



**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. 29/17**

**Date to Members: 21/07/2017**

**Member's Deadline: 27/07/2017 (5.00pm)**

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

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

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

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

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

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

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

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

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

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

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

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

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

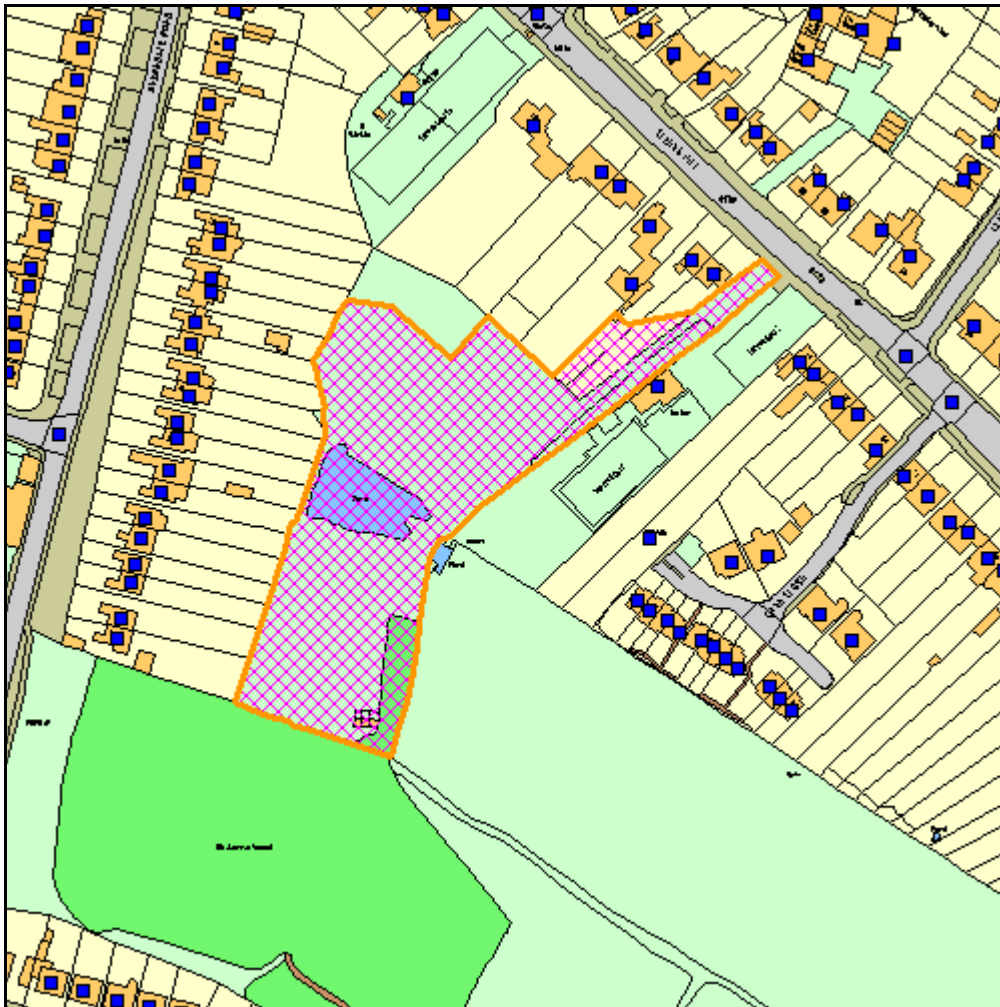
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

# CIRCULATED SCHEDULE - 21 July 2017

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	<b>PK16/2577/O</b>	Approve with Conditions	Land To The Rear Of 61-67 Cleeve Hill Downend South Gloucestershire BS16 6HQ	Downend	Downend And Bromley Heath Parish Council
2	<b>PK16/6707/F</b>	Approve with Conditions	Arden 338 North Road Yate South Gloucestershire	Ladden Brook	Iron Acton Parish Council
3	<b>PK17/1400/F</b>	Approve with Conditions	61 Birch Road Yate South Gloucestershire BS37 5ER	Yate North	Yate Town
4	<b>PK17/1965/F</b>	Refusal	7 St Martin's Lane Marshfield Chippenham South Gloucestershire SN14 8LZ	Boyd Valley	Marshfield Parish Council
5	<b>PK17/2500/CLP</b>	Approve with Conditions	24 Station Road Coalpit Heath South Gloucestershire BS36 2TJ	Westerleigh	Westerleigh Parish Council
6	<b>PT17/1401/CLP</b>	Refusal	34 Penn Drive Frenchay South Gloucestershire BS16 1NN	Frenchay And Stoke Park	Winterbourne Parish Council
7	<b>PT17/1666/F</b>	Approve with Conditions	Orchard House 39 Park Row Frampton Cotterell South Gloucestershire BS36 2BS	Frampton Cotterell	Frampton Cotterell Parish Council
8	<b>PT17/2014/F</b>	Approve	Reynolds Engineering Winterbourne Ltd Hicks Common Road Winterbourne South Gloucestershire BS36 1EJ	Winterbourne	Winterbourne Parish Council

## CIRCULATED SCHEDULE NO. 29/17 – 21 JULY 2017

<b>App No.:</b>	PK16/2577/O	<b>Applicant:</b>	PM Asset Management PM Asset Management
<b>Site:</b>	Land To The Rear Of 61-67 Cleeve Hill Downend Bristol South Gloucestershire BS16 6HQ	<b>Date Reg:</b>	20th May 2016
<b>Proposal:</b>	Erection of 12no dwellings (Outline) with layout, scale and access to be determined. All other matters reserved.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	364896 177080	<b>Ward:</b>	Downend
<b>Application Category:</b>	Major	<b>Target Date:</b>	18th August 2016



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N.T.S.

PK16/2577/O

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

This application has been referred to the Circulated Schedule in order to revise the previous resolution in order to merely gain an extension in time for the signing of the S106 Agreement.

### **1. THE PROPOSAL**

- 1.1 The application site comprises 0.97 hectares of land to the rear of nos. 61-67 Cleeve Hill, Downend; no.67 is a Locally Listed building. The site forms part of the wider land holding of no.67 beyond its back garden to the rear. The land was formerly associated with the Cleeve Hill House Estate but more recently has been used as private residential amenity space for the enjoyment of the former resident of 67 Cleeve Hill.
- 1.2 The site consists of two areas of rank grassland, which slope down toward each other from the backs of the properties in Cleeve Hill and from Britannia Wood to the south. The two sections are separated by a large pond (Players Pond Circa 1736) which is fed by springs located to the east. From the main part of the site a spur runs forward between no.57 Cleeve Hill and the Tennis Club to the east, and it is this spur that is the proposed means of access to the land. Much of the western site boundary lies on top of a low cliff, below which are the residential properties in Overdale Road.
- 1.3 The site has a back-land relationship to the houses on Cleeve Hill and is generally well enclosed by trees and other high boundary vegetation. To the south-east are Dial Lane Allotments. There is a blanket Tree Preservation Order (TPO) on most of the trees within the site.
- 1.4 Outline planning consent was granted (subject to a S106 Agreement) via Circulated Schedule 43/16 – 28<sup>th</sup> Oct. 2016, for the erection of 12no. dwellings, 4no. of which would be affordable housing units. Matters of layout, scale and access to be determined at the outline stage with appearance and landscaping to be the subject of a subsequent reserved matters application. A copy of the officer report is appended to this report for information purposes.
- 1.5 Part 2 of the resolution required the S106 Agreement to be signed within 6 months of the date of the resolution. Unfortunately, due to protracted negotiations, the S106 has only just been completed and signed, some 2.5 months after the 6 month deadline. In order therefore to resolve this matter and formalise the agreement and allow officers to issue the Decision Notice, a further extension in time to August 7<sup>th</sup> 2017 is required, hence this referral to the Circulated Schedule.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
The National Planning Practice Guidance 2014  
Planning (Listed Buildings and Conservation Areas) Act 1990

## 2.2 Development Plans

### The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013

- CS1 - High Quality Design
- CS2 - Green Infrastructure
- CS4A – Presumption in Favour of Sustainable Development
- CS5 - Location of Development
- CS6 - Infrastructure and Developer Contributions
- CS8 - Improving Accessibility
- CS9 - Managing the Environment and Heritage
- CS16 - Housing Density
- CS17 - Housing Diversity
- CS18 - Affordable Housing
- CS23 - Community Infrastructure and Cultural Activity
- CS24 - Green Infrastructure, Sport and Recreation Standards

### The South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> January 2006

- L1 - Trees and landscape
- L7 - Sites of Nature Conservation Interest
- L9 - Species Protection
- L10 - Historic Parks and Gardens
- L11 - Archaeology
- L12 - Conservation Areas
- L15 - Buildings and Structures Which Make a Significant Contribution to the Character and Distinctiveness of the Locality
- H4 - Development in Existing Residential Curtilages, Including Extensions and New Dwellings.
- EP2 - Flood Risk and Development
- T7 - Cycle Parking
- T12 - Highway Safety
- LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
- LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)

## 2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.

The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.

Affordable Housing SPD Adopted Sept. 2008.

