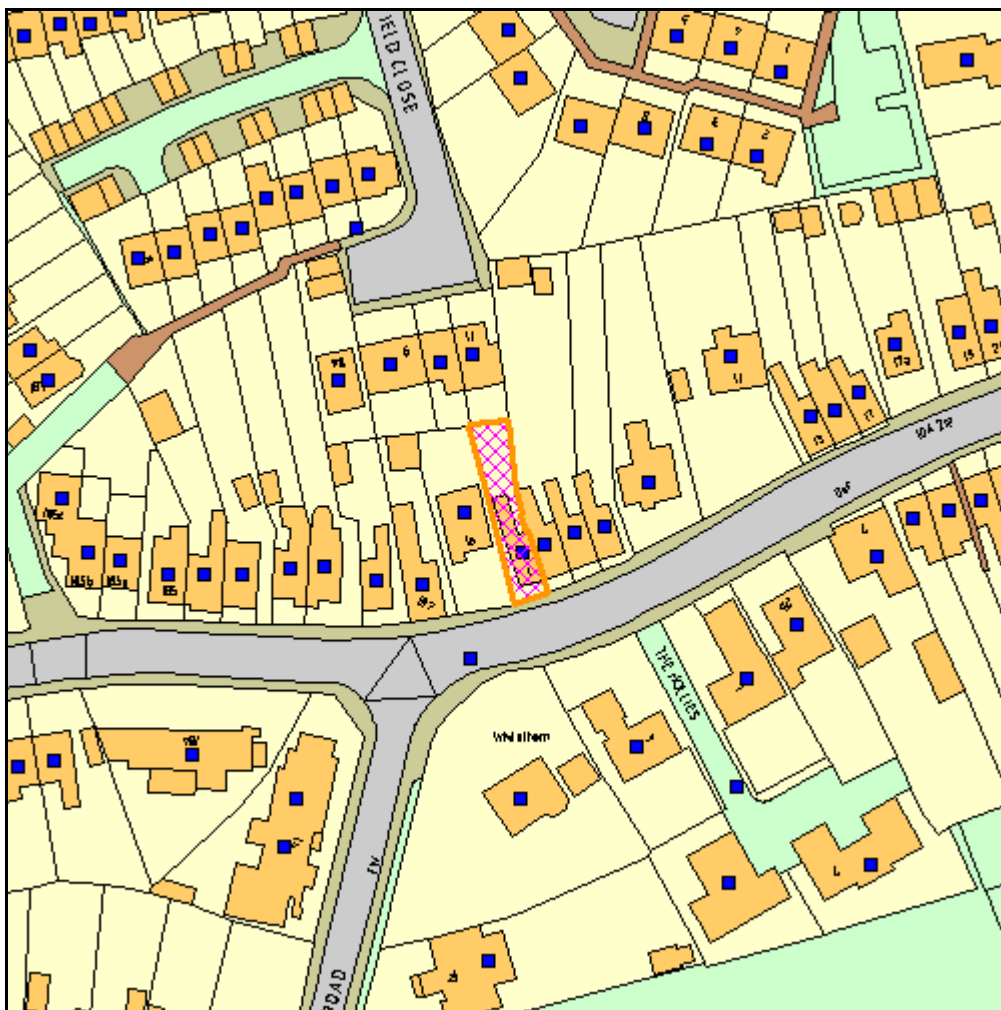
2. Prior to the occupation of either dwelling hereby approved, the off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 42/17 – 20 OCTOBER 2017

App No.:	PK17/3996/F	Applicant:	Ms Julie Elliot
Site:	1 Cock Road Kingswood Bristol South Gloucestershire BS15 9SJ	Date Reg:	7th September 2017
Proposal:	Erection of a two storey and single storey rear and side extension to provide additional living accommodation.	Parish:	None
Map Ref:	365289 172719	Ward:	Woodstock
Application Category:	Householder	Target Date:	1st November 2017



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100023410, 2008.

N.T.S.

PK17/3996/F

This application is circulated because of the concerns of a neighbour.

1. THE PROPOSAL

- 1.1 The application is for a ground and first floor rear extension to this end of terraced house. The house is located in Kingswood and is finished in pebble dashed render at the side and rear. No parking is existing or proposed.
- 1.2 The property is located within the urban residential area of Kingswood.

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

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

PSP1 Local distinctiveness
PSP8 Residential amenity
PSP16 Parking Standards
PSP38 Development within residential curtilages including extension and new dwellings

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 P96/4207 Creation of front dormer extension refused 8/1996

4. CONSULTATION RESPONSES

4.1 Kingswood unparished area

No comment received

4.2 Sustainable Transport

No objection

Other Representations

4.2 Local Residents

One neighbour has raised the following concerns:

- I. 3 Cock Road have right of way beside 1 Cock Road and across the end of the existing rear building line.
- II. Limitations to this right of way, including the reduction in width from a down pipe would be unacceptable.
- III. Concern that the proposal is attached to the neighbours wall and that the foundations are insufficient to support the extension.
- IV. Concern that additional downpipe water should be carried by 1 Cock Road not sent to the existing downpipe at 3 Cock Road.

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. Similar issues are raised under the emerging PSP policies.

5.2 Design

The site is an end of terraced house and is one of a terrace of four houses which all have 6.6m long, narrow, single storey, rear extensions/projections. These appear to vary slightly between the properties; the neighbour having a monopitch dual height roof facing the site and reaching 3.2m and 3.4m. The two storey proposal is no deeper than the existing single storey structure and is the same with as the original single storey projection. The proposal is to abut the neighbours external wall with a new wall built directly inside the boundary of the site. The two storey extension is on the west of the site and as such only the single storey part of the proposal is abutting the neighbours wall. The proposed extension 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. Whilst long at 6.6m the proposal is set against a house at 1A which extends a further 2.5m past the rear of these single storey. The proposal is therefore respectful of the existing cottage and would not have an adverse impact on the surrounding visual amenity.

Materials would match those of the existing dwelling which has a pebble-dashed rear elevation and the tiles from the existing building are proposed to be reused on the two storey extension. The proposal is therefore acceptable in design terms, meeting policies H4, CS1 and PSP1.

5.3 Residential Amenity

The length, size, location and orientation of the proposal is not considered to give rise to any significant or material overbearing impact on adjacent properties. This is because the non adjoined house is already dominating on the site and has only obscure glazed windows which appear to be bathrooms

and a side (secondary) access. A bathroom window facing 3 Cock Road in the new first floor side elevation can be obscure glazed only opening over 1.7m and the sky lights proposed will not cause overlooking up into the bathroom window at the rear of 3 Cock Road. Further the existing depth of extension at 3 Cock Road prevents the proposal from having an overbearing impact on the actual house. The rear facing window is no closer to the neighbours at the rear than that at 1A Cock Road and as such no material loss of privacy would result.

Given that the proposal uses a very similar footprint to the existing house, the existing garden space is retained to serve the property.

5.4 Transportation

There will be an increase of one bedroom to the first floor bringing the total to three. Vehicular parking requirements for a dwelling are assessed on the number of bedrooms available. The dwelling does not currently have any vehicular parking and there is no space available within the site boundary to provide any as part of this development. From assessing the information submitted, it is considered that whilst the demand for parking may increase as part of the proposed extension, the parking impact of this development would not be significantly different to the current situation. On that basis, no transportation objection is raised.

5.5 Other matters

The neighbour has raised concern that the proposal may be built on their boundary wall. This appears not to be the case as a separate wall is shown to be erected within that wall. Further the application indicates that the whole development is within the site boundaries. There is concern that the proposal may narrow the route of a private right of way. This is not to be the case except for potentially where a down pipe(s) may need to be located outside of the envelope of the building project. This is a civil matter not a matter the Local Planning Authority has jurisdiction over and informatives attached to the recommendation set out the developer's responsibilities.

5.6 Consideration of likely impact on Equalities

No evidence was presented regarding the application and as such the proposal is considered to have a neutral impact on equalities.

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That planning permission is GRANTED subject to the conditions set out below in addition to informatives about land not within ownership, consent for neighbours required to access their land and civil matter of the private right of way.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

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

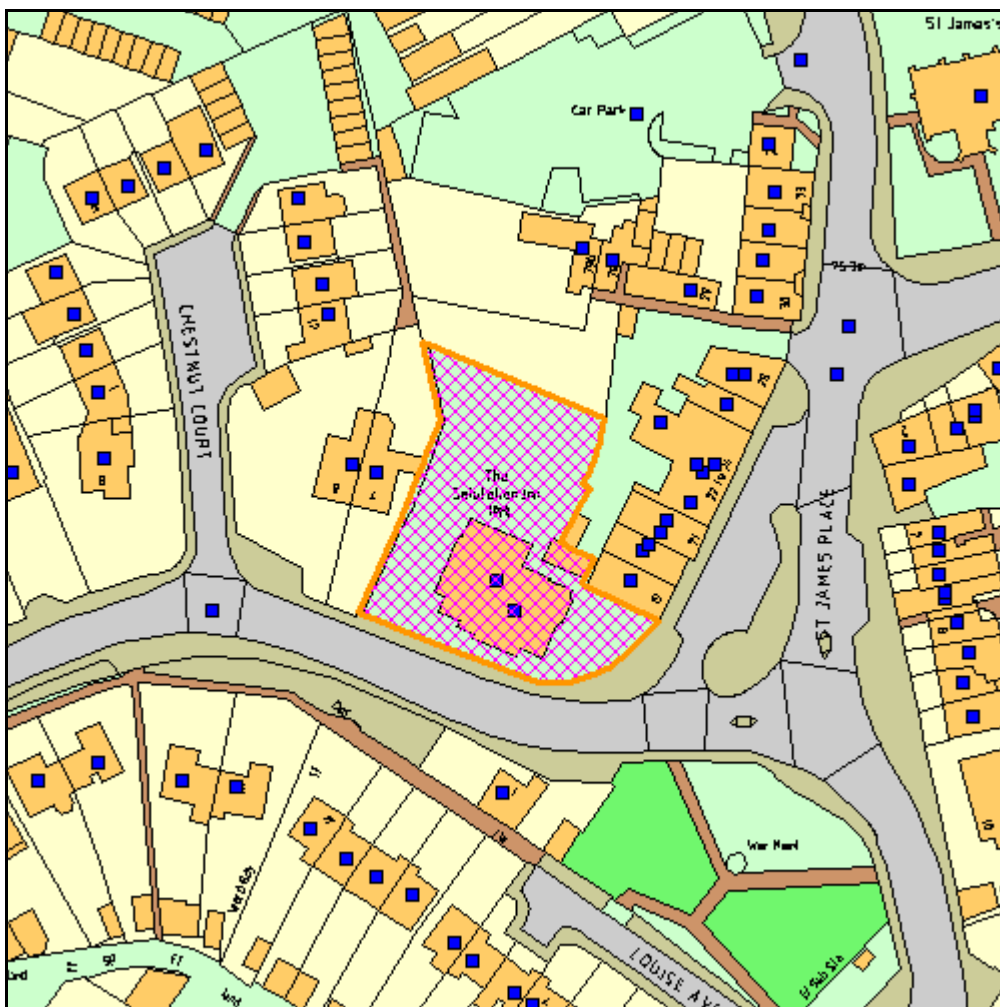
3. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the east elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which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

Reason

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

CIRCULATED SCHEDULE NO. 42/17 – 20 OCTOBER 2017

App No.:	PK17/4100/F	Applicant:	Mr J Martin
Site:	The Salutation St James Place Mangotsfield Bristol South Gloucestershire BS16 9JB	Date Reg:	19th September 2017
Proposal:	Erection of single storey front extension to existing entrance porch, installation of new bifold doors to rear to facilitate external dining area, installation of external cedar plank cladding and upgrade to front garden seating area with associated works.	Parish:	None
Map Ref:	366372 176091	Ward:	Rodway
Application Category:	Minor	Target Date:	24th October 2017



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100023410, 2008. N.T.S. PK17/4100/F

INTRODUCTION

This application appears on the Circulated Schedule as a result of a consultation response received raising concerns regarding the proposals.

1. THE PROPOSAL

- 1.1 The proposals seek planning permission for the erection of single storey front extension to the existing entrance porch, installation of a new bifold doors to the rear to facilitate external dining areas, installation of external cedar plank cladding and upgrade to the front garden seating area with associated works.
- 1.2 The site is the Salutation, an existing public house located on St James Place, within Mangotsfield.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

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

South Gloucestershire Local Plan: Policies Sites and Places Plan, including Main Modifications
PSP8 Residential Amenity
PSP34 Public Houses

3. RELEVANT PLANNING HISTORY

- 3.1 Various minor applications and advertisement consents associated with the premises use as a public house.