South Gloucestershire Council Residential Parking Standards (SPD) Adopted Dec. 2013.

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

The South Gloucestershire Landscape Character Assessment (Adopted) Nov 2014

## 2.4 Emerging Plan

### Proposed Submission : Policies, Sites & Places Plan June 2016

- PSP1 - Local Distinctiveness
- PSP2 - Landscape
- PSP3 - Trees and Woodland

- PSP5 - Undesignated Open Spaces within Urban Areas and Settlements
- PSP6 - Onsite Renewable & Low Carbon Energy
- PSP8 - Residential Amenity
- PSP11 - Development Related Transport Impact Management
- PSP16 - Parking Standards
- PSP17 - Heritage Assets and the Historic Environment
- PSP19 - Wider Biodiversity
- PSP20 - Flood Risk, Surface Water and Watercourses
- PSP21 - Environmental Pollution and Impacts
- PSP43 - Private Amenity Space Standards

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

Other than extensions to the existing houses, tree applications and applications relating to the neighbouring tennis club, the key planning history relates to the following:

3.1 K5753 - Erection of 5no. dwellings and garages and alterations to existing access (outline).

Refused 6 June 1988 for the following three reasons:

1. The proposal would result in additional turning traffic on Cleeve Hill (A4174) which would interrupt the free flow of traffic and be detrimental to highway safety.
2. The proposed access is considered unsuitable to serve the development.
3. The grant of planning permission would set an undesirable precedent which would result in a proliferation of private accesses serving land to the rear of properties on the south-west side of Cleeve Hill which would be to the detriment of highway safety.

Appeal T/APP/C0115/A/88/111167/P2 dismissed 5<sup>th</sup> April 1989 on grounds of:

- Restricted visibility at the access onto Cleeve Hill.
- Inadequacy of the access road as an approach to 5 houses.

3.2 PK14/4921/F - Erection of a 60no. bedroom Residential Care Home (Class C2) with access, parking, landscaping and associated works.

Refused 12<sup>th</sup> June 2015 for the following reasons:

1. By reason of the proposed building's excessive scale combined with its form, massing, siting and loss of garden space to allow for the creation of an area of car parking and new access road, the proposed scheme would adversely affect the setting of a Locally Listed Building i.e. no. 67 Cleeve Hill, Downend. This would be contrary to Policy CS9 of the South Gloucestershire Local Plan Core Strategy and the provisions of the NPPF.
2. By reason of its excessive scale and massing, its design and siting; the proposed building is neither informed by, respects or enhances the character, distinctiveness or amenity of the site and its context which would be contrary to Policy CS1 criterion 1 of The South Gloucestershire Local Plan Core Strategy

Adopted 11th Dec. 2013 and saved Policy H4 (A) of The South Gloucestershire Local Plan (Adopted) Jan. 2006.

3. By reason of its excessive scale and its siting; combined with the introduction of car parking and access facilities into a confined site, the proposal fails to conserve or enhance the character, distinctiveness, quality and amenity of the landscape which would be contrary to Policies L1 (C) and CS9 of The South Gloucestershire Local Plan (Adopted) Jan. 2006.
4. The submitted archaeological Desk Based Assessment has identified that there is the potential for important archaeological remains and possible associated burials beneath the development site. In the absence of an appropriate Field Study to include trial trenching to ascertain the presence or otherwise of these remains and if needs be, proposed mitigation; the scheme is considered to be Contrary to Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013, Policy L11 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the provisions of the NPPF.
5. In the absence of a Section106 legal agreement to secure contributions towards community facilities required to service the proposed development, the proposal is contrary to Policies CS6, CS23 and CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Appeal APP/P0119/W/15/3106092 dismissed 9<sup>th</sup> June 2016 on grounds of:

- Harm to the character and appearance of the area.
- Harm to the setting of the Locally Listed building.

- 3.3 PT16/2577/O - Erection of 12no. dwellings (outline) with layout, scale and access to be determined. All other matters reserved.  
Still Pending

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

Following the initial round of consultations carried at the receipt of the application, a Reg.5 letter was served on the applicant to ensure that layout and scale were to be included for determination at the outline stage. A further round of consultations was subsequently carried out. Site notices were posted in both Cleeve Hill and Overndale Road.

##### **4.1 Downend and Bromley Heath Parish Council**

*Response to the initial consultation:*

Insufficient information on website to enable us to make an informed decision. However, as highlighted by the Waste Officer, there is inadequate vehicle access for refuse collection. Also emergency vehicles must have sufficient access.

*Response to subsequent consultation:*



No objection in principle, provided the following issues are properly addressed:

1. Potential flooding to the rear gardens in Overndale Road, as has previously happened (evidence provided).
2. Concerns of access and egress to the proposed site, noting Cleeve Hill is a busy road, which is a major feeder road to the motorway system.
3. The proposed site is a sensitive area for local wildlife and the environment.
4. Local featured heritage pond must be protected.

#### 4.2 Other Consultees

##### Waste Engineer

The general arrangement and the extent of private roads described in the supporting documents of the outline planning application does not show sufficient vehicle access for refuse collection. The collection vehicles will not operate over roads that are not adopted without indemnity.

##### *Subsequent response:*

The revised layout is welcome, it shows a turning area for large vehicles and as such addresses the earlier concern about access.

##### Public Art Officer

No comment.

##### Police Crime Prevention Officer

No objection

##### Wessex Water

The site will be served by separate systems of drainage constructed to current adoptable standards. The applicant's drainage consultant has undertaken pre-application discussions with Wessex water. If the application is approved, the developer is invited to apply for connections in accordance with standard procedure.

##### Lead Local Flood Authority

No objection subject to a condition to secure a SUDS Drainage Scheme.

##### The Environment Agency

No response

##### Sustainability Officer

No response

##### Avon Fire and Rescue

No response

##### Avon Wildlife Trust

No response

South Gloucestershire Hawk and Owl Trust

Object on grounds of loss of habitat for Tawny Owls and other birds and animals.

Historical Environment Officer (Archaeology)

No objection subject to a standard HC11 condition.

Conservation Officer

There is not sufficient basis to object to the proposed scheme on heritage grounds in regard to impact of the development on any upstanding non-designated heritage assets.

I would though reiterate that the proposed development would be harmful to the character and appearance of the local area by reason of its siting, scale and design and so would advise refusal on the basis of CS1 and the design guidance set out within the framework. The need to reinforce local distinctiveness in particular comes to mind.

*Revised layout plans have been submitted since these comments were made.*

Urban Design Officer

I wholly concur with the conclusion of the Conservation Officer and believe that it provides strong direction as to how the application could be resolved, i.e. by provision of a revised indicative layout that reflects more closely the predominant grain and form of dwellings found around the site.

*Revised layout plans have been submitted since these comments were made.*

Transportation D.C.

No objection subject to a contribution of £5,000 secured by S106 Agreement, towards a scheme of road safety on Cleeve Hill and conditions relating to parking, garaging, construction of access road and bin storage collection facilities.

Avon Badger Group

Object on the grounds of - concern over the loss of foraging for the badgers that live on the site.

Ecology Officer

There is no ecological objection to this application. Although originally there were several concerns, these have all been addressed, mitigated for and suitable enhancements provided.

Tree Officer

An Arboricultural Method Statement and Tree Retention and Removal Plan should be submitted prior to determination. Details of the proposed access route and engineering solution adjacent to the pond should also be submitted and approved prior to determination.

*The requested documents were subsequently submitted to the Tree Officer's satisfaction.*

### Landscape Officer

No objection subject to a condition requiring a detailed landscape plan to be submitted and approved requiring inter alia, screen planting on the boundary with the allotment and mitigation planting for the fruit trees (G4) and hazel (G6). The condition should clarify that it will not be acceptable to remove G4, G6 or G42, T44 and G43 unless adequate mitigation planting is proposed.

### Children and Young People

No response

### Housing Enabling

In summary the following affordable housing will be secured by way of a S106 agreement. The four affordable homes shall be built and delivered in accordance with the below affordable housing requirements which will be included within the s106 agreement.