4. CONSULTATION RESPONSES

- 4.1 Parish Council
No parish

- 4.2 Other Consultees

Sustainable Transportation

We have no highways or transportation comments about this application which seeks to carry out a number of minor works at The Salutation in St James Place, Mangotsfield. This is because we believe that these changes are so

minor that they will not significantly change the travel demand pattern of these premises

Highways Structures

No comment

Lead Local Flood Authority

No objections

Archaeology

No objections

Other Representations

4.3 Local Residents

One letter, raising the following concerns has been received, as follows:

It must be made clear to the new tenants that the double doors facing No's 4/6 are fire doors and not to be left open at all times as now happens, particularly when the pub is full.

Also I am unhappy about the change of name. Various past owners have tried to increase patronage by changing the name, but it has never worked in the long run

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is an existing public house premises, the main issues are therefore whether the proposals to the public house would have any additional material impact upon the site and surroundings.

5.2 Design

It is not considered that the small extension to the porch, addition of doors, and addition of cladding would have a significant detrimental or material impact upon the context, appearance or amenity of the site or local area and would not give rise to any design or amenity concerns.

5.3 Local Amenity

The site is an existing public house. It is not considered that the relatively minor extension, addition of doors to the southern elevation, towards the car park, upgrade to seating or addition of cladding proposed, would have a material impact upon the amenities of the surrounding area. The fire doors referred to above are existing, do not alter and do not form part of the planning application. It is considered beyond the scope of this application to attempt to control whether and for how long the existing doors are open or shut. Nevertheless the introduction of bi-fold doors on the rear elevation as proposed, if anything, is likely to reduce the likelihood of this practice continuing. It is noted that changes to external signage is proposed and this would involve a change to the name of the premises. A separate advertising consent application has been submitted to address the proposed signage, and is currently being dealt with, under reference PK17/4100/F. The Officer dealing with that application has

been made aware of the comments submitted on this application. Notwithstanding this it should be noted that it would be for the Local Planning Authority to address the nature and appropriateness of the signage and not the actual name, or change of name, of a premises.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

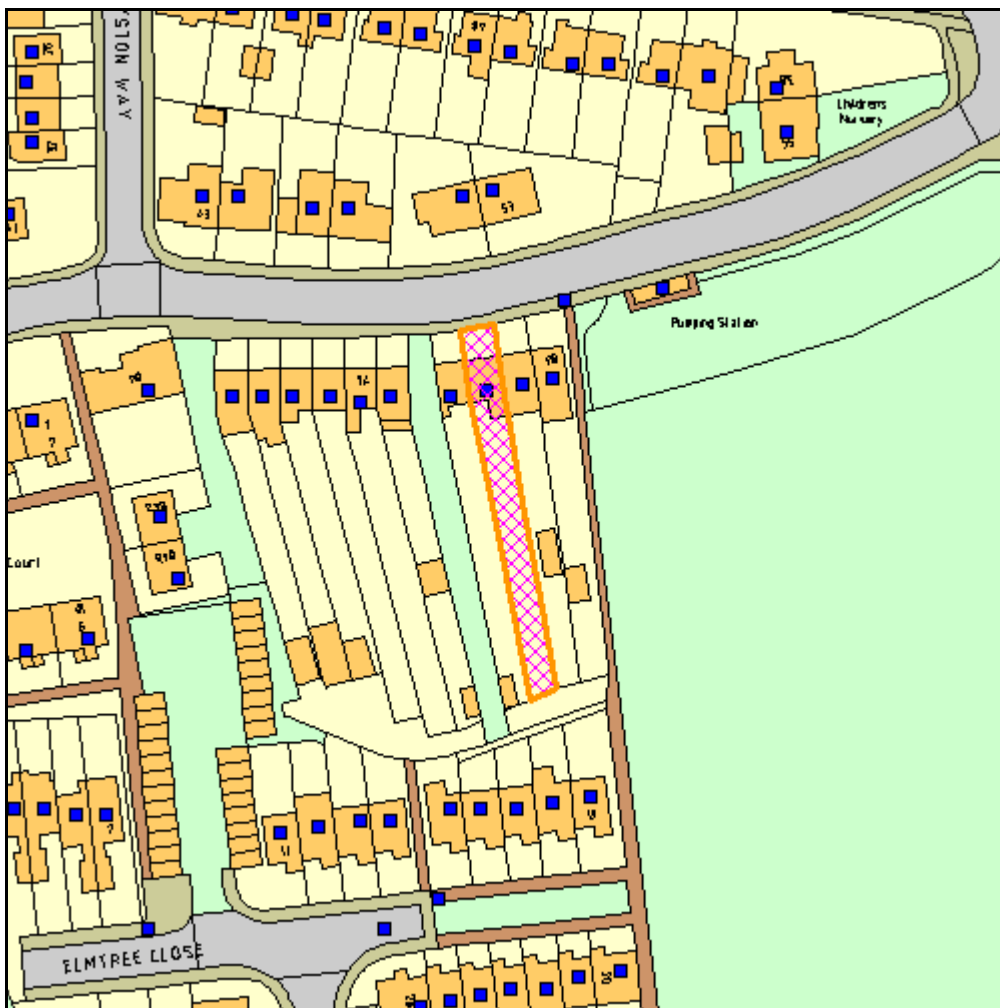
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 42/17 – 20 OCTOBER 2017

App No.:	PK17/4126/CLP	Applicant:	Mr And Mrs Hodges
Site:	80 New Cheltenham Road Kingswood Bristol South Gloucestershire BS15 1TN	Date Reg:	21st September 2017
Proposal:	Application for a certificate of lawfulness for the proposed installation of a rear dormer.	Parish:	None
Map Ref:	364939 174347	Ward:	Kings Chase
Application Category:		Target Date:	25th October 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 1no rear dormer at 80 New Cheltenham 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 and Class G.

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

3. RELEVANT PLANNING HISTORY

- 3.1. None.

4. CONSULTATION RESPONSES

- 4.1. Town/Parish Council
Not applicable.

Other Representations

- 4.2. Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

Location Plan
Received by the Council on 30th August 2017

Existing and Proposed Elevations

Received by the Council on 30th August 2017

6. **ANALYSIS OF PROPOSAL**

6.1. Principle of Development

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

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

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

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

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

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

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

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

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

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

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

The property is a terraced house. Volume calculations extrapolated from the Existing and Proposed Elevations (Received by the Council on 30th August 2017) indicate that the total increase in roof space of the original dwelling would be 19m³.

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

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

The proposal does not include the construction or provision of a verandah, balcony or raised platform. The proposal does involve repositioning a boiler flue; this is dealt with in section 6.4.

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

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

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

- (a) **the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**
 - (i) Submitted plans indicate that the proposed dormer will be finished in materials to match the finish of the existing roof.
- (b) **the enlargement must be constructed so that –**
 - (i) **other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
 - (ab) **the eaves of the original roof are maintained or reinstated; and**
 - (bb) **the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and**

- (ii) **other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

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

- (c) **any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be –**

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

No windows are proposed to the side elevations.

6.4. As the proposed development requires the alteration of a boiler flue, it must also be assessed to see if it falls within Schedule 2, Part 1, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the installation, alteration, or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse subject to the following:

G.1 **Development is not permitted by Class G if-**

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

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

- (b) **the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or**

The height of the altered boiler flue would exceed the highest part of the roof by 0.3 metres. It is therefore within the 1 metre parameter.

- (c) **in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which-**
 - (i) **fronts a highway, and**
 - (ii) **forms either the principal elevation or a side elevation of the dwellinghouse.**

The dwellinghouse is not on article 2(3) land.

7. **RECOMMENDATION**

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

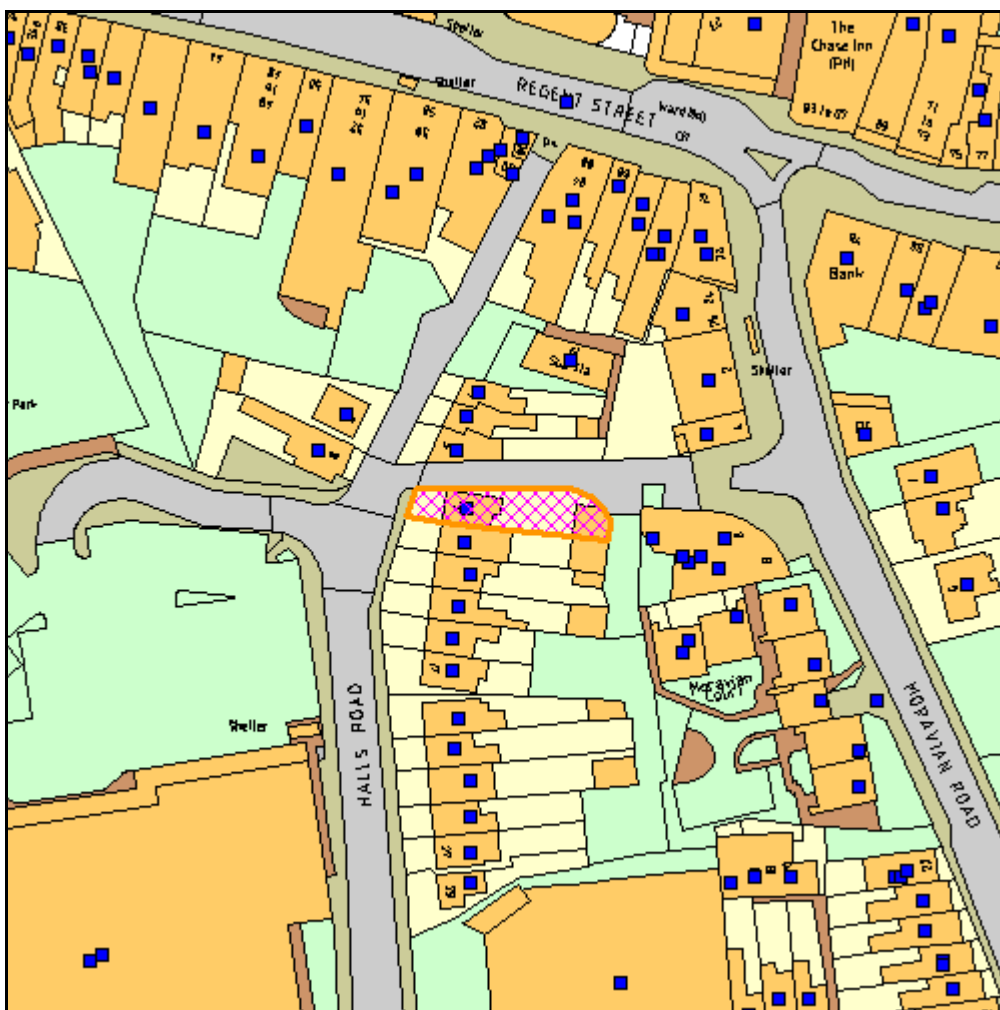
7.2. Evidence has been provided to demonstrate that on the balance of probabilities the proposed installation of 1no rear dormer would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England)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

7.3. Evidence has been provided to demonstrate that on the balance of probabilities the proposed relocation of a boiler flue would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Contact Officer: David Ditchett
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 42/17 – 20 OCTOBER 2017

App No.:	PK17/4216/CLP	Applicant:	Mr & Mrs Wheeler
Site:	7 Halls Road Kingswood Bristol South Gloucestershire BS15 8JD	Date Reg:	22nd September 2017
Proposal:	Application for a certificate of lawfulness for the proposed installation of dormer window to facilitate loft conversion	Parish:	None
Map Ref:	364729 173797	Ward:	Woodstock
Application Category:		Target Date:	8th November 2017



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N.T.S.

PK17/4216/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a dormer window to 7 Halls 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 A.

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

3. RELEVANT PLANNING HISTORY

- 3.1 None Relevant

4. CONSULTATION RESPONSES

- 4.1 Local Councillor
No Comment

Other Representations

- 4.2 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The Location Plan
Existing Plans & Elevations (Drawing no. 50496-1 Rev A)
Proposed Plans & Elevations (Drawing no. 50496-2 Rev A)

(Received by Local Authority 06th September 2017)

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

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

6.3 The proposed development consists of the installation of a 1no rear and side 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 and side of the property, and as such would not extend beyond any existing roof

slope which forms a principal elevation of the dwellinghouse and fronts a highway. 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 an end terraced house and the proposal would result in an additional volume of no more than 40 cubic metres.

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

The proposal would include none of the above.