### Social Rent

2 x 2 bed houses

1 x 3 bed house

### Intermediate (Shared Ownership)

1 x 3 bed house

## 4.3 New Communities

The requirements arising as a result of the development are:

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Spatial amount provided on site (sq.m.)	Shortfall in provision (sq.m.)	contributions towards off-site provision and/or enhancement	Maintenance contribution
Informal recreational open space	331.20	TBC	TBC	£8,010.27 if not fully provided on site	£14,119.52 if not fully provided on site
Natural and semi natural open space	432	TBC	TBC	£5,789.88 if not fully provided on site	£9,604.83 if not fully provided on site
Outdoor sports facilities	460.80	0	460.80	£22,163.56	£6,708.19
Provision for children and young people	72	0	72	£11,603.91	£12,201.60
Allotments	Adequate existing provision accessible from the proposed development				

Should the site be recommended for approval we will need to use formulae in the S106 as we do not have detail as to how much of each category of POS will be provided and consequently the level of off-site contributions. We will base

the formulae on the shortages in each category. For each square metre shortfall of each category there will be a contribution based on the rates below:

	Informal recreational open space	Natural & semi natural urban green space	Outdoor sports facilities	Provision for children & young people
Average provision/enhancement cost per sq.m.	£24.1856	£13.4025	£48.0980	£161.1654
Average 15yrs maintenance cost per sq.m.	£42.6314	£22.2334	£14.5577	£169.4667

## **Other Representations**

### 4.4 Local Residents

A total of 33no. letters of objection have been received from local residents; the concerns raised are summarised as follows:

- Intrusion into and loss of green land.
- Would add to the traffic congestion on Cleeve Hill.
- Increased noise and light pollution.
- Additional access onto Cleeve Hill would be dangerous on brow of hill and close to junction with Cleeve Park Road.
- The traffic survey is out of date.
- There is a dangerous pedestrian crossing near the access.
- There have been recent accidents on Cleeve Hill.
- The sun blinds drivers at the top of Cleeve Hill.
- There is the opportunity for a pathway linking Cleeve Hill and Croomes Hill.
- Adverse impact on wildlife – birds, bats, badgers, newts, fox and deer.
- Loss of TPO'd Trees.
- Adverse impact on sewage and drainage infrastructure.
- Security issues – access to rear gardens opened up.
- The houses in Overndale Road will be flooded by water from the pond. There should be no soakaways.
- Works will destabilise the cliff causing landslides to gardens of houses in Overndale Road.
- Overlooking and loss of privacy to properties in Overndale Road.
- Overbearing impact and loss of light for properties in Overndale Road.
- There is already public access from Britannia Woods to the side of the Tennis Club.
- Enough new houses already built in the area.
- Additional pressure on schools and services.
- Overdevelopment of the site.
- Access not suitable for waste and delivery vehicles.
- Insufficient information to assess.
- Adverse impact on springs feeding the pond.
- Loss of character – not in-keeping.
- A housing scheme on this site was refused in 1986/7 and an appeal dismissed.
- Poor visibility from access on the brow of Cleeve Hill.

- Would increase on-street parking.
- Historic relationship of site with Cleeve Hill House Estate.
- Loss of garden space 57 & 59 Cleeve Hill.
- Impact on badger setts.
- Inadequate parking provision.
- Traffic in the area has increased in the last 3 years.
- TPO'd trees were cut down at the access in recent past.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The site lies within the Urban Area and the acceptance in principle of the development proposed was previously established with the resolution to grant application PK16/2577/O subject to a S106 Agreement to secure the 'Heads of Terms' listed at para. 7.1 of the original Circulated Schedule Report.

5.2 The NPPF (para. 14) states that; at the heart of the Framework is the presumption in favour of sustainable development. Furthermore The South Gloucestershire Local Plan Core Strategy was adopted (Dec 2013) so the policies therein are part of the Development Plan. Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

5.3 The drafting of the S106 Agreement has involved protracted negotiations, which has taken the application past the 6 month deadline for completing the S106 Agreement. An extension in time to 7<sup>th</sup> August 2017, to formalise the S106 and issue the Decision Notice is sought. The S106 has now been completed.

5.4 Para. 205 of the NPPF states that where obligations are being sought or revised, local planning authorities should be sufficiently flexible to prevent planned development being stalled.

### 5.5 CIL Matters

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

### 5.6 Planning Obligations

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

In this instance, it is considered that the planning obligations relating to the financial contributions listed, to mitigate the impacts from the development and provision of affordable housing, are consistent with the CIL Regulations (Regulation 122).

- 5.7 Regulation 123 also limits to 5 (back dated to April 2010) the number of S106 agreements that can be used to fund a project or type of infrastructure, from the point at which the Council commences charging the CIL or after April 2015. CIL charging has commenced and officers have confirmed that the contributions sought would not exceed the threshold of 5 S106 Agreements for the off-site provisions.

## **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 Officers consider that as the S106 is now complete that a further extension in time beyond the originally granted 6 months to 7<sup>th</sup> August 2017 is perfectly reasonable to allow matters to be concluded.
- 6.3 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013 and the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 (1) That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
- (i) A financial contribution of £5,000.00p toward the implementation of traffic management and road safety measures including the necessary amending of the existing road markings on Cleeve Hill in accordance with the details shown in principle on the plan no. T304-664-001.
  - (ii) The provision of on-site affordable housing as follows:  
  
Social Rent – to be delivered without public subsidy:  
  
2 x 2 bed 4 person houses, minimum size 79 sq.m – Plots 10 & 11

1 x 3 bed 5 person house 2-storey, minimum size 93 sq.m – Plot 12

Intermediate (shared Ownership) – to be delivered without public subsidy.

- (iii) 1 x 3 bed 5 person house 2-storey, minimum size 93 sq.m. Plot 9. A financial contribution of £22,163.56p towards the provision and/or enhancement, and £6,708.19p towards the maintenance of; off-site outdoor sports facilities at Lincombe Barn and/or King George V Playing Fields or such other open spaces as may be appropriate.
- (iv) A financial contribution of £11,603.91p towards the provision and/or enhancement, and £12,201.60p towards the maintenance of; the provision of off-site open space for children and young people facilities at Lincombe Barn and/or King George V Playing Fields or such other open spaces as may be appropriate.
- (v) If not fully provided on site - A maximum financial contribution of £5,789.88p towards the provision and/or enhancement, and £9,604.83p towards the maintenance of; natural and semi-natural open space facilities at Lincombe Barn and/or King George V Playing Fields or such other open spaces as may be appropriate. Subject to the details approved at the reserved matters stage and if needs be, the formula outlined at para. 4.3 above.
- (vi) If not fully provided on site - A maximum financial contribution of £8,010.27p towards the provision and/or enhancement, and £14,119.52p towards the maintenance of; off-site informal recreational open space facilities at Lincombe Barn and/or King George V Playing Fields or such other open spaces as may be appropriate. Subject to the details approved at the reserved matters stage and if needs be, the formula outlined at para. 4.3 above.

The reasons for this Agreement are:

- (i) In the interests of highway safety on Cleeve Hill in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013.
- (ii) To provide affordable housing on the site in accordance with Policy CS18 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013 and the Affordable Housing and Extra Care Housing SPD (Adopted) Sept. 2008.
- (iii) To provide policy compliant levels of off-site outdoor sports facilities for the residents of the development and to ensure its maintenance costs are met for the prescribed period by the development and not the local authority and to accord with Policy CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> December 2013.

- (iv) To provide policy compliant levels of off-site open space for children and young people for the residents of the development and to ensure its maintenance costs are met for the prescribed period by the development and not the local authority and to accord with Policy CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> December 2013.
- (v) To provide policy compliant levels of off-site natural and semi-natural open space for the residents of the development and to ensure its maintenance costs are met for the prescribed period by the development and not the local authority and to accord with Policy CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> December 2013.
- (vi) To provide policy compliant levels of off-site informal recreational open space for the residents of the development and to ensure its maintenance costs are met for the prescribed period by the development and not the local authority and to accord with Policy CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> December 2013.

- (2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.

7.2 Should the agreement not be completed by the 7<sup>th</sup> August 2017 and the Decision Notice issued, that delegated authority be given to the Director of Environment and Community Services to refuse the application.

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

### **CONDITIONS**

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

Reason

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

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

Reason

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

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



Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

5. The development hereby approved shall be completed in full accordance with the details shown on the plans listed as follows:

Topographical Site Survey Drawing No. 1103 received 10th May 2016

Site Layout Plan Drawing No. BRS.6385\_01 Rev G received 24th Oct. 2016

Site Location Plan Drawing No. BRS.6385\_03 Rev A received 10th May 2016

Land Use Plan Drawing No. BRS.6385\_08 Rev A received 03rd Oct. 2016

Vertical and Horizontal Visibility Splays Drawing No. SW162219-VS-001 Rev A received 26th August 2016.

Proposed Lining Improvements Cleeve Hill Drawing No. T304-664-001

Design and Access Statement BRS.6385\_02B received 18th Oct. 2016

Reason

For the avoidance of doubt.

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

Reason

To minimise disturbance to neighbouring properties and to accord with the provisions of the NPPF.

7. Prior to the first occupation of any of the houses hereby approved, the car parking facilities shall be implemented in accordance with the approved Site Layout Plan Drawing No. BRS.6385\_01 Rev G and maintained as such thereafter.

Reason

To ensure adequate on-site parking provision in the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policy CS8 of The South Gloucestershire Local Plan Core Strategy Adopted 11th Dec. 2013 and to accord with The South Gloucestershire Residential Parking Standards (SPD) Adopted.

8. Details of refuse bin storage and collection areas and secure cycle parking facilities shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the bin storage and collection areas and cycle parking facilities shall be implemented in full accordance with the details so approved prior to the first occupation of the dwellings hereby approved.

Reason

To ensure adequate bin storage and collection facilities and cycle parking facilities, in the interests of highway safety and to promote sustainable forms of transport; to accord with Policies T12 and T7 respectively of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the Waste Collection : guidance for new developments SPD Adopted Jan. 2015..