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

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

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

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

An email from the agent confirms that the proposed dormer would be of a similar appearance to those used in the construction of the exterior of the dwellinghouse.

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

The rear and side dormers would be approximately 0.5 metres from the outside edge of the eaves of the original roof respectively. Additionally, the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse.

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

An email from the agent confirms that the proposed side dormer window would be obscure glazed and that the opening parts of the window are more than 1.7 metres above floor level.

7. RECOMMENDATION

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

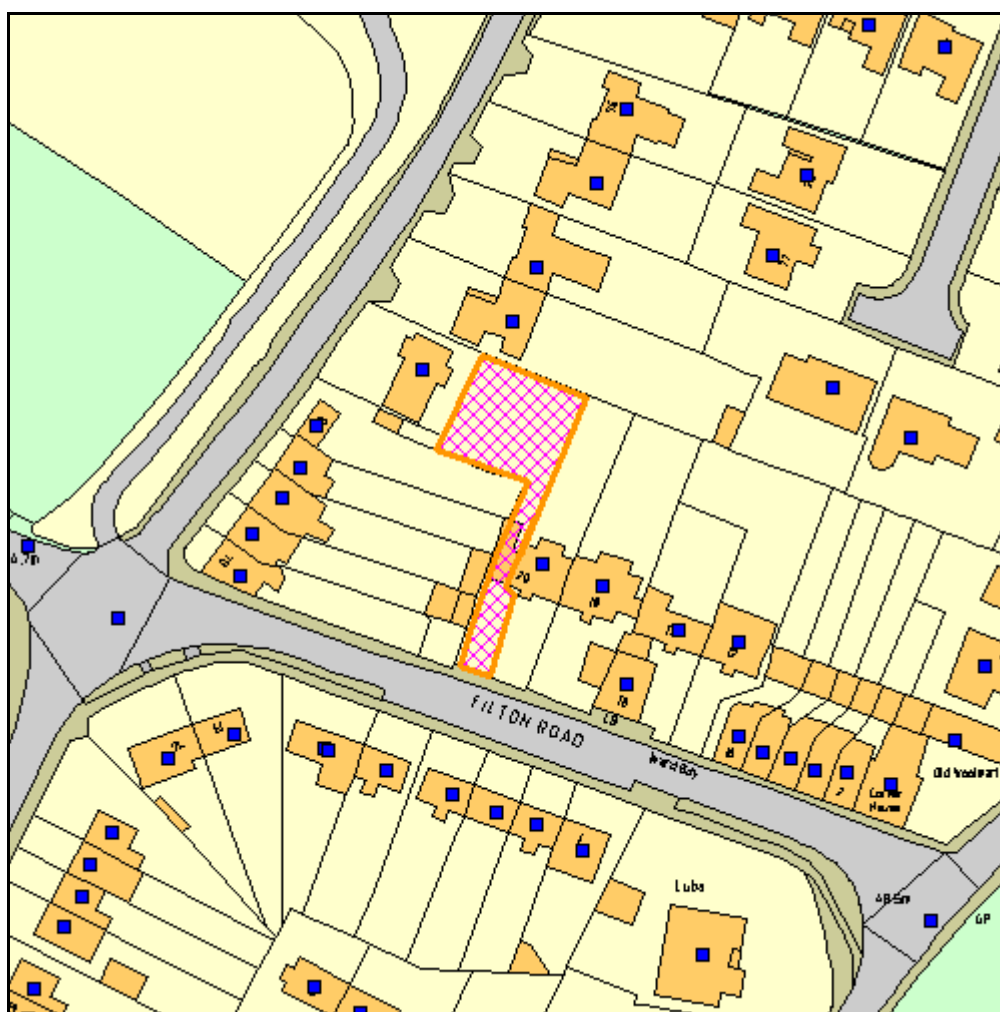
Contact Officer: Westley Little
Tel. No. 01454 867866

CONDITIONS

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

CIRCULATED SCHEDULE NO. 42/17 – 20 OCTOBER 2017

App No.:	PT17/2528/F	Applicant:	Mr Benjamin Cottle
Site:	Plot Rear Of 20 Filton Road Hambrook Bristol South Gloucestershire BS16 1QL	Date Reg:	27th June 2017
Proposal:	Demolition of garage and erection of 1no detached dwelling with access parking and associated works. (Resubmission of PT17/0097/F)	Parish:	Winterbourne Parish Council
Map Ref:	363735 178317	Ward:	Winterbourne
Application Category:	Minor	Target Date:	17th August 2017



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N.T.S.

PT17/2528/F

INTRODUCTION

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 demolition of an existing garage and erection of 1no detached dwelling with access parking and associated works. The application is a resubmission of planning application reference PT17/0097/F. That application was refused for the following reasons:

1. 'The proposal's contrived 'backland' position, surrounded by other dwellings and their gardens, represents an unacceptable form of site planning and design that fails respect the character of the area. This contrived position also has repercussions with regard to a negative impact of the development on nearby occupiers. The proposal's poor quality of design and site planning represents an identified harm that acts to significantly and demonstrably outweigh the potential benefit of the development, and is contrary to the requirements of Policy CS1 CS16 and CS17 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006; and paragraph 56 of the National Planning Policy Framework.'

2.' The proposal's front dormer windows would result in a material loss of privacy to the rear garden of no. 20 Filton Road, and the physical form, scale and presence of the northern elevation of the proposal would materially harm the residential amenity of the occupiers of no. 88 Old Gloucester Road. Overall, the proposal materially harms the residential amenity of a number of nearby occupiers, this identified harm acts to significantly and demonstrably outweigh the potential benefit of the development, and is contrary to Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006; and the provisions of the National Planning Policy Framework.'

1.2 This application seeks planning permission for the erection of a detached bungalow to the north west of the host unit no. 20 Filton Road. The plot itself is an area of relatively unused and slightly overgrown curtilage adjacent to the main area of curtilage associated with the host dwelling which extends to the rear of the property. The plot is also to the rear of no. 86 Old Gloucester Road. Officers are satisfied that this area represents the residential curtilage of the host unit, no. 20 Filton Road.

1.3 To facilitate (non-vehicular) access to the proposed dwelling, an existing side garage attached to no. 20 Filton Road will be demolished and replaced with a gate and a recycling/waste/bicycle storage area. Car parking for both units, the proposed and existing, is proposed to be provided to the front of no. 20 Filton Road. To facilitate this parking arrangement, a section of the front boundary wall will have to be removed. Due to the wall's height this is unlikely to require express planning consent.

1.4 The application site is in Hambrook, within the settlement boundary and within the wider urban area of the east fringe of Bristol, there are no other

designations that impact upon the assessment of the proposals.

- 1.5 The applicants consider that the previous reasons for refusal have been addressed as the proposed dwelling has been moved further away from the neighbouring dwelling (no 86 Old Gloucester Road) to ensure that the distance between the proposed dwellings is 12m, in accordance with suggested guidelines. The proposed house has also now removed the first floor accommodation entirely, so there is no longer a habitable first floor, designed entirely as a bungalow, with no dormers and no overlooking into any of the neighbours gardens or properties.

2. **POLICY CONTEXT**

- 2.1 National Guidance
National Planning Policy Framework
National Planning Practice 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	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS29	Urban Area of the East Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1	Landscape
T7	Cycle Parking
T12	Transportation Development Control Policy for New Development
H4	Residential Development within Residential Curtilages

Emerging Plan: South Gloucestershire Local Plan, Including Main Modifications

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP37	Internal Space and Accessibility Standards for Dwellings
PSP38	Development Within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP42	Custom Build Dwellings
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Residential Parking Standards SPD (Adopted) December 2013

Design Checklist SPD (Adopted) 2007
Waste Collection: Guidance for New Development SPD (Adopted) January 2015
Community Infrastructure Levy and Section 106 Planning Obligations Guide (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PT17/0097/F – Erection of 1no detached dwelling, access and associated works. Refused 10th March 2017.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objections

Archaeology

The proposal is in an area of archaeological potential, where no previous disturbance by postmedieval or modern settlement can be demonstrated. Therefore A HC13 condition for a programme of archaeological work should be applied to any consent. This will be for a watching brief to monitor all ground works. The brief should be in accordance with a written scheme of investigation to be submitted to and approved by the Archaeology Officer, prior to the commencement of development.

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.

Or

If the application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner.

Lead Local Flood Authority

No objection

Sustainable Transportation

No objection

Other Representations

- 4.3 Local Residents
3 letters of objections from local residents around the application site have been received, raising the following points:

- the garden was an orchard and has been part of the property since it was build and would be a shame to spoil the greenery with a bungalow.
- This is a small parcel of land and according to the architects is only 1 sqm above the required minimum limit,?
- Privacy in my garden will be affected as if they do not maintain the existing boundary hedge which is now collapsing due to not being maintained properly.
- Every window in the back of my bungalow will be overlooked, taking away the view
- There will be more noise
- There is an issue with the drains as they run through that land and are known to get blocked, as they are used by other dwellings this serious issue would have to be addressed.
- Although the dormer windows have been removed from the drawing there is nothing stopping access to the roof area to be used at a later time so privacy to the neighbours is still an issue.
- Building this bungalow would still impact privacy of all the houses in the immediate vicinity
- The garage is very narrow so access to emergency / trade vehicles is non existing so could also be a major issue. The bin and bike locations are near the access so could impact foot traffic as well.
- Actual measurements and scale drawings are not available. In the plans it shows two areas of 3m wide for parking by the residents of both dwellings but not how long they would be. Both dwellings could have in excess of two vehicles, the norm in this day and age, so parking in the designated areas could be an issue.
- Filton road would be used and this can get very congested with parking by current house owners.
- There is a lot of development around the old Frenchay Hospital (approx. 500 units) and also on the old Filton Runway which supply houses of all descriptions, I cannot see the benefit of adding this bungalow on this garden

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Whilst the planning history for the site, referred to in the relevant sections above, is relevant, and should be noted, fresh consideration should be afforded to any new proposals, taking into account any policy changes,

circumstances and differences in proposals that may be apparent. In this respect any considerations are discussed in the relevant sections below.

- 5.2 The NPPF emphasis is on sustainable growth, including boosting housing supply and building including through windfall development. Para 14 of the NPPF indicates a presumption in favour of sustainable development except where adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the framework indicate development should be restricted. Accordingly, the proposal will be assessed in the context of paragraph 14 of the NPPF, with regard to the whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the proposal within the policy framework. Policy H4 of the South Gloucestershire Local Plan establish that new residential development on sites within the urban area and the curtilage of dwellings are acceptable in principle, subject to the proposal satisfying other material considerations, such as density, design, residential amenity, and highway safety. Policies CS16 and CS17 of the Core Strategy seek to achieve an efficient use of land, maximise housing supplied at locations where there is good pedestrian access to frequent public transport services, and provide a mix of housing types.
- 5.3 The site is within residential curtilage, within the identified settlement boundary. The principle of development is considered acceptable, however the previous assessment and reasons for refusal must also be acknowledged. In this respect the main issues for consideration are whether any changes to the proposal and any additional policy considerations satisfactorily address the previous reasons for refusal.
- 5.4 Residential Amenity
The concerns raised regarding impact upon residential amenity, referred to above are noted as are the reasons for the previous refusal. In this respect, the main differences with this application, appear to be the removal of the first floor accommodation and any proposed associated dormer windows, as well as the slight repositioning of the dwelling, towards the south east. All windows are now at ground floor level, with no side facing windows. Given the existing level of peripheral hedgerow and the height of curtilage screening or fencing that is possible (up to 2 metres without the requirement for planning permission), it is not considered that the proposals would reasonable be considered to lead to a significant or material level of overlooking from ground floor level. In this respect therefore it is considered that the second previous reason for refusal is adequately addressed. A condition removing permitted development rights for first floor rooflights, windows and dormers would be recommended.
- 5.5 The proposal would be at single storey bungalow height only, it would be located approximately 7.5 m from the rear, shared boundary to the east. This boundary would represent the end of the rear curtilage of the proposed dwelling and the existing dwelling to the east. The height of the single storey side wall to eaves would be approximately 2.2 metres, with pitched roof above, sloping away from the boundary. To the north, the single storey side wall of the property would be located approximately 2.2m from the shared curtilage boundary. Again the side wall height to eaves would be approximately 2.2.m, with roof above hipped and sloping away from the shared boundary. No side

windows are proposed. The front of the bungalow would be facing south-east, in the direction of the bottom end of the host dwellings relatively long rear garden, again at single storey level only, and approximately 3m away from the boundary. Given the boundary treatments and screening and the single storey size, scale and location of the bungalow it is not considered that the proposal would significantly or materially impact the dwelling itself or the rear curtilage. There is considered to be no significant amenity impact associated with the end of the neighbouring garden to the south of the proposed bungalow. On this basis, given the nature and scale of the proposals and the orientation, relationship with the surrounding properties, it is not considered that they would give rise to significant or material issues of overbearing impact or overlooking such as to sustain an objection and warrant refusal of the planning application.

5.5 The proposal does afford enough private amenity space to both the proposed dwelling and the existing dwelling and internal space levels of the dwelling itself are also considered acceptable.

5.6 Design/Layout

The concerns of the previous planning report in this respect are noted. As discussed above, potential amenity impacts associated with the design and layout of the property are considered to have been satisfactorily addressed. The first floor dormer windows have been removed and the dwelling has been repositioned slightly further forward, allowing more space between it and the property to the rear, to a distance now of approximately from rear wall to rear wall at single storey level. It is therefore not considered that what has been described as backland development is unacceptable in its own right unless material consideration indicate otherwise. The previous concerns of layout were associated with the potential amenity impact identified with the previous proposals. The applicants have provided numerous examples of what they consider examples of similar single dwelling developments within curtilages, that have been approved, in support of their current proposal. This is over a wide area. Every application must however be judged on its own individual merits, the principle of residential development within residential curtilages, within the settlement boundary, is supported through policy, in principle.

5.7 There are a number of different styles of properties in the immediate vicinity including a number of different sizes, shapes and materials. There is also no distinct pattern layout or building line within the immediate vicinity and no particularly strong building lines. In this respect the siting of the proposal is not considered materially unacceptable upon the surrounding area, particularly given the design changes that seek to address the amenity concerns.

5.8 As stated above, the proposal does afford enough private amenity space to both the proposed dwelling and the existing dwelling and internal space levels of the dwelling itself are also considered acceptable. The materials proposed, consisting of double roman roof tiles and rendered and decorated wall, are acceptable and adequately integrate within the context of the local area. The density of development at the site in this location is governed by the size, shape and location of the plot and the proposals are considered acceptable in this respect.

- 5.9 The vehicular access and arrangements layout is considered acceptable, with car parking provision to the front, adjacent to and accessed from the road, as the existing dwelling. It is not considered that the pedestrian access to the property, partially alongside the side of the existing host dwelling, is materially harmful in its own right to warrant objection and sustain refusal of the application on these grounds.
- 5.10 The principle of the proposals are considered acceptable, in context with policies H4 and CS1. Further to this Para 14 of the NPPF indicates a presumption in favour of sustainable development except where adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the framework indicate development should be restricted. On this basis and on the balance of the policy considerations, it is considered that the development should be recommended for approval in this instance.
- 5.11 Highways
The proposal includes adequate off-street car parking at the front of the existing dwelling for both the existing and proposed dwellings. To facilitate this car parking a section of the front wall to no. 20 Filton Road will have to be removed which would not require express planning permission. Bin storage and cycle parking are also provided to the front, near to the vehicle parking area. There are no highways objections to the proposals.
- 5.12 Drainage
Drainage is considered to be adequately addressed in planning terms and there are no drainage officer objections to the proposals.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission is granted, subject to the conditions 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 off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

3. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him 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. This work is to be carried out in accordance with a brief to be submitted and approved by the Local Planning Authority.

Reason

The proposal is in an area of archaeological potential, where no previous disturbance by postmedieval or modern settlement can be demonstrated in the interests of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

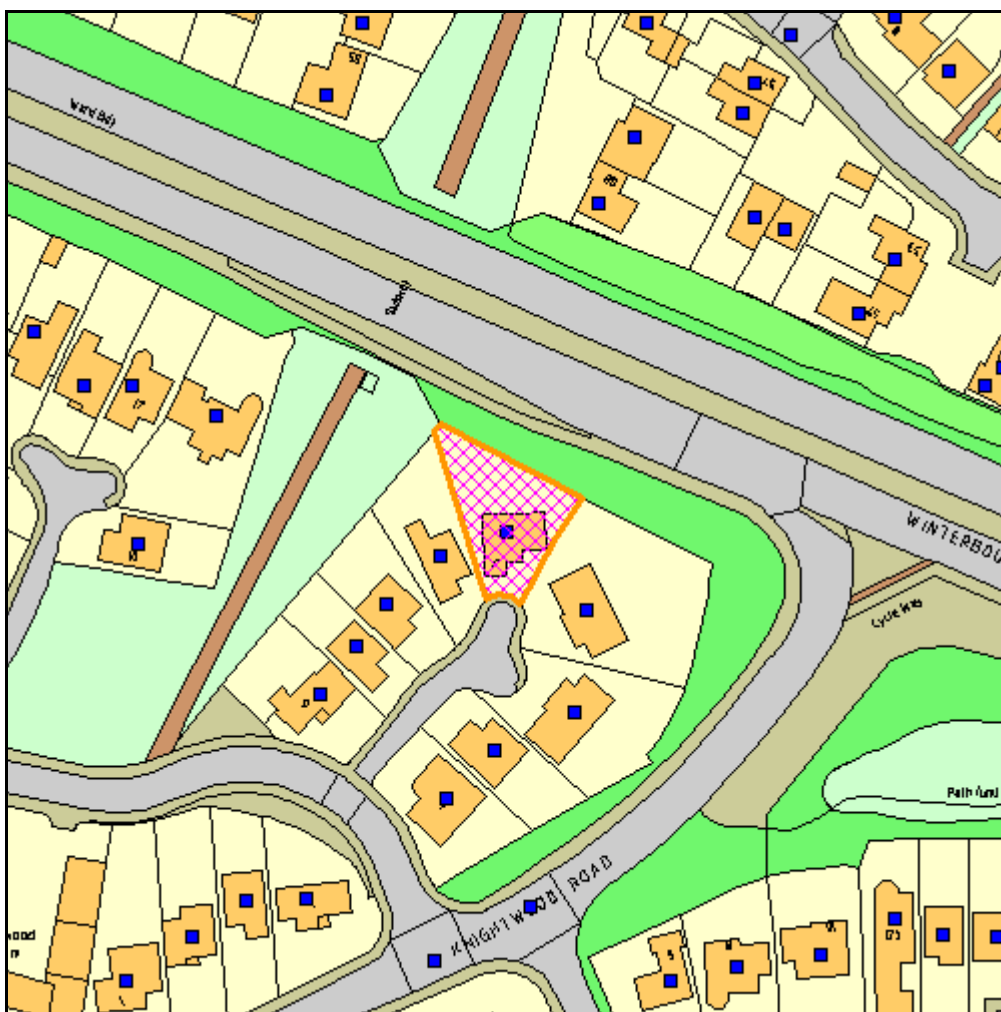
4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights shall be constructed.

Reason

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

CIRCULATED SCHEDULE NO. 42/17 – 20 OCTOBER 2017

App No.:	PT17/2753/F	Applicant:	Mr John Sissons
Site:	Magnolia View 5 Oxbarton Stoke Gifford Bristol South Gloucestershire BS34 8RP	Date Reg:	18th July 2017
Proposal:	Erection of two storey side extension and single storey rear extension to provide additional living accommodation.	Parish:	Stoke Gifford Parish Council
Map Ref:	362835 180471	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	5th September 2017



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1. **PROPOSAL AND SITE DESCRIPTION**

- 1.1 The application seeks full planning permission for a two storey side extension and single storey rear extension to provide additional living accommodation at 'Magnolia View', 5 Oxbarton, Stoke Gifford.
- 1.2 The application site relates to a relatively modern, two storey, detached dwelling which is located within a cul-de-sac. The property is located in a built up residential area of Stoke Gifford, which makes up part of the North Fringe of Bristol Urban Area. Neighbouring dwellings are also relatively modern but vary in form, scale and design.
- 1.3 Throughout the course of the application revised plans have been submitted to show the removal of a window as a result of Officer concerns.

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 Core Strategy (Adopted December 2013)

CS1 High Quality Design

CS4a Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS25 Communities of the North Fringe of Bristol Urban Area

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

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

2.3 Emerging Development Plan

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Space Standards

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

Residential Parking Standard SPD (Adopted) December 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 P92/1553 Approve with Conditions 17.06.1992

Erection of attached garage at side

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

Objection. The conversion of the garage appears to reduce the number of available parking spaces to two in an area not conducive to parking on-street.

4.2 Archaeology Officer

No objection

4.3 Sustainable Transport

The applicant seeks to erect a two storey side extension, single storey rear extension including conversion of garage, to provide additional living accommodation. The extension would create a fifth bedroom. SGC minimum parking standards state that a 5 bed dwelling requires 3 off street parking spaces each measuring 2.4m by 4.8m. No parking details were submitted with this application but having looked at Google Maps it appears that there is insufficient room to provide the required level of off street parking. If the required 3 spaces cannot be provided, Transportation DC will recommend this application for refusal due to lack of off street parking.

Other Representations

4.4 Local Residents

1no. objection received from a local resident. Comments as follows:

- *We have concerns regarding the proposed master bedroom side window. This window would encroach on our garden privacy and would allow direct vision into a large proportion of our back garden therefore we are asking for this window to be removed from the proposed plan.*

4.5 1no. neutral comment was received in relation to the dimensions of the rear extension.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design and Visual amenity

The property has an existing attached single storey garage, it is proposed that this would be demolished and replaced with a two storey side extension. Plans show that the extension would be set down from the existing roof by 0.5 metres. It would have a maximum height of 6.5 metres to the ridge and 4.9

- metres to the eaves. It would also be set back from the main front building line of the property by 2 metres, and would have a depth of 6.3 metres. It would have a similar width to the existing garage 4 metres. To the front a modest single storey canopied porch area would be introduced. All materials would match those on the existing property.
- 5.3 In addition to this, a single storey rear extension would be introduced. This would run along the entire rear elevation (including two storey extension), with a total width of 10.7 metres and a depth of 2.2 metres. Plans show that it would have a lean to roof with a maximum height of 3.5 metres to the ridge and 2.3 metres to the eaves.
- 5.4 The development would introduce 3no. windows, 4no. rooflights and bi-folding doors to the rear elevation, 1no. door and 1no. window to the side elevation, and 2no. windows and a door to the front elevation.
- 5.5 Whilst the development would result in relatively large additions to the property it is considered that would not look out of place. The two storey extension would manage to appear subservient to the main property, and the single storey rear extension would be enclosed within the rear garden. Furthermore, all materials would match those on the existing dwelling. Accordingly, the development it considered acceptable with regard to design and complies with Policy CS1 of the Core Strategy (Adopted) December 2013.
- 5.6 Residential Amenity
Local Residents raised concerns with a first floor side window proposed to the east side elevation would have resulted in privacy issues. Throughout the course of the application the agent submitted plans which omitted this window. In light of this, it is not thought that the development would result in privacy concerns. In addition, given the orientation of the host and nearby properties it is not considered that the development would result in overbearing or loss of light to neighbours.
- 5.7 The property benefits from a relatively large private amenity area, and following the development a suitable amount would remain in excess of the Private Amenity Space Standards as set out in PSP43. Overall therefore, the proposal is deemed acceptable in terms of Policy H4 of the Local Plan (Adopted) January 2006.
- 5.8 Transport and Parking
The Parish Council and Transportation colleagues have raised objections to the parking provision at the site. The number of bedrooms at the property would increase from 4 to 5. As such the Councils Residential Parking SPD sets out that 3no. off-street parking spaces should be provided as a minimum and this is a material consideration which is given weight. The hardstanding to the front and side of the property would only provide 2no. parking spaces.
- 5.9 As such, it is acknowledged therefore, that the parking at the site represents a shortfall and this would count against the scheme. However if an application were to be refused on the basis of insufficient parking provision, this must be because the likely impact arising from that shortfall is so harmful it outweighs

the benefits of the scheme. Paragraph 32 of the NPPF states that applications should not generally be refused unless there is a severe residual impact arising from highway safety impact. This too is an important material consideration. Accordingly a slavish adherence to the parking standards would not be justified, unless there is also some evidence that it will lead to significant harm. The objection from the transportation officer seems to be primarily one of principle – that is to say that this might have a cumulative impact if permitted regularly. It does not however point to a particular harmful impact. Officers do note there is on street parking available just outside of the cul-de-sac along Oxbarton and Knightwood Road. On balance, it is not considered the shortfall of one off street parking space would result in an impact that would justify refusing the development.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