9. Prior to the commencement of the development hereby approved and notwithstanding the landscape details already submitted, a scheme of landscaping, which shall include details of all existing trees and hedgerows on and adjacent to 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) plus a 5-year maintenance schedule, boundary treatments and areas of hard-surfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

(For the avoidance of doubt, the detailed landscape plan to be submitted and approved should include inter alia, screen planting on the boundary with the allotment and mitigation planting for the fruit trees (G4) and hazel (G6). It will not be acceptable to remove G4, G6 or G42, T44 and G43 unless adequate mitigation planting is proposed).

Reason

To ensure the satisfactory appearance of the development and to protect the landscape character in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013 and the provisions of the NPPF. This is a prior to commencement condition to ensure that those trees/hedgerows to be retained are adequately protected for the whole duration of the development.

10. A bat-friendly lighting scheme shall be drawn up and agreed with the Council in writing. All works are to be carried out in accordance with said scheme and prior to the first occupation of the dwellings hereby approved.

Reason

In the interests of protected species and to accord with Policy L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013. (This will ensure the suitability of the lighting scheme for bats that will continue to use the pond for foraging post-development).

11. Prior to the commencement of the development hereby approved, an Ecological Mitigation and Enhancement Plan shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved plan. (For the avoidance of doubt, the Ecological Mitigation and Enhancement Plan should include ecological mitigation and enhancement details including, but not limited to, those provided within the supporting documents of the application and any correspondence between Acorn Ecology and South Gloucestershire Council. This will include specific plans for habitats (including the orchard and pond), bats, badger, reptiles, birds and hedgehog).

Reason

In the interests of protected species and to accord with Policy L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013. This is a prior to commencement condition to ensure that adequate wildlife habitat will be retained.

12. Prior to the relevant part of the works hereby approved, samples or details of the proposed external facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out if full accordance with the samples or details so approved.

Reason

To ensure a satisfactory appearance of the development to maintain the character of the location and to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy Adopted 11th Dec. 2013 and the provisions of the NPPF.

13. 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 to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved SUDS scheme.

Reason

To ensure that adequate drainage is provided in accordance with Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy Adopted 11th Dec. 2013 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

14. 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 the attached brief.

Reason

In order to ensure the adequate protection of archaeological remains, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy L11 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the National Planning Policy Framework. This is a prior to commencement condition to ensure that archaeological remains are not destroyed by the works.

15. The internal access road (serving the new development) shall be constructed to the Council's adoptable standards with auto-track details for service vehicles to be submitted and agreed in writing at the detail design stage.

Reason

To ensure adequate access in the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policy CS8 of The South Gloucestershire Local Plan Core Strategy Adopted 11th Dec. 2013.

16. All garages are to be constructed on the site, shall have minimum internal dimensions of 3m (wide) by 6m (long). All garages are to be used/maintained for the purpose of garaging of private motor vehicles.

Reason

To ensure the dwellings are served by adequate garaging facilities , in the interests of highway safety to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the South Gloucestershire Residential Parking Standards SPD (Adopted)..

17. The houses hereby approved shall be constructed in accordance with the scale parameters listed on page 40 of the submitted Design & Access Statement received 18th Oct 2016.

For the avoidance of doubt and to ensure a satisfactory appearance of the development to maintain the character of the location and to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy Adopted 11th Dec. 2013 and the provisions of the NPPF.

18. The development hereby approved shall be carried in full accordance with recommendations of the Arboricultural Impact Assessment and Method Statement by Barton Hyett Ref P.1852 dated 21 Oct. 2016.

Reason

To ensure the satisfactory appearance of the development and to protect the landscape character in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013 and the provisions of the NPPF.

19. Prior to the commencement of the development hereby approved, full details of the proposed root bridge beside Players Pond shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the details so approved..

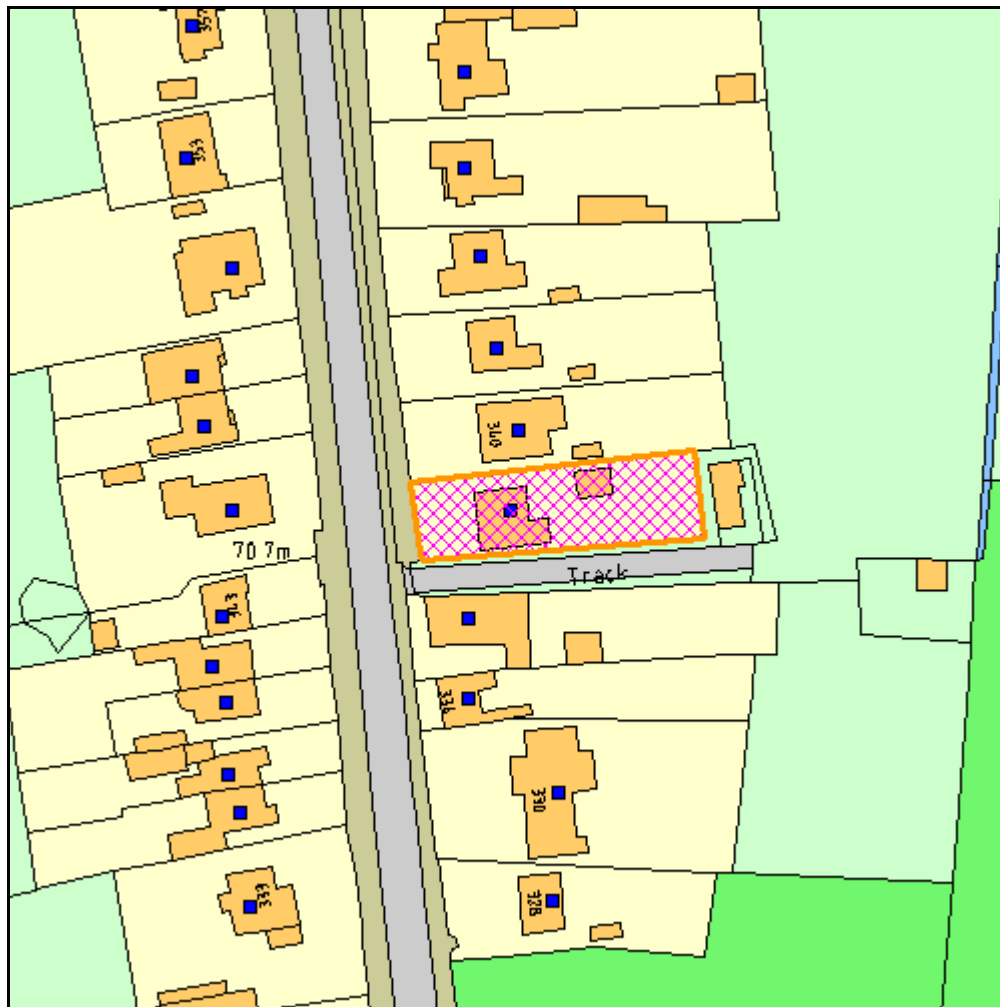
Reason

To ensure the satisfactory appearance of the development and to protect the landscape character in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013 and the provisions

of the NPPF. This is a prior to commencement condition to ensure that those trees/hedgerows affected will be retained and are adequately protected for the whole duration of the development.

## CIRCULATED SCHEDULE NO. 29/17 – 21 JULY 2017

<b>App No.:</b>	PK16/6707/F	<b>Applicant:</b>	Mr Fraser Doling
<b>Site:</b>	Arden 338 North Road Yate Bristol South Gloucestershire BS37 7LL	<b>Date Reg:</b>	10th February 2017
<b>Proposal:</b>	Erection of front porch and Erection of two storey rear extension to provide additional living accommodation.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	369853 184318	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Householder	<b>Target Date:</b>	5th April 2017



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

This application has been referred to the Circulated Schedule as comments of objection have been received from the adjacent neighbour. These are contrary to the Officer recommendation for approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two-storey rear extension and a front porch at Arden, 338 North Road, Yate. During the course of the application, the applicant submitted a revised scheme to address the concerns by redesigning the proposed rear extension and reducing its length by 1 metre. The revised scheme shows the extension would be approximately 6.8 metres long (maximum) by 9.8 metres wide and 7.5 metres to its ridge. The proposed porch would be approximately 1.3 metre by 3.3 metres and 4.1 metres in height. A revised block plan has also been submitted and shows 4 no. parking spaces to be provided within the site.
- 1.2 The property is a bungalow locating within the settlement boundary of Engine Common and the site is not situated any restrictive land use designations.

### **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  
  
South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies  
T12 Transportation  
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance  
Residential Parking Standard (Adopted) December 2013

### **4. CONSULTATION RESPONSES**

- 4.1 Iron Acton Parish Council  
No observations
- 4.2 Transport  
No objection to the revised proposal

## **Other Representations**

### 4.3 Local Residents

One letter of objection has been received, the residents concern that the height of the extension will block the volume of natural light entering their kitchen, the first floor balcony and glass fascia will overlook their rear garden and invade upon their privacy.

## **5. ANALYSIS OF PROPOSAL**

5.1 This application seeks consent to erect a front porch and a two-storey rear extension at a detached bungalow in Engine Common, Yate.

### 5.2 Principle of Development

The site is located within the curtilage of an existing dwelling, and saved policy H4 applies and establishes the principle of development. The policy allows for extensions and alterations to existing dwellings subject to an assessment of design, amenity and transport. Therefore, the proposed development is acceptable in principle but should be determined against the analysis set out below.

### 5.3 Design

Paragraph 60 of the National Planning Policy Framework states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. Policy CS1 of the adopted Core Strategy requires development proposals to achieve the highest possible standards of design and site planning.

The application site is situated within a residential area of Engine Common. Although the host dwelling shares an identical design of the adjacent bungalows, the locality comprises a group of residential properties with different architectural styles, scale and ages. There are two elements of this proposal: the first is a front porch, the other is a two-storey rear extension.

Turning first to the front porch, this structure is modest in scale with a gable roof above and it respects the architectural style of the host dwelling, hence, the proposed porch is acceptable from design perspective.

The rear extension will project approximately 6.8 metres beyond the existing primary rear elevation, its eaves and ridge height would be approximately 1.5 metres higher than those of the host dwelling. Although the extension is not modest in scale, the proposed extension has been carefully designed to respect the character of the host dwelling, by retaining the appearance of the front elevation and incorporating a full hipped roof. The applicant also confirms that rough dressed Bradstone will be used for the external walls, and such material would be acceptable in principle subject to a condition seeking details and sample of such material. Given that the extension would be located at the rear and its hipped roof would only be slightly higher than the ridgeline of the



host dwelling viewing from the public domain, therefore, it would not cause a significant harm to the character of the host dwelling and the locality, nevertheless, it would be necessary to impose a condition to ensure that the roof materials would match those on the host dwelling.

Overall, it is considered that the design and scale of the proposed front porch and the rear extension are acceptable and the proposal has achieved the highest possible standards of design and site planning.

#### 5.4 Residential Amenity

Concern has been raised regarding the loss of light and the loss of privacy. The nearest residential properties to the proposed extension would be 340 North Road, which lies to the north of the site. The recent site visit also confirms that the neighbouring property, No. 340, has a kitchen / dining room window overlooking the side elevation of the application site. It is also noted that there is another window within the same kitchen / dining room at the rear.

To the south, there is a track of approximately 6 metres wide running along the boundary of the site and it links to an outbuilding/stable to the rear.

The front porch is modest in scale, therefore there is no adverse impact upon the neighbouring properties.

##### Overbearing impact:

The neighbouring property, No. 340, would be the most affected by the proposed rear extension. In order to address the concerns, a revised proposal has been submitted to reduce the overall length and redesign the extension. The proposed extension would have a full hipped roof and the flank wall on either side elevation has been reduced in length, and the ground floor level would be approximately 5.5 metres long beyond the existing rear elevation. Further, there is a reasonable gap of approximately 5 metres away from the neighbour's secondary window. As such, it is considered that the proposal would not cause significant overbearing impact upon the neighbouring property.

##### Loss of light:

Regarding the loss of daylight, the proposed extension is not modest scale and it would cause a degree of loss of daylight / sunlight to the neighbour's kitchen. Given that the proposed extension would have a full hipped roof, its side elevation would not project the existing side elevation, and it would be adjacent to a secondary kitchen/dining window, it is considered that the loss of daylight / sunlight would not be so significant to be detrimental to the amenity of the adjacent residents.

##### Overlooking impact:

The proposal consists of a number of rooflights on either side elevation. Given their locations, it is not considered that they would cause an unreasonable overlooking impact, and a planning condition is imposed to restrict no other windows or rooflights being at the side elevation.

A concern is raised regarding the proposed balcony. The revised proposal shows the balcony has been redesigned and reduced in size, it would be set

back from either side elevation by approximately 1.5 metres. Hence, the revised balcony would not be directly overlooking the primary part of the neighbouring rear garden. It is considered that the overlooking impact would not be materially harmful than a general level of overlooking that occurs within a built up area.

Provision of amenity space:

A reasonable sized private amenity space would still be available as a result of the proposal, therefore, the residential amenity for the existing occupiers are acceptable.

Taking all of the above into account, whilst there may be some impact on residential amenity in the vicinity, the impact is not harmful to the extent that it can be considered prejudicial and therefore the application is considered acceptable from the residential amenity perspective.

#### 5.5 Transport

When assessing development within a residential curtilage with regard to the impacts on transportation, the assessment relies on the provision of adequate off-street parking. The development will result in a 5 bedroom dwelling. The proposed block plan shows 4 no. parking spaces can be provided within the site to accord with the Council's Residential Parking Standards. The existing vehicular access remains unchanged. Therefore, there is no highway or transportation objection to the proposal.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

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

#### 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 tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

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; saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006, and the National Planning Policy Framework.

3. Prior to the commencement of the relevant part of the proposed rear extension hereby approved, details and samples of the external wall materials 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; saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006, and the National Planning Policy Framework.

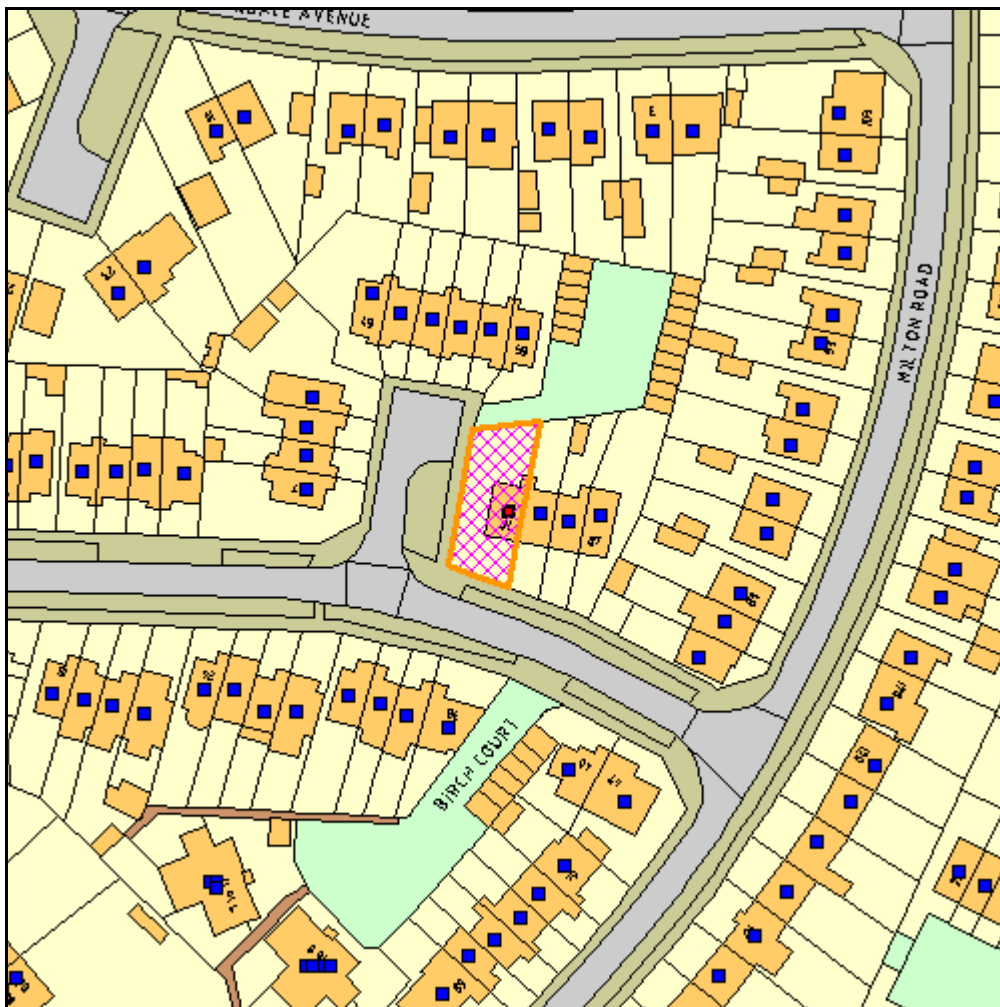
4. No windows or roof lights other than those shown on the plans hereby approved shall be inserted at any time in either side elevation of the proposed extension hereby approved.

Reason

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

## CIRCULATED SCHEDULE NO. 2917 – 21 JULY 2017

<b>App No.:</b>	PK17/1400/F	<b>Applicant:</b>	Mr And Mrs Leo
<b>Site:</b>	61 Birch Road Yate Bristol South Gloucestershire BS37 5ER	<b>Date Reg:</b>	19th April 2017
<b>Proposal:</b>	Erection of 1no attached dwelling with access and associated works.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370966 182909	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	8th June 2017



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PK17/1400/F

## 1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 1 no. attached dwelling with access and associated works.
- 1.2 The application site relates to an end of terrace dwelling, located at the entrance to a cul-de-sac in Yate. The application site forms the side garden of No. 61 Birch Road, a two storey dwelling. To the east is Milton Road and to the south is Birch Court. At the rear of the dwelling is an access lane to a block of garages.
- 1.3 The application site is within the urban area of Yate and has no other statutory or non-statutory designations.
- 1.4 During the course of the application, the Officer suggested a number of amendments to the proposed design and site layout which would be considered improvements. These included alterations to the proposed design, particularly the front elevation and the removal of the parking space at the rear of the property to allow a larger rear private garden. Revised plans have been submitted on 6<sup>th</sup> July 2017 and the application will be assessed on this basis.