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

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

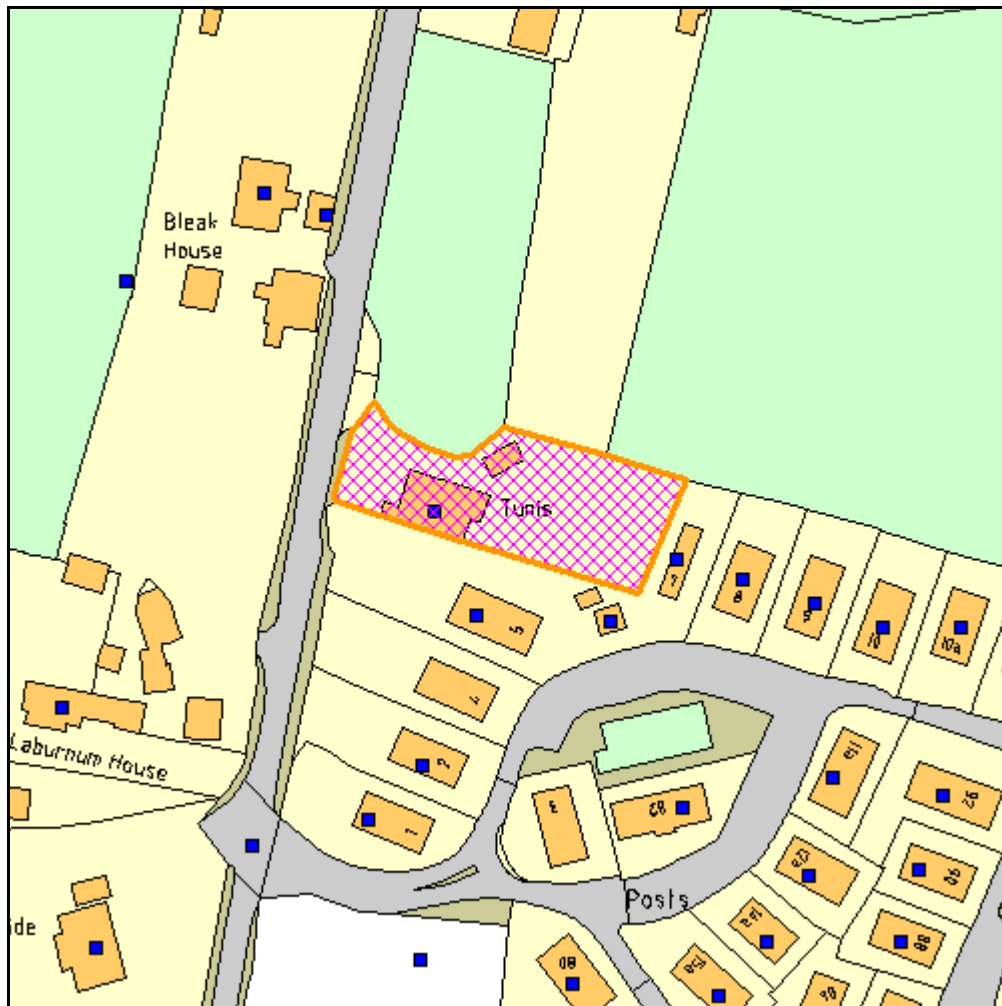
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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.

CIRCULATED SCHEDULE NO. 42/17 – 20 OCTOBER 2017

App No.:	PT17/3453/F	Applicant:	Mr & Mrs Gregory
Site:	Tunis Ram Hill Coalpit Heath Bristol South Gloucestershire BS36 2TZ	Date Reg:	9th August 2017
Proposal:	Erection of a single storey side extension. Alterations to raise existing roofline and a hip to gable enlargement that includes the installation of 2no front dormer windows in order to provide additional living accomodation.	Parish:	Westerleigh Parish Council
Map Ref:	367866 180089	Ward:	Westerleigh
Application Category:	Householder	Target Date:	15th September 2017



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REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report. These issues are considered to have been addressed by the proposed conditions and revised plans received. The application is being recirculated because revisions to the proposal submitted prior to the decision being issued. This was submitted to resolve this neighbour objections and considered below.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two storey and single storey side extensions, to raise the roofline and to install new dormer windows in order to provide additional living accommodation at Tunis, Ram Hill, Coalpit Heath.
- 1.2 Pre-application advice was sought prior to the submission of this planning application. The proposal was amended following advice and has subsequently been amended since the submission of the formal application.
- 1.3 The footprint of the property will now remain almost identical to that of the existing but the roof design will be amended from a hip to a gable and a balcony will be introduced above the ground floor portion.
- 1.4 The application site is situated within the Bristol/Bath Green Belt outside of the defined settlement boundary.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4a Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- T12 Transportation
- H4 Development within Existing Residential Curtilages
- L1 Landscape

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

- PSP1 Local Distinctiveness
- PSP7 Greenbelt

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

- 2.3 Supplementary Planning Guidance
 South Gloucestershire Design Checklist (Adopted) August 2007
 Residential Parking Standards (Adopted) December 2013
 Development in the Green Belt SPD (Adopted) June 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 P94/2687 – Approval – 14/02/1995 – Use of building for the manufacture of timber windows (renewal).
 3.2 P92/2468 – Approval – 09/12/1992 - Use of building for the manufacture of timber windows (renewal of temporary consent)
 3.3 P91/2381 – Approval – 13/11/1991 - Use of buildings for manufacture of timber windows renewal of temporary consent
 3.4 P84/2475 – Approval – 07/11/1984 - Erection of single storey side extension.
 3.5 N7153 – Approval – 05/01/1981 - Erection of a dormer extension to provide bedroom in roof space.

4. **CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council
 Note concerns over land ownership. This is discussed in detail in the other matters section of the report.

4.2 Other Consultees

Transport Officer
 No Objection

Other Representations

- 4.3 Local Residents
 A number of comments have been received from one individual objecting to the proposal. The comments indicate concern over the ownership of land between the dwelling and the adjacent caravan park. In addition the comments have raised concerns over the loss of privacy as a result of the proposed balcony.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
 Development within the Green Belt would be considered acceptable subject to assessment to elucidate whether it would constitute a disproportionate addition. The NPPF (2012) allows for limited extensions to buildings within the Green Belt providing that they do not result in disproportionate additions over and above the size of the original building. The South Gloucestershire Development within the Green Belt SPD states that any additions resulting in a volume increase of between 30%-50% will be subject to careful consideration and

assessment. Any proposed development over and above 50% of the volume of the original building would likely be considered in excess of any reasonable definition of 'limited extension'. In addition limited infilling can also be permitted within villages.

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

5.3 Greenbelt

The subject site is located within the Bristol/Bath Greenbelt and would therefore be assessed against the South Gloucestershire Development in the Greenbelt SPD (Adopted 2007), Policy CS5 of the Core Strategy and the NPPF (2012). These indicate limited development is permitted in the greenbelt subject to an assessment of its impact.

5.4 The host property is a modest sized bungalow that has been subject to a number of alterations and extensions. The existing dwelling has been calculated to have a volume in the region of 365m³ with the original volume being around 225 m³. Consequently the existing property would be in excess of the guidelines of what is considered a 'limited extension'. This was an issue raised during pre-application discussions and the submitted application had reduced the volume of the additions. Nevertheless the original submitted application was still considered to fail greenbelt policy and a revision was requested. This current submission is very limited in scope and does not involve any material increases in floor area/building footprint. The proposal would see the replacement of the hipped roof with a gabled roof with a slightly higher ridge level. This, except the rise in ridge level and very limited extension, is a development normally permitted by the provisions of Class B to Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Material weight has been attached to the fact that a very similar development would be permitted under the provisions of the act. For a detached property additions over the original roof volume of 50m³ is permitted and the lawful development would have the same material impact on the greenbelt as that proposed. In consideration of retaining permitted development rights, the proposal would replace the original roof and consequently after development no further works could take place without express planning permission. Therefore it has not been considered necessary to remove the Class B (Roof alterations) permitted development right. Furthermore additional ground floor extensions or extensions which incorporate

a balcony cannot be permitted under the order and again no such condition will be attached to the decision notice.

- 5.5 It should be noted that the purposes of including land within the greenbelt are to check the unrestricted sprawl of built up areas, as well as safeguarding the countryside from encroachment. The proposal would extend beyond the existing limits of the building, but this is by a very limited amount and on that basis is not considered to result in further encroachment onto the countryside, furthermore the proposal is situated within a relatively built up area and the property will remain within the limits of the developed area and largely within the limits of the existing footprint of the property. On this basis the proposal is considered to be consistent with the aims of protecting the greenbelt and no objection is raised with regard to this. Given the above consideration and the permitted development rights available for the property, the proposal has been found to be proportionate and therefore appropriate development in the greenbelt.
- 5.6 Design and Visual Amenity
The host dwelling is a mid to late 20th century detached bungalow with rendered elevations and a hipped roof. As previously mentioned a hip to gable conversion can be permitted through the provisions of the General Permitted Development Order and this would have the same material impact on the external appearance of the dwelling and its context as that proposed. Therefore no objection is raised with regard to the gable roof design.
- 5.7 The proposal also seeks to introduce a porch to the front of the property with a catslide roof, this is not seen to have an unusual style of design and no objection is raised to the proposed porch design.
- 5.8 The proposal would bring some uniformity to the building and the proposed changes to fenestration and openings ties the various parts of the property together and would be seen to improve the general appearance of the otherwise inconsistent dwelling.
- 5.9 Overall, it is considered that the proposed extensions would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 and H4 and the adopted Local Plan.
- 5.10 Residential Amenity
Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.
- 5.11 The subject property is detached but is located in relatively close proximity to a static caravan in residential use to the south of the site. Objection has been raised by the occupier concerned with the loss of privacy as a result of the

proposed balcony. The first revision had included a large balcony which would have close and direct views into the neighbouring land and would likely have had an unacceptable impact on the amenity of the property as a result. Guidance and emerging PSP policy suggests that where there is a close relationship between properties, an angle of at least 45 degrees between primary living accommodation, balconies and windows is retained. In this case there is a kitchen window relatively central to the northern elevation that would have been adversely impacted by the previous revision. A subsequent revision has been provided which gives obscured glazing to a height of 1.8 metres on this southern side of the balcony. As a result the angle exceeds 45 degrees from this window and therefore the proposal is considered to be within acceptable parameters. Objection was received on this revised plan. Following conversation with the applicant, a further revision was sought to increase the height of the obscured glazing to 1.8 metres along 1.5 metres of the south-eastern corner end of the balcony and the plans have been amended to reflect this change. A condition will be attached ensuring that this obscure glazing is retained into perpetuity. This is considered to have resolved the concerns with overlooking of the adjacent property.

- 5.12 Given the scale and location of the proposal, and the pathway of the sun the proposal is not considered to have a harmful impact on the amenity of any neighbouring occupiers as a result of overbearing or the associated loss of light.
- 5.13 The subject property is located within a relatively built up area and given the scale and location of the proposed development, the proposal is not considered to result in an unacceptable detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan, guidance and the emerging PSP8.
- 5.14 Transport
The proposal would result in the creation of an additional bedroom as well as a study room that could be used as bedroom accommodation without any operational development. Accordingly this room has been included in assessment of parking provision. The proposal would be seen to be provided with 4 bedrooms for the purpose of this assessment. There is a large area of hardstanding to the front and side of the property as well as a detached garage, the proposal would not impact this existing arrangement which is seen to satisfy the requirements of the residential parking standard. The proposal is therefore in accordance with saved policy T12 of the Local Plan (2006) and the provisions of the Residential Parking Standards SPD (2013). The council has no objection to the proposal in relation to highway safety or parking provision.
- 5.15 Other Matters
The objecting comments suggest that the boundary to the south with the adjoining property is incorrect and that development would encroach across the boundary and access would be onto land not owner by the applicant. It is not within the remit of the planning department to establish property ownership, only that the correct notice has been served. A title plan has been provided by the applicant. This is consistent with the site plan and evidence on site suggests that there is a pathway to the rear of Tunis within their ownership, on

this basis the case officer is satisfied the correct notice has been served and the extent of the applicant's ownership appears to be correctly identified.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