## 2. POLICY CONTEXT

### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

### 2.2 Development Plans

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

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing Heritage and the Environment  
CS15 Distribution of Housing  
CS16 Housing Diversity  
CS30 Yate and Chipping Sodbury

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

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

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

PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

## PSP43 Private Amenity 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 No planning history for the site, but there are a number of applications relating to properties nearby:
- |  |  |
|--|--|
| 41 Birch Road Yate<br>PK12/3307/F      | Erection of two storey side extension to form 1no. 1 bed flat and 1no. 2 bed flat with new access and associated works. (Resubmission of PK12/1804/F).<br>Refused 04.12.12<br>Refusal reasons:<br><i>1. The proposed dwellinghouse and parking provision by reason of its position, proximity, mass and height would constitute a cramped form of development which would be out of character with the existing pattern of development and would be detrimental to the amenities of future occupiers, thereby contrary to Policy D1 and H4 of the South Gloucestershire Local Plan (adopted) 2006.</i><br><br><i>2. The proposal would in view of its position at the end of a terrace and on an open corner position constitute overdevelopment of the site and would thereby have an adverse effect on the visual and residential amenity of nearby residents and would be contrary to Policy H2, H4 and D1 of the South Gloucestershire Local Plan (Adopted) 2006.</i><br><br>Dismissed at appeal 21.10.13:<br>Objections relating to car parking, increased housing density, loss of privacy and impact on local services. |
| 3.2 41 Birch Road Yate<br>PK12/1804/F  | Erection of two storey side extension to form 2 no. 1 bedroom flats, 1 no. studio flat with new access and associated works.<br>Withdrawn 06.07.12.  |
| 3.3 81 Milton Road Yate<br>PK11/0039/F | Erection of 1no. attached dwelling with access and associated works.<br>Approved 11.03.11  |

- 3.4 81 Milton Road  
PK10/0233/O
- Erection of 1no detached dwelling (Outline)  
with access to be determined. All other  
matters reserved.  
Refused 24.03.10  
Refusal reason:
1. *The proposed development by virtue of its poor and incongruous relationship to the adjacent dwellings and the pattern of development in the locality and its visual prominence would fail to respect or enhance the character, distinctiveness and amenity of the street scene and surrounding area. The proposal is therefore contrary to policies D1 and H4 of the adopted South Gloucestershire Local Plan (2006) and Government advice contained in PPS1 and PPS3.*

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

- 4.1 Yate Town Council  
No objection.
- 4.2 Highway Structures  
No objection.
- 4.3 Lead Local Flood Authority  
No objection. Informative about public sewers advised.
- 4.4 Sustainable Transport  
No objection.

#### **Other Representations**

- 4.5 Local Residents  
Two objections from local residents have been received:
- New dwelling will cause parking problems;
  - Eyesore;
  - Privacy issues for no's 57 and 59 Birch Road and will reduce quality of life;
  - Will cast shade over public grass area;
  - Lack of additional parking;
  - Current property has ample parking space for 4-5 cars, with 2-3 regularly parked on-street;
  - Application states no parking at current property, the development will create 4 'new' parking spaces;
  - Proposed parking spaces inadequate;
  - Proposed rear parking space at new dwelling would only be suitable for a motorbike as the lane is too narrow for full access;
  - Will add strain to current on-street parking;
  - Proximity of public surface water sewer may affect the proposed layout;
  - Refusal reason for no. 41 Ref PK12/3307/F:

- 1) The proposed dwellinghouse and parking provision by reason of its position, proximity, mass and height would constitute a cramped form of development which would be out of character with the existing pattern of development and would be detrimental to the amenities of future occupiers, thereby contrary to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006;
- 2) The proposal would in view of its position at the end of a terrace and on an open corner position constitute overdevelopment of the site and would thereby have an adverse effect on the visual and residential amenity of nearby residents and would be contrary to Policy H2, H4 and D1 of the South Gloucestershire Local Plan (Adopted) 2006.

Non-planning issues:

- Reduce house prices

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application site lies within the existing urban area of the east fringe of Bristol. Under policy CS5 which establishes the locational strategy for development, the site is considered to be a suitable site for development subject to site specific considerations and would therefore be supported in principle. In addition, policy CS17 would also allow for development within existing residential gardens and curtilages subject to an assessment on the impact of the development on the character of the area, transportation, and residential amenity.

5.2 Currently, the Council is unable to demonstrate a 5-year housing supply of deliverable housing land. Proposals for new residential development should in any event have regard to the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF. The presumption in favour of sustainable development states that proposals that accord with the development plan should be approved without delay. However where the development plan is out of date, planning permission should be granted unless the adverse impacts of doing so *significantly and demonstrably* outweigh the benefits or when specific guidance in the NPPF or non-housing policies in the development plan indicate that planning permission should be refused. Paragraph 49 advises that where there is a failure to demonstrate a 5 year supply of housing, then policies that relate to the supply of housing should be considered out of date. Nevertheless the starting point remains the adopted development position, with the advice in the NPPF constituting an important material consideration. In this instance whilst policy CS5 does relate to the supply of housing and so would be out of date for NPPF purposes, it would in any event support the principle of residential development at this location. However additional weight is given in favour of increasing housing supply in light of the current shortfall, however this is limited as the contribution proposed of 1 dwelling would make a negligible difference to the overall housing supply.

5.3 Having established the principle is acceptable, the impact of the proposed development should also be carefully assessed and this is set out in the remainder of this report. The overall design and impact on the character of the



area is an important element of the assessment (Policy CS1); the impact on the existing residential amenity of the area (Saved Policy H4); and the transport implications (Saved Policy T12; policy CS8 and Residential Parking Standards SPD). Full weight is given to policy CS1 which does not relate to the supply of housing, but controls the quality of new development within South Gloucestershire. Policy CS8 and the residential parking standard SPD supporting it are considered to be up to date. These are therefore considered up to date in terms of paragraphs 14 and 49 of the NPPF

5.4 Saved Policy H4 is supportive in principle of new dwellings, however, each application is considered on its own merits. In this instance, the introduction of an additional attached dwelling in part of the garden of the host dwelling no. 61 Birch Road shall be discussed fully in the report below.

#### 5.5 Planning History

It has been raised by a local resident that planning permission for the conversion of a single dwelling into two flats has been refused and then dismissed at appeal in 2012 at 41 Birch Road, which is the dwelling to the nearest dwelling to the west, which faces towards the cul-de-sac. The 2012 proposal involved a two storey side extension and conversion of the dwelling into two flats, including access and associated works (Ref. PK12/3307/F). The application site is located on a corner and due to the degree of proposed extensions, the proposal was considered to result in overdevelopment of the site, resulting in contrived amenity space and a cramped form of development. The Inspector dismissed the appeal, supporting objections raised relating to car parking, increased housing density, loss of privacy and impact on local services.

5.6 Conversely, planning permission was granted for a new attached dwelling at 81 Milton Road, the end plot to the east. It is considered that the proposal is more similar to no. 81 Milton Road as it proposed an attached, separate dwelling of a similar design and appearance to the existing terrace and neighbouring properties. A number of objections have been raised by local residents, which will be addressed further in the Officer's report below.

#### 5.7 Design and Visual Amenity

The application site relates to an oblong-shaped plot of land located next to no. 61 Birch Road. The site is located at the end of a row of 4no. terraced dwellings. The immediate street scene of Birch Road is characterised by terraced dwellings, mainly in rows of four that are set back from the road. The cul-de-sac to the rear of the application site is formed by a row of 6no. terraced dwellings. To the north-east of the site are a block of garages accessed by a lane at the rear. The host dwelling is an end of terrace that benefits from a large side garden. Elevational plans for the proposed dwelling reflect an attached, two storey dwelling, with parking at the front and a private rear garden.