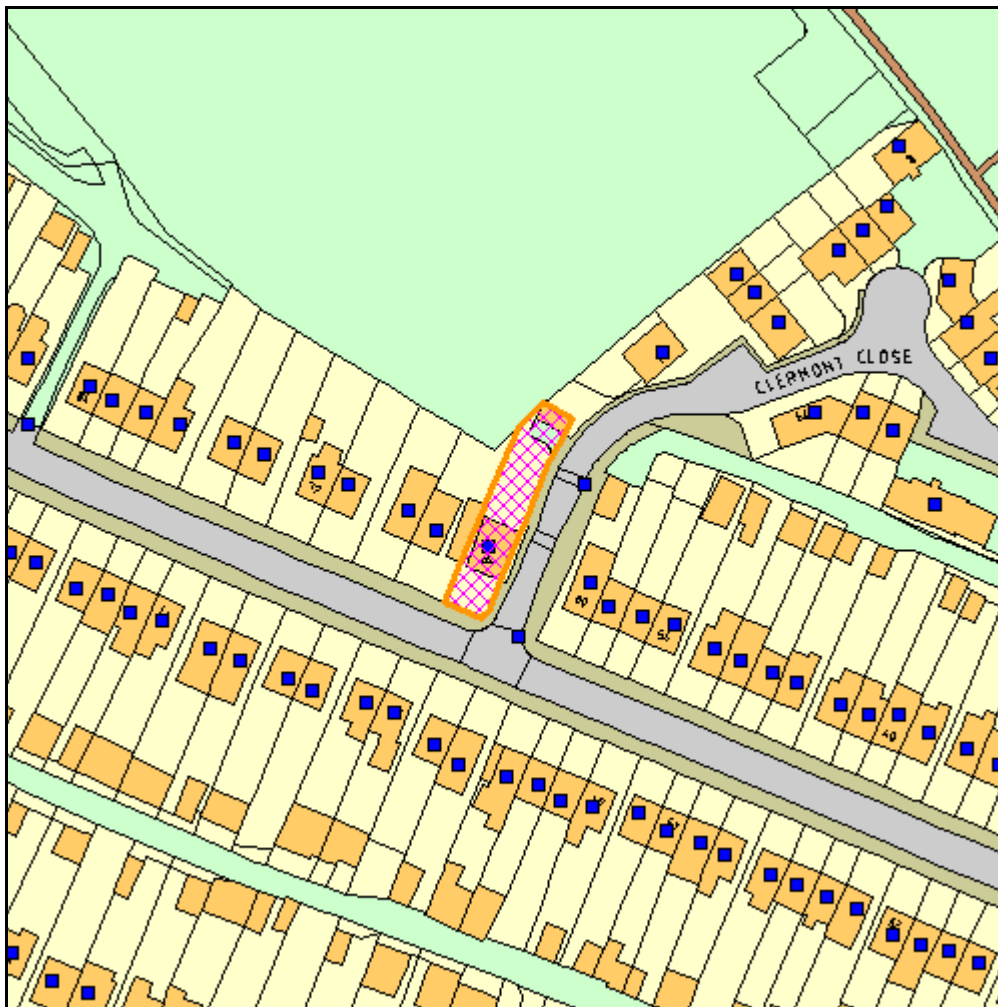
2. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed glazing to the balcony on the southern elevation and 1.5 metres of the south-eastern elevation shall be glazed with obscure glass to level 3 standard and at least 1.8 metres in height from the level of the floor of the proposed balcony.

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.

CIRCULATED SCHEDULE NO. 42/17 – 20 OCTOBER 2017

App No.:	PT17/3498/F	Applicant:	Mrs Frankie Hemmings-Elkan
Site:	64 Pretoria Road Patchway Bristol South Gloucestershire BS34 5PX	Date Reg:	1st August 2017
Proposal:	Erection of two storey side extension to provide additional living accommodation.	Parish:	Patchway Town Council
Map Ref:	359977 181823	Ward:	Patchway
Application Category:	Householder	Target Date:	20th September 2017



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REASONS FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a two storey side extension to provide additional living accommodation at no. 64 Pretoria Road, Patchway.
- 1.2 The application site comprises a modern detached dwelling set within a moderately sized corner plot. The site is situated within the established residential area of Patchway. The main dwelling incorporates a hipped roof and is finished in a mixture of facing brick and render. The host dwelling is not the original property at no. 64 Pretoria Road, and was rebuilt when the Clermont Close development to the north-east of the site was constructed. As such, despite following the building line of properties along Pretoria Road, the host dwelling fronts on to Clermont Close.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation

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

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

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

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

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

3. RELEVANT PLANNING HISTORY

3.1 **PT03/0064/F**

Erection of dwelling and detached garage. Formation of new access.

Approved: 26.02.2003

3.2 **PT03/0063/RM**

Erection of 22 no. dwellings (Approval of Reserved Matters) (To be read in conjunction with outline planning permission PT02/0529/O)

Approved: 27.02.2003

3.3 **PT02/0529/O**

Residential development on 0.4 hectares of land. (Outline)

Approved: 09.12.2002

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
No comment

4.2 Other Consultees

Sustainable Transport

Original comments

A transportation objection is raised to the proposal as currently submitted as without adequate parking within the site boundary, it is likely to lead to additional on-street parking causing congestion and hazards for the other road users. This objection can be overcome if at least one additional parking space is provided within the site boundary.

Updated comments

No objection subject to conditions.

Archaeology

No objection

Other Representations

4.3 Local Residents

A total of 5 comments objecting to the application, as well as 2 comments neither supporting nor objecting to the application, have been submitted by local residents. The main concerns raised are outlined below:

Transport

- Cars currently park outside property and block access to Clermont Close.
- Builder's vehicles and building materials/equipment will block access and reduce visibility at junction.
- Extension will lead to more on-street parking.
- Area to back of allotments needs to be kept clear for emergency vehicles.
- Suggest that additional parking space is provided on-site.
- Suggest that double yellow lines are extended along Clermont Close.

Design

- Property forms part of Clermont Close development and should remain unchanged.

Business Use

- Applicant runs childcare business and extension would be for business purposes.

Other Matters

- Residents should have been notified about application individually.
- Construction of extension will cause mess in Clermont Close.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a two storey side extension. Policy H4 of the Local Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy H4 of the Local Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

- 5.3 The proposed extension would project from the north-facing side elevation of the host dwelling. The extension would have a projection of 3.5 metres, and would incorporate a depth of 5.94 metres. Due to a slightly reduced depth, the extension would be set back from the main dwelling at its front elevation. The

- extension would incorporate a hipped roof, with the roof pitch matching that of the host dwelling. The ridge line of the extension would be slightly set down from that of the host dwelling, with the eaves set at the same level.
- 5.4 Given the siting of the proposed extension to the north of the host dwelling, it is not considered that its erection would have any impact on the streetscene along Pretoria Road. Whilst the proposed extension would be visible from the public areas offered along Clermont Close, it is not considered that its erection would cause harm to the streetscene, or detract from the character or distinctiveness of the immediate locality. This is on the basis that there is a significant degree of separation between the host dwelling and the rest of the properties forming the Clermont Close estate. Furthermore, the host dwelling has been designed with a hipped roof to greater reflect the appearance of properties along Pretoria Road. As such the subject property cannot clearly be read as forming part of the Clermont Close estate, and it is therefore not considered that the proposed alteration would detract from the character of the estate.
- 5.5 With regard to the impact of the proposal on the character and appearance of the host dwelling, it is considered that the stepping back of the front elevation, and the stepping down of the ridge line create a degree of subservience between the host dwelling and the proposed extension. In this case, it is considered appropriate to create a degree of distinction between the two structures, as without it, the host dwelling would appear as an incongruously wide structure. Whilst it is noted that the proposed extension would somewhat unbalance the property, it is considered that the overall scale of the extension results in a proportionate addition to the host building. Furthermore, the proposal seeks to match proposed materials to existing, which is considered to be appropriate in this case.
- 5.6 On balance, it is considered that an acceptable standard of design has been achieved. The proposed development is considered to accord with design criteria set out in policy CS1 of the Core Strategy and H4 of the Local Plan.
- 5.7 Residential Amenity
Policy H4 of the Local Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space.
- 5.6 When considering the impact of the proposal on the residential amenity enjoyed by the occupiers of neighbouring properties, the main property under consideration is the no. 66 Pretoria Road, situated directly to the west of the application site.
- 5.7 It is noted that the proposed extension would be constructed in close proximity to the boundary shared with no. 66. However the subject property is separated from the neighbouring dwelling and areas of neighbouring amenity space as a result of the siting of a neighbouring outbuilding at the boundary. It is considered that the separation created by the neighbouring outbuilding, as well as the fairly modest projection of 3.5 metres, reduces the potential for the

- proposed extension to overbear on to the neighbour or create an increased sense of enclosure.
- 5.8 Furthermore, given the fairly modest projection of 3.5 metres, it is not considered that the proposed extension would significantly block the path of natural sunlight on to neighbouring amenity space or in to neighbouring windows, or significantly reduce the outlook from neighbouring windows.
- 5.9 With regard to overlooking, it is recognised that the proposed window serving bedroom 3 would face the neighbouring property to the west. Whilst this is not an ideal situation, the proposed window would not provide a direct line of sight into any neighbouring side-facing windows, or on to neighbouring amenity space. As such, it is not considered that the proposed development would result in an unacceptable degree of overlooking on to the neighbour.
- 5.10 Overall, it is not considered that the proposal would have an unacceptable impact on the residential amenity enjoyed by the occupiers of neighbouring properties.
- 5.11 Whilst the proposal would result in the loss of some outdoor private amenity space, it is considered that sufficient space would be retained on-site following the implementation of the proposed development. For the reasons outlined above, the proposal is considered to comply with policy H4 of the Local Plan.
- 5.12 Transport
The concerns raised regarding the potential for increased on-street parking, as well as the obstruction of the access on to Clermont Close during the construction period, have been taken in to account.
- 5.13 In terms of parking provision, the proposal does seek to increase the levels of primary living accommodation available within the property. The proposal seeks to increase the total bedrooms within the property by 2, thus resulting in a 5-bed property. South Gloucestershire Residential Parking Standards SPD outlines that properties with 5 or more bedrooms must make provision for the parking of a minimum of 3 vehicles.
- 5.14 Originally submitted plans indicated that two parking spaces, sited to the north of the host dwelling, would be retained on-site. An indicative plan has now been submitted to the Local Planning Authority, indicating that an area to the south of the dwelling will be used to provide a further parking space, with access gained off Pretoria Road. This would involve the dropping of a section of the kerb. As a result of the additional provision, a total of 3 parking spaces will be provided on-site, with the minimum parking requirement as outlined in the SPD met. As the minimum requirement has been met, the proposed parking arrangements are considered acceptable.
- 5.15 However in order to secure this provision, a condition will be attached to any decision requiring a minimum of 3 parking spaces to be provided prior to the first occupation of the proposed extension, and thereafter retained for that purpose. A condition will also be attached to any decision restricting the height

of any boundary wall or vegetation at the southern boundary of the site, in order to ensure adequate visibility is provided when exiting the site.

5.16 It should also be noted that the applicants will be required to obtain consent for the drop kerb from the Council's Streetcare Manager, prior to creating the proposed parking space to be accessed off Pretoria Road.

5.17 On balance, it is considered that the creation of an additional on-site parking space reduces the potential for on-street parking along Clermont Close. With regards to the blocking of access caused by construction vehicles, it is considered that there is sufficient space on-site, as well as off-site parking space along Pretoria Road, for vehicles to park without blocking the access to Clermont Close. As such, subject to the aforementioned conditions, there are no significant concerns relating to highway safety or parking provision.

5.18 Business Use

The concerns raised regarding the use of the extension as a means of expanding an existing childcare business have been taken in to account. Following correspondence with the applicant, it has been confirmed that the proposed extension would be used to provide additional living accommodation, and not as a means of expanding the business. It has also been confirmed that the business would continue running at a small scale, and as such it is not considered that a change of use would occur.

5.19 Equalities

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

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

5.21 Other Matters

With regard to potential mess caused during the construction period, this is considered to be a civil matter, and as such does not have a bearing on the assessment of this planning application. With regard to residents receiving individual notifications, the minimum consultation requirements, as set out in the South Gloucestershire Statement of Community Involvement (2015), have been met.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

2. The off-street parking facilities at the site (for all vehicles, including cycles) shall make provision for the parking of a minimum of 3 vehicles (measuring at least 2.4m by 4.8m), and shall be provided before the extension is first occupied, and thereafter retained for that purpose.

Reason

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

3. Any boundary treatment or vegetation located along the southern boundary of the site must to be permanently kept to a maximum height of 0.9m.