5.8 Following feedback from the Officer on the proposal, the proposed dwelling has been amended. The dwelling has been reduced to two bedrooms, the window arrangement on the front elevation has been altered slightly, the height of the roof matches no. 61, a chimney has been added to the roof and the driveway

- will be constructed in a permeable bound material. The host dwelling no. 61, appears to have a maximum height of 7.9 metres, eaves height 4.9 metres, width of 5.4 metres, and length of 9.4 metres. The proposed dwelling would be similar, but with a slightly narrower width measurement of 5 metres, extending to the maximum width of the garden. The proposed dwelling would largely mirror the appearance and scale of the existing dwelling in terms of architectural details. The proposed dwelling would be slightly narrower, but still remains suitably in keeping with the host and other neighbouring properties.
- 5.9 The neighbouring properties are constructed in pebble-dash render walls, concrete double Roman tiles, and windows/doors/rainwater goods, all to match the existing host dwelling. The existing site has fence panels along the west boundary; a new timber fence will be erected around the boundary of the proposed dwelling.
- 5.10 A two-storey dwelling on this site is considered the most appropriate house-type, given the attached neighbouring property and the size of the plot available. Overall, amendments to the proposed dwelling has improved the overall design and appearance, enabling it to comfortably integrate with the attached and other neighbouring dwellings. The proposed dwelling is similar in scale, design, positioning and site layout to the host dwelling. The proposal is considered acceptable and in keeping with the local character, providing a modern and appropriate in-fill dwelling.
- 5.11 Residential Amenity  
Saved policy H4 of the SGLP seeks to protect the amenity of nearby occupiers and future residents of the host dwelling. The emerging PSP development plan document which is currently going through consultation provides guidance within policy PSP43 on the level of private amenity space dwellings should provide commensurate to the numbers of bedrooms within the proposed dwelling. As the Council's PSP has recently been through public examination, this policy can be afforded some weight at this stage. PSP43 sets out the private residential amenity standard, from 1 bedroom flats to 4+ bedroom houses. The private amenity space remaining for the host three-bedroom dwelling would be just over 50 sqm and 66 sqm for the proposed dwelling. Whilst the existing dwelling loses a significant amount of garden space and is 10 sqm short of meeting the minimum standards, it is not considered that the existing dwelling will be negatively impacted given they will retain a private rear garden area and off-street parking at the front. For the existing and proposed types of dwelling, the proposed amount of private amenity space is considered to be adequate to meet the needs of any existing or future occupiers.
- 5.12 The proposed dwelling would be located to the side of no. 61 and in front of no. 59. There is an existing distance of 19 metres between the rear elevation of no. 61 and front elevation of no. 59. This distance would be the same for the proposed dwelling. Given the degree of separation and the existing relationship between no's 61 and 59, it is not considered that the proposed dwelling will cause any significant or additional overlooking, privacy, overshadowing or overbearing impact on the existing neighbouring properties. A concern has been raised by a local resident that the proposed dwelling would cause shade over the public grass area to the west of the proposed dwelling. Given the

orientation of the dwelling (rear facing north and front facing south), the area of open green space is unlikely to be significantly affected by any overshadowing. The green space will remain open and will still serve to provide green relief in the area, in particular in the immediate context of the cul de sac.

5.13 Overall, the proposed dwelling is not considered to materially prejudice the existing levels of residential amenity afforded to nearby occupiers. Appropriate amenity and parking space is afforded to the host and proposed dwellings.

5.14 Transportation and Highway Safety

The application site is located on the north side of Birch Road, which has a small vehicular cul-de-sac, as well as providing access to a block of garages. The majority of neighbouring properties have converted their front gardens into driveways. There are no on-street parking restrictions in the area, although a couple of local residents have objected on the grounds that on-street parking is already an issue locally. There are footways on both sides of Birch Road. Its location is within a residential area within walkable distance to a range of local amenities and facilities.

5.15 The existing site benefits from a parking area at the front and side, which is laid to gravel. The proposed dwelling was initially to be three-bedroom with two parking spaces (one at the front and rear). The Officer considered the proposed floor layout to be too small to comfortably and reasonably accommodate three bedrooms, therefore it has been reduced to two with the benefit of removing the rear parking space and providing a better quality of private amenity space. The existing dwelling will retain two off-street parking spaces at the front of the dwelling. The existing wall across the front of the site will be removed. Parking spaces for both the existing and new will be constructed in a permeable bound surface. The proposed parking provision accords with the minimum requirements, in terms of number and size, within the South Gloucestershire Residential Parking SPD (adopted December 2013). It is noted that local residents have objected to the level of off-street parking provided, however as it does comply with adopted policy, and there are no outstanding highway safety concerns, it would be unreasonable to require anymore. In conclusion, there are no outstanding objections from the Transport Officer and Officers consider the proposal acceptable.

5.16 Other Matters

A local resident has raised concern about the location of the existing surface water sewer. Our Drainage team have assessed the application and have raised no objection in principle to the proposed development. The proximity of a public surface water sewer may affect the layout of the development, however the applicant should consult with Wessex Water for determination and any 'building over' or 'building in close proximity to' restrictions is the responsibility of Wessex Water. In this respect, there is no outstanding objection or concern in respect of the existing location of the surface water sewer and the applicant is reminded to contact Wessex Water for further guidance.

5.17 The reduction in house prices is not a planning matter for consideration.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

- 7.1 That planning permission is **APPROVED**, subject to the attached conditions.

**Contact Officer:** Katie Warrington  
**Tel. No.** 01454 864712

## CONDITIONS

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

Reason

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

2. The development shall be implemented strictly in accordance with the following plans:  
Existing Site Plan; received by the Council on 29th March 2017.  
Block Plan; received by the Council on 13th April 2017.  
Site Location Plan & Proposed Layout (NTI/0117/01 REV P2); Proposed Site Plan (NTL/0117/04 REV P2); Elevation Plans (NTL/0117/02 REV P2); received by the Council on 6th July 2017.

Reason

For the avoidance of doubt.

3. The vehicular access and off-street parking facilities shown on the plan (NTL/0117/04 Rev P2, received by the Council on 6th July 2017) hereby approved shall be provided before the new dwelling is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities, in the interest of highway safety and the amenity of the area, and to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, and guidance contained within the South Gloucestershire Council Residential Parking Standards SPD (Adopted) December 2013.

4. The parking areas shown on the approved plan shall be surfaced in a permeable bound surface and retained as such thereafter.

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.

5. The materials to be used in the construction of the external surfaces of the new dwelling hereby permitted shall match those used in the existing building no. 61 Birch Road.

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 (2012).

**CIRCULATED SCHEDULE NO. 29/17 – 21 JULY 2017**

<b>App No.:</b>	PK17/1965/F	<b>Applicant:</b>	Mr P Penrose
<b>Site:</b>	7 St Martin's Lane Marshfield Chippenham South Gloucestershire SN14 8LZ	<b>Date Reg:</b>	16th May 2017
<b>Proposal:</b>	Demolition of part of boundary wall to create a new vehicular access, car parking area and erection of retaining wall and steps.	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	377599 173669	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	21st June 2017



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100023410, 2008. N.T.S. PK17/1965/F

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

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

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the demolition of an existing boundary wall to create a new vehicular access, car parking area and the erection of a retaining wall and steps. The application relates to no. 7 St Martin's Lane, Marshfield.
- 1.2 The application site consists of an end of terrace property set towards the northern end of a long, narrow plot. The site is situated within the defined settlement boundary of Marshfield. The site falls within the Marshfield Conservation Area, as well as the Cotswolds Area of Outstanding Natural Beauty. The proposed works would take place at the very southern end of the plot, at an area of the rear that abuts the highway.

### **2. POLICY CONTEXT**

#### **2.2 Development Plans**

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

- CS1 High Quality Design
- CS4A Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage

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

- H4 Development within Existing Residential Curtilages
- T12 Transportation
- L12 Conservation Areas

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

- PSP8 Residential Amenity
- PSP17 Heritage Assets and the Historic Environment
- PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

The Proposed Submission Draft Policies Sites and Places Plan (PSP plan) is a further document that will form part of the South Gloucestershire Local Plan. The PSP plan will set out new planning policies for South Gloucestershire. Submission and Examination of this took place in February of 2017, and adoption is expected toward the end of 2017. Accordingly, with regard to the assessment of this planning application limited weight is attached to the PSP plan as a whole at this time – although weight can be attributed to those policies which are not expected to be subject to modification.

- 2.3 Supplementary Planning Guidance  
Marshfield Conservation Area SPG (Adopted) 2004  
Design Checklist SPD (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013

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

- 3.1 There is no relevant planning history associated with the application site. However planning permission has previously been sought for similar proposals at other properties along St Martin's Lane. Details of the relevant applications are provided below:

3.2 **PK16/1282/F & PK16/1283/LB** – 2A St Martin's Lane

Construction of new vehicular/pedestrian access. Erection of 1.45m high relocated pedestrian gate.

Approved/LB Consent granted: 23.05.2016

3.3 **PK14/0771/F & PK14/0773/LB** - 4 St Martin's Lane

Erection of replacement dry stone boundary wall with entrance gates and driveway.

Approved/LB Consent granted: 30.04.2014

3.4 **P94/1439 & P94/1440/C** - 1 St Martin's Lane

Part demolition of boundary wall to facilitate construction of vehicular access.

Refused/Refusal of CA Consent: 04.05.1994

**T/APP/G0120/A/94/239573/P2 & T/APP/G0120/E/94/811041/P2**

Appeal Allowed: 23.02.1995

### 4. **CONSULTATION RESPONSES**

4.1 Marshfield Parish Council

Marshfield Parish Council have no objections to this planning application as it would alleviate parking issues in St Martins Lane.

4.2 Other Consultees

Conservation Officer

The proposal involves the loss of 4.1m of stone boundary wall in order to create off road vehicular access. Further land excavation and the construction of stone faced retaining walls (between 1.7m and 2.1m in height) would form level tandem parking for two vehicles. Stone boundary walls are a distinctive local feature within the Marshfield conservation area and create a sense of enclosure to the lane. The long rear gardens to the terrace of houses at 1-7 St



Martin's Lane also contribute positively to the conservation area, providing a green open space. This provides a transitional character between the built up High Street and open landscape setting beyond the village.