Reason

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

CIRCULATED SCHEDULE NO. 42/17 – 20 OCTOBER 2017

App No.:	PT17/3619/LB	Applicant:	Mr Savage
Site:	Westmead Aust Road Olveston Bristol South Gloucestershire BS35 4DE	Date Reg:	25th August 2017
Proposal:	External works to include replacement of 4no. windows	Parish:	Olveston Parish Council
Map Ref:	359825 187698	Ward:	Severn
Application Category:	Minor	Target Date:	18th October 2017



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1. THE PROPOSAL

- 1.1 This application seeks consent to replace 4no. windows at Westmead, on the rear west elevation. The existing windows are modern crittal windows which are understood to have been installed when this part of the building was converted from a non-domestic use. The four windows are proposed to be replaced with traditional flush fitting timber side hung casements.
- 1.2 Westmead & Newleaze are a pair of semi-detached properties included within a single grade II listing designation. New Leaze was originally built as a single house in 1809/1814 by Joseph Sturge V, the prominent Quaker, as a home for his retirement. The family remained there until 1820. The original building was a typical early nineteenth century neo-classical 'polite' house with farm buildings and outbuildings to the north. The building was split in to two houses in the 1970's. The original house, New Leaze, is the southern frontage block, which is symmetrical and has 16 pane sliding sashes arranged around a central porch.
- 1.3 During the course of the application an objection was received from Olveston Parish Council. The objection related to the design of the new windows as opposed to the principle of their replacement. The design of the windows has been amended to include a timber glazing bar to each window casement. Flush timber casements with glazing bars are a traditional form of window and it is therefore considered that the amendment addresses the concerns of the Parish Council.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012 & Planning Practice Guidance
- 2.2 Legislation
Planning (Listed Buildings and Conservation Areas) Act 1990

3. RELEVANT PLANNING HISTORY

- 3.1 P90/1893/L
Erection of conservatory and front porch
Listed building consent
- 3.2 P90/1891
Erection of conservatory and front porch
Approval
- 3.3 N354
Alterations and extension to dwellinghouse to provide two dwelling units.
Alteration to vehicular and pedestrian access.
Approve with conditions

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council
Object - Olveston Parish Council have no objection to the windows being replaced, but feel the replacements should be more in the style of the originals.

4.2 Other Consultees
Nil

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when determining a listed building consent application the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features which it possesses. The National Planning Policy Framework seeks to ensure that the significance of heritage assets is maintained and enhanced.

5.2 Impact on the Listed Building
Much of the list description relates to Newleaze, this being the original principal house. The parts of the list description which relate to Westmead are: *West elevation has.....2 storey rear wing has one sash, C20 windows, porch and dormer; east elevation has.....2 storey wing has 3 16-pane sashes at 1st floor, to left divided by mullion, ground floor has similar window to left and canted bay 3 windows wide to right. Rear has varied doors and windows, including 2-light casement with leaded lights to gable end of wing.* The historic maps show that the lower two storey hipped roofed bay with attached canted bay window on eastern side of Westmead was added between the 1840's and end of the nineteenth century.

5.3 The critical windows are not referred to in the list description unless they are encompassed in the 'C20 windows'. These windows are not considered to have any historic interest or contribute to the significance of the building. It is understood that the wing of the building containing these windows was historically a barn or outbuilding attached to the main house. The historic maps and the absence of openings in the east elevation would appear to support this.

5.4 The proposed three light casements fit well in to the existing aperture proportions. Revised drawings have been requested and submitted to add a glazing bar to each casement which is a more traditional design. There is an historic flush timber casement with horizontal glazing bars on the eastern elevation of Westmead. It is felt that the addition of the glazing bars addresses the concern raised by Olveston Parish Council. In this instance slim double glazing is considered acceptable as the windows are not replacing historic windows and there is no evidence that these would have historically been windows.

5.5 Consideration of likely impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is

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

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

6. CONCLUSION

- 6.1 The decision to grant listed building consent has been taken having regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and government advice contained in the National Planning Policy Framework and accompanying Historic Environment Planning Practice Guide.

7. RECOMMENDATION

- 7.1 That the application be approved subject to the conditions outlined on the decision notice.

Contact Officer: Rebecca Anthony

Tel. No.

CONDITIONS

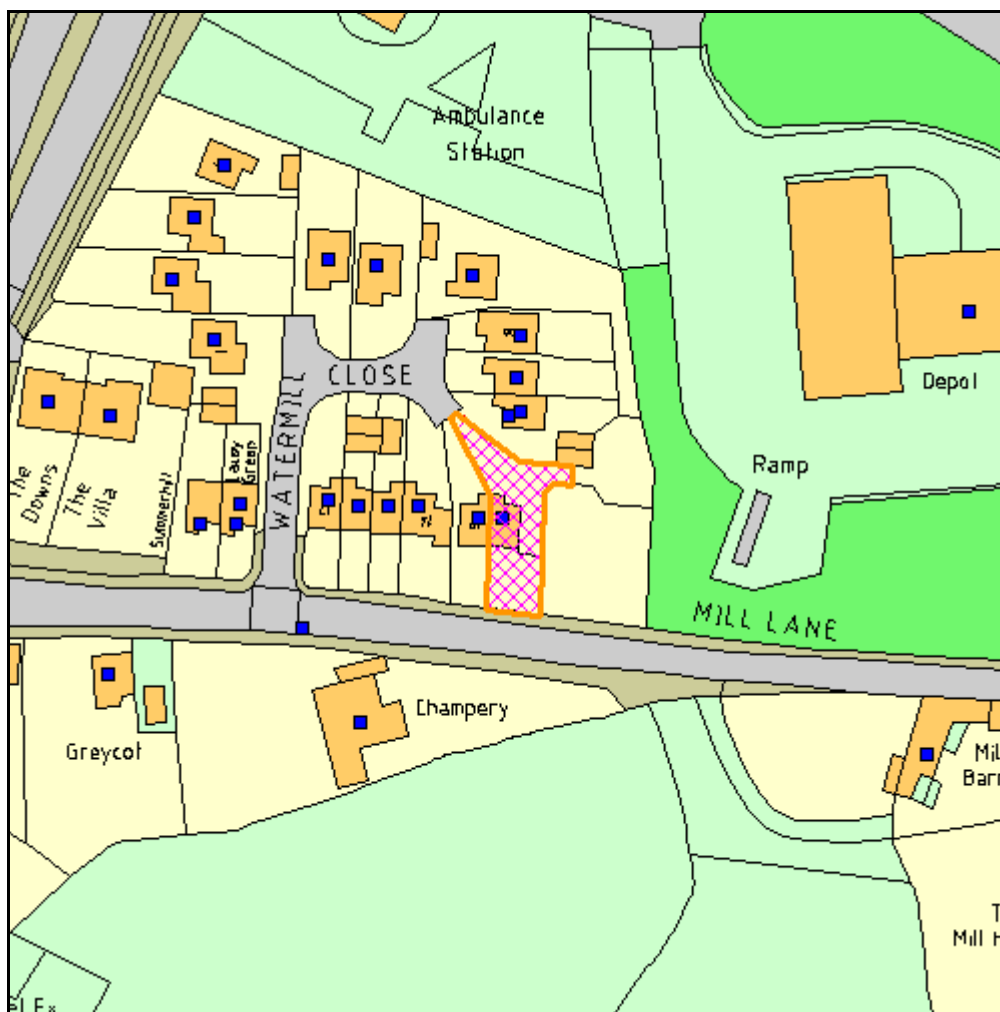
1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

CIRCULATED SCHEDULE NO. 42/17 – 20 OCTOBER 2017

App No.:	PT17/3939/F	Applicant:	Mr And Mrs Vaughan
Site:	11 Watermill Close Falfield Wotton Under Edge South Gloucestershire GL12 8BW	Date Reg:	5th September 2017
Proposal:	Erection of a single storey rear extension to form additional living accommodation.	Parish:	Falfield Parish Council
Map Ref:	368467 193323	Ward:	Charfield
Application Category:	Householder	Target Date:	12th October 2017



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application is for the erection of a single storey rear extension at 11 Watermill Close, Falfield.
- 1.2 The property site relates to a semi-detached dwelling located within Falfield. The proposed single storey rear extension would extend beyond the rear wall of the dwelling house by 4.45 metres, the maximum height would be 3.5 metres, and the height of the eaves would be 2.3 metres.
- 1.3 A Prior Notification Application was previously refused on this site due to concerns regarding the amenity of neighbouring occupiers. The same scheme was subsequently submitted as a full application. The pitch of the roof was reduced, and the overall height was reduced to 3.5m.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation

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

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

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|---------------|---------|------------|
| 3.1 | PT17/3259/PNH | Refusal | 09.08.2017 |
|-----|---------------|---------|------------|

The erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.45m, for which the maximum height would be 3.9m, and for which the height of the eaves would be 2.3m

Refusal Reason:

The proposed single storey rear extension would have a materially harmful impact on the amenity of the occupiers of No.12 Watermill Close.

3.2 PT00/01111/F Approved with Condition 09.02.2000
Erection of two storey side extension.

4. CONSULTATION RESPONSES

4.1 Falfield Parish Council
Objects to this application for the reason that an extension of this size may have a detrimental impact on the adjoining property by being overbearing.

4.2 Public Rights of Way
No objection

4.3 Archaeology Officer
No objection

Other Representations

4.2 Local Residents
A comment objecting to the proposal has been received from a neighbour. The objection states:

- The proposed maximum height of the extension is 3.9m which will be over 2m above the top of the boundary fence. I object to the fact that this will block out a considerable amount of natural light from my kitchen and place a large portion of my rear garden into shade.
- With the proposed outer wall being only 8 inches from the boundary fence, how do the residents of number 11 propose to maintain the fence on their side and any guttering on the extension without encroaching on my property?
- Should permission for the work be granted then I wish to make it clear that I object to the boundary fence (that I paid for) being removed in order for the work to be carried out.
- I am also concerned that the proposed extension will devalue my property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
The application seeks permission for the erection of a two storey side extension to form an annexe. Policy H4 of the Local Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. The use of the extension as

a residential annexe to the dwelling is not considered to give rise to any specific issues and is considered acceptable in this instance.

5.3 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy H4 of the Local Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.4 Due to its location to the rear of the property, the proposed extension would not be visible from the public areas offered along Watermill Close, or the footpath to the side of the site. It would have materials to match the existing dwelling.

5.5 The proposed extension would incorporate a gabled roof, and would be single storey. It is considered that the extension would appear as a subservient, well-proportioned addition to the property.

5.6 Overall, it is considered that the scale, design and finish of the proposed extension result in an addition which respects the character, distinctiveness and proportions of the host dwelling. Overall, the proposal is considered to accord with design criteria outlined in policy CS1 of the Core Strategy and H4 of the Local Plan.

5.7 Residential Amenity

Policy H4 of the Local Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space.

5.8 A previous application (PT17/3259/PNH) was refused due to impact on the residential amenity of the neighbouring property. However, the current proposal has undergone design changes to lower the roof pitch, reducing the overall height of the extension to 3.5m. The proposed extension would be situated at the rear of the property, close to the boundary. It is considered that this would be an acceptable height for the proposal, and would not have a harmful impact on the residential amenity of neighbours through an increased sense of overlooking or overbearing.

5.9 A neighbouring occupier commented on the loss of sunlight which would occur as a result of the proposal. Having looked at the path of the sun, it is not considered that the reduced extension would have a material impact on the amount of sunlight offered to the neighbouring property. Furthermore, whilst a small area of outdoor private amenity space would be lost, it is considered that sufficient space would be retained following the implementation of the proposal. On balance, the proposal is considered to comply with policy H4 of the Local Plan.

5.10 It is noted that the neighbour also objected due to possible encroachment onto their property, objected to the removal of their fence and due to the loss of

value to their house. These concerns are not within the remit of the planning system, and are not given weight in this assessment. However, the grant of planning permission does not confer any private property rights to carry out, or maintain the proposal. Any developer must secure these (where necessary) in addition to a planning consent. A note to this effect is attached to decision notices.

5.9 Transport

There would be no additional bedrooms as a result of the proposed development, and no reduction in parking availability; therefore, there is no transport objection to the proposal.

5.10 Public Rights of Way

A public right of way runs through the North of the site. It is not considered that the proposed development would have any negative effects on the setting of the PROW.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CONDITIONS

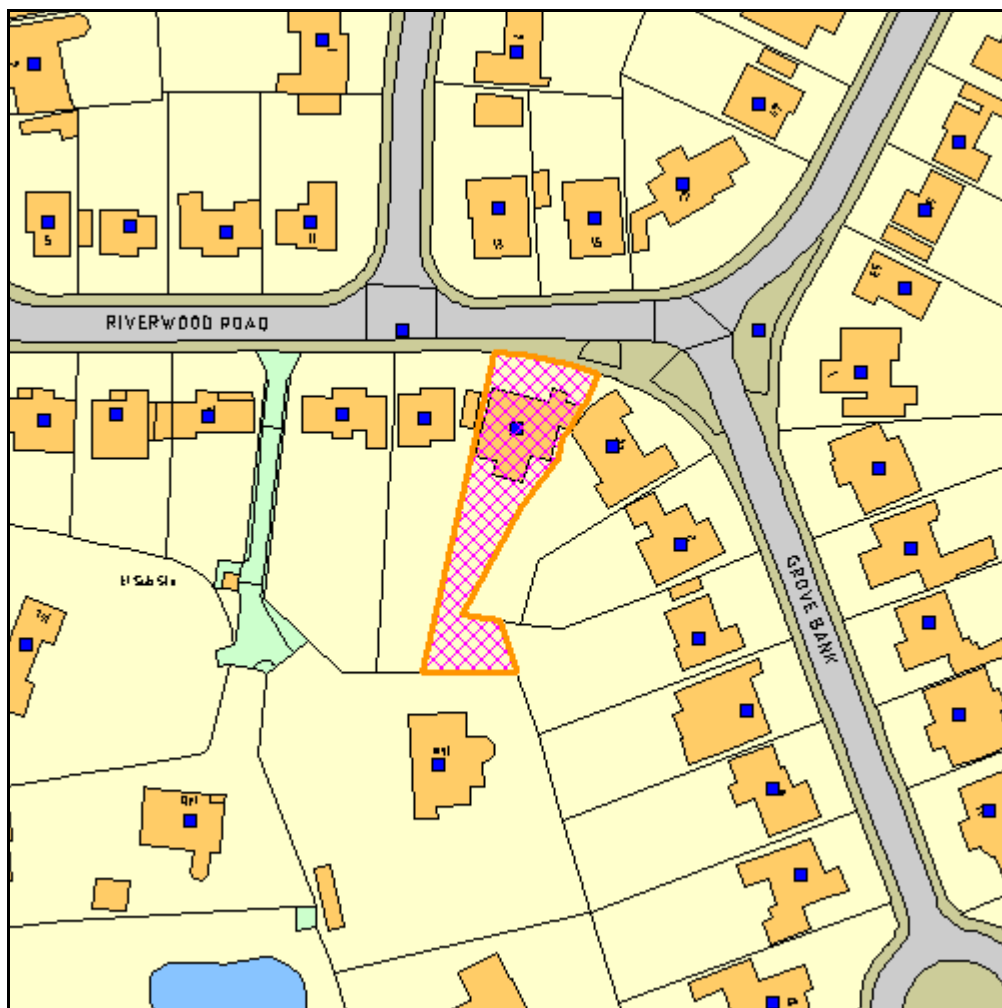
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 42/17 – 20 OCTOBER 2017

App No.:	PT17/3950/F	Applicant:	Mr D Duggan
Site:	20 Riverwood Road Frenchay Bristol South Gloucestershire BS16 1NX	Date Reg:	19th September 2017
Proposal:	Erection of single storey front and side extension to form garage. (retrospective) (Re submission of PT17/2308/F)	Parish:	Winterbourne Parish Council
Map Ref:	364338 178078	Ward:	Frenchay And Stoke Park
Application Category:	Householder	Target Date:	16th October 2017



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 100023410, 2008. N.T.S. PT17/3950/F

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 Retrospective planning permission is sought for the erection of a side and front extension to extend an existing utility room and store. The extension currently has a flat roof; this design was refused under application PT17/2308/F. The current proposal adds a gabled roof to the extension.
- 1.2 The application site relates to a bungalow located on Riverwood Road, Frenchay. The elevations are constructed using facing stone, while the roof tiles consist of broseley style plain tiles.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation

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

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

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (adopted) August 2006
Residential Parking Standards SPD (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT17/2308/F Refusal 31.07.2017
Erection of single storey front and side extension to form garage.
(retrospective)

Refusal Reason:

The proposed garage, by reason of its size, design, layout and external appearance, would be out of keeping with the character of the locality and, if allowed, would appear contrived and would detract from the visual amenities of the locality. The proposal is therefore considered contrary to Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council
Object due to transport and design concerns.

4.2 Other Consultees

Sustainable Transport

Although the garage is sub-standard in terms of our residential car parking SPD, I am mindful of the fact that the garage is in addition to the existing car parking provision. As such there is no transportation objection.

Other Representations

4.3 Local Residents
Two objection comments received:

Objection One:

Revised plans do not address parking issues; occupants currently park car onto pavement.

Objection Two:

Garage protrudes beyond the building line. Extending beyond the building line will open up possibility of other properties doing the same, which would negatively affect the visual amenity of the road.

5. ANALYSIS OF PROPOSAL

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

5.2 Design and Visual Amenity

The proposal consists of a single storey side and front extension. It joins to the front of an existing flat-roofed side element, extending past the principal elevation of the existing dwelling. As the extension is to the front of the dwelling, it is highly visible within the street scene.

5.3 In the course of the previous proposal, numerous objections were raised in reference to the design of the extension, largely stemming from the flat roof, and the fact that it extends past the front elevation of the dwelling. The current proposal shows a gabled roof to match the existing dwelling, with sawn timber boards on the gable; numerous other garages within the street scene have this style of finish. Due to the strange shape to the rear of the extension, the side extension is also partially finished with sawn timber boards.

5.4 The street has a very regular pattern of development, with no features of any house extending past the front most gable. The proposal would extend 1.5m past the front of the existing dwelling. However, due to the changes made to the roof, it is not considered that the fact that the garage extends past the front elevation of the house alone would have a materially significant negative effect on the street scene or the dwelling itself.

5.5 Overall, it is considered that the proposed extension is acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 and H4 and conforms to the criteria in the adopted Local Plan.

5.6 Residential Amenity

Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.

5.7 The host dwelling is detached, and the proposed extension is small. It is not considered that the size and position of the extension would give rise to any overbearing, overshadowing or privacy impacts.

5.8 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.

5.9 Sustainable Transport and Parking Provision

The extension projects forward of the existing dwelling, and would encroach onto an existing off-street parking space. The garage tapers to the rear, meaning that its size would not accord the South Gloucestershire Parking Standards SPD. This means that the property would be considered to only have one off-street parking space to the front of the dwelling. The applicant has confirmed that the property currently has 4 bedrooms; this means that the off-

street parking would not accord to the parking standards SPD, which states that a 4 bedroom house must have 2 off-street parking spaces. It is noted that one neighbour has commented that the owners currently park one of their cars off of the driveway, hanging onto the pavement.

- 5.10 While the dwelling would not have enough off-street parking to accord to the South Gloucestershire Parking Standards SPD, it is considered that the area has ample on-street parking, and that the reduction in parking would not result in a severe increase in danger to users of Riverwood Road. Therefore, there are no transport concerns in regards to the works.

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 This application should be **GRANTED**, subject to the condition listed on the decision notice.

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CONDITIONS

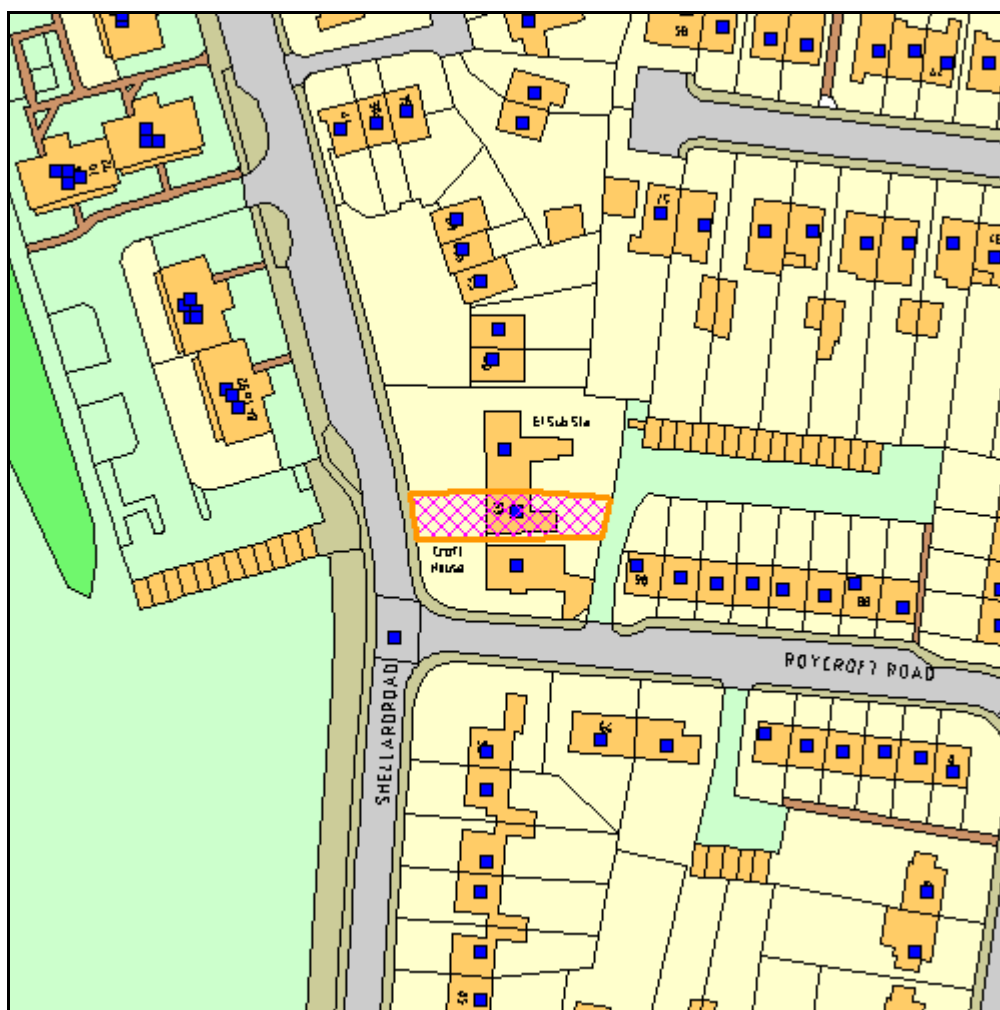
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 42/17 – 20 OCTOBER 2017

App No.:	PT17/4129/CLP	Applicant:	Mr Craig Rankine
Site:	53 Shellard Road Filton Bristol South Gloucestershire BS34 7LX	Date Reg:	21st September 2017
Proposal:	Application for a certificate of lawfulness for the proposed installation of a dormer.	Parish:	Filton Town Council
Map Ref:	360541 178814	Ward:	Filton
Application Category:		Target Date:	26th October 2017



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PT17/4129/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer at 53 Shellard Road, Filton would be lawful under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (as amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) 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 P91/1304
Erection of single storey rear extension to provide enlarged dining room

Approved: 24th April 1991
- 3.2 P85/1372
Erection of detached dwelling and construction of two car parking spaces.
Erection of two storey rear extension to existing dwelling to form kitchen with bedroom over. Construction of new pedestrian access.

Approved: 24th April 1985

4. CONSULTATION RESPONSES

- 4.1 Filton Parish Council
No comments received
- 4.2 Local Residents

No comments received

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

- 5.1 Plans received 30th August 2017:
Existing 3D Elevations
Proposed 3D Elevations, Option 2

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 issue is to determine whether the proposed rear dormer falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B of the GPDO 2015; which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof; provided it meets the criteria set out below:

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

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

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

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

The height of the proposed dormer would not exceed the highest part 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 a principal elevation of the dwellinghouse and fronts a highway;**

The proposed dormer window would be located at the rear of the property, therefore would not extend beyond the plane of any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway.

- (d) **The cubic content of the resulting roof space would, 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 site consists of a semi-detached property and the proposed dormer would exceed 50 cubic metres in volume.

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

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

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

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

The dwellinghouse is not on article 2(3) land.

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

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

The materials used in the construction of the exterior would not be of a similar appearance to those used in the construction of the exterior of the existing dwelling.

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

- (i) **other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
 - (aa) **the eaves of the original roof are maintained or reinstated; and**
 - (bb) **the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and**

- (ii) **other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The proposal joins the original roof with a previously approved rear extension.

- (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.**

Proposed window on the side elevation would be obscure glazed and more than 1.7 metres above the floor of the room in which the window is installed.

7. RECOMMENDATION

- 7.1 That a certificate of Lawfulness for Proposed Development is **refused** for the following reason(s):

The evidence provided has been insufficient on the balance of probabilities to demonstrate that 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 Order 2015. This is because there is evidence to suggest that the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 50 cubic metres and the materials used in the construction of the exterior would not be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Therefore, the proposal is contrary to paragraph B.1 (d) and B.2 (a) of Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Contact Officer: James Reynolds
Tel. No. 01454 864712