The development would result in the loss of a 4.1m section of stone wall at the road edge, which would diminish the sense of enclosure along the lane. It would also replace a large portion of grassed lawn and planting with a hardstanding and high stone walls. The walls would be much taller than those on the roadside and would appear quite imposing and engineered, in contrast to the existing low stone walls at the roadside and to the field opposite.

Although the cars would be removed from the roadside they would remain visible in views from the south. Therefore this is not considered to outweigh the loss of the stone wall and green garden space. On balance the development proposed is considered to cause harm to the character and appearance of the conservation area.

**Recommendation:** Objection. Refuse for the following reason:

The site is located within Marshfield conservation area, the character and appearance of which it is desirable to preserve or enhance. The proposed development, by virtue of the loss of stone walling and green garden space, would harm the conservation area contrary to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the National Planning Policy Framework and policies L12 of The Adopted South Gloucestershire Local Plan and policy CS9 of the Core Strategy.

#### Sustainable Transport

The main highway issue associated with this proposal (i.e. creation of a new access) is provision of suitable visibility splays from the new access on to the main road. In this case, the officer is satisfied that adequate visibility is achievable from the left of the access but visibility to the right is more constrained and the visibility cannot be improved due to the existing road alignment.

In such circumstances, the application may be refused on highway safety grounds. However, the applicant has put forward information including details of other existing vehicular accesses that currently exists in this area particularly for those nearby properties served off St. Martin's Lane. It is clear that there are a number properties off this road with similar vehicular access - indeed, it is noted that immediately next to the application site, there is a vehicular access with similar characteristic and visibility splays serving the neighbouring property.

To determine the safety issue of the road itself, the officer has further examined the accident data in the area and can confirm that there has been no records of Personal Injury Accident on this road over the last 5years. Given the situations with the existing accesses on this road and with no recorded accident, I conclude that the likely risks resulting from this will be low and consider it unreasonable to refuse this application on highway safety ground in this case. if the Council is minded to approve this then, it is recommended that:

- all highway works associated with the new vehicular access shall be constructed in accordance with the Council standards of construction details and to be completed to satisfaction of the Council's Street-Care department.

#### Archaeology Officer

In this instance the impact is likely to be significant as we know that deposits of post-medieval pottery, Roman-British Pottery, a large amount of bone and worked flint indicating multi-period occupation were found on the land immediately adjacent to the area that is to be developed (i.e. at the end of the long plot garden behind no.1/3) in the mid-1980s. With this in mind, it will be necessary for the removal of soil to create the parking areas to be supervised by a qualified archaeological professional, working to a brief agreed in advance of works by the South Gloucestershire Council Archaeology.

#### Tree Officer

There are no objections to this application in principle, however the installation of the resin bound driveway conflicts with the root protection areas of the existing trees. There should be no alteration to the ground levels within the Root protection area in accordance with BS:5837:2012. For this reason the applicant needs to submit an Arboricultural Method Statement for the installation of the driveway.

#### Lead Local Flood Authority

No objection

#### Highway Structures

No objection

### **Other Representations**

#### 4.3 Local Residents

One comment of support has been submitted by a local resident. The main points raised are summarised below:

- Feel the development will enhance the safety of neighbouring access.
- Vehicles parking on-street obscure visibility when exiting neighbouring property.
- The removal of on-street parking and replacement by 2 off-street parking spaces will therefore be safety benefit to neighbouring property.
- Consider that the safety benefit will outweigh any potential negative heritage impact that may occur.

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

#### 5.1 Permitted Development

It is noted that the parts of the proposed development could be implemented without the need for express planning permission, as they would constitute permitted development. However the creation of an access on to the highway and the proposed excavation works require express planning permission. The local planning authority must consider how likely it is that the permitted works would be carried out in isolation. In this case, there is no clear scenario where

the wall would be opened up and the walls built in the garden without the excavation or creation of the access. The local planning authority must consider the proposal presented in the application and take a view on the impact of the entire proposal.

#### 5.2 Principle of Development

The application seeks permission for the demolition of an existing boundary wall to create a new vehicular access, car parking area and the erection of a retaining wall and steps. 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. Due to its location within the Marshfield Conservation Area, the proposed development will also be assessed against the provisions of policy CS9 of the Core Strategy and L12 of the Local Plan. The development is acceptable in principle but will be determined against the analysis set out below.

#### 5.3 Impacts on the Marshfield Conservation Area

Policy CS9 of the Core Strategy outlines that new development will be expected to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance. Furthermore, policy L12 of the Local Plan seeks the protection and enhancement of conservation areas. The Marshfield Conservation Area Advice Note (2004) forms Supplementary Planning Guidance (SPG) to be read with the policies of the Local Plan, and provides specific advice on the preservation and enhancement of the conservation area.

5.4 The application site is situated within the Marshfield Conservation Area. The SPG sets out a number of character areas within the conservation area. The application site falls within character area 3 – the informal small scale back lanes and outbuildings. The back lane areas are considered to provide important links from the High Street through to adjacent areas. The lanes are characterised by their sense of enclosure and varying width, as well as small scale informal buildings, and a mix of rubble natural stone walls.

5.5 As part of the enhancement strategy for this character area, it is outlined that ‘where development would lead to vehicles intruding further into the rear garden areas, then refusal will be justified’. It is also outlined that ‘the loss of enclosure by widening accesses or removing or lowering walls or buildings will be resisted. Works which retain and improve the sense of enclosure will be encouraged.’

5.6 It is considered that the removal of the boundary wall and creation of access would reduce the sense of enclosure and would result in vehicles intruding in to the rear garden of the property. As such, the proposed development would be contrary to the advice provided within the SPG document.

5.7 It is recognised that a range of accesses have been implemented along the lane. Whilst the existing accesses do reduce the sense of enclosure, the local planning authority maintain that this should not set a precedent for the creation of vehicular accesses along St Martin’s Lane. In this case, it is considered that the excavation works, the laying down of roughly 15 metres of hardstanding (at its longest point), and the erection of retaining walls would result in an overly

engineered appearance. It is also considered that the proposal would significantly detract from the open nature of the long rear gardens to the terrace of houses at 1-7 St Martin's Lane.

- 5.8 In line with the comments of the conservation officer, it is noted that the removal of cars from the roadside would improve the overall appearance of the street to some extent. However vehicles parked within the proposed parking area would remain visible in views from the south. Therefore this is not considered to outweigh the loss of the stone wall and green garden space. On balance, the development is considered to be contrary to the provisions of policy CS9 of the Core Strategy, L12 of the Local Plan, and advice provided in the Marshfield Conservation Area SPG. The development proposed is considered to cause harm to the character and appearance of the conservation area. This harm has been given a significant degree of weight within the assessment of the application as a whole.
- 5.9 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.
- 5.10 Due to the levels of separation between the dwellinghouse and the proposed parking area, it is not considered that the proposed development would significantly impact upon the character, distinctiveness or amenity of the property itself. However it is considered that the proposal would appear over-engineered, and does not sufficiently respect the character, distinctiveness or amenity of the rest of the site or the immediate locality. As such the proposal is not considered to comply with the provisions of policy CS1 of the Core Strategy and H4 of the Local Plan. This has been given some weight, however the most pertinent issue in this case is the harm to the conservation area.
- 5.11 Transport  
It is noted that at present, the subject property does not benefit from any on-site parking provision. As such, vehicles associated with the property are required to park along St Martin's Lane or at other nearby streets. The proposed parking area is of sufficient size as to make provision for the parking of two vehicles. It is recognised that the increase in on-site parking provision would reduce the requirement for on-street parking.
- 5.12 During a site visit, it was noted that competition for on-street parking along St Martin's Lane is high, with several vehicles parked against the wall forming the southern boundary of the application site and neighbouring properties. It is acknowledged that the parking of vehicles along the road is not an ideal situation, and can present a risk in terms of highway safety. One of the main risks is the reduction in visibility caused by parked vehicles, when using neighbouring accesses.

- 5.13 Whilst there is some risk in terms of highway safety, it is considered that the overall risk as reduced by the relatively wide nature of the road adjacent to the southern boundary of the application site. Furthermore, the comments of the transport officer outlining that there have been no recorded accidents along St Martin's Lane in the past five years has been taken in to account.
- 5.14 On balance it is considered that the proposed development would improve the current situation in terms of on-site parking, with a total increase in on-site parking provision of two spaces. It is recognised that the reduced requirement for on-street parking would have some benefit in terms of highway safety. This benefit has been given moderate degree of weight within the assessment of the application as a whole.
- 5.15 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.
- 5.16 When considering the impacts of the proposed development on the residential amenity currently enjoyed by the occupiers of neighbouring properties, the main properties under consideration are the adjacent properties to the west and east at no's. 5 and 9 St Martin's Lane respectively. The proposed works would be carried out at the southern end of the plot. The proposed retaining wall would be built up to the boundary with no. 5 to the west, and would be slightly set away from the boundary with no. 9 to the east.
- 5.17 Due to excavation works, the height of the proposed retaining walls from within the application site would be set at approximately 1.9 metres. However only 0.9 metres of the proposed wall would be set above the existing ground level; matching an existing blockwork wall at the boundary with no. 9. Due to the modest protrusion of the wall above the existing ground level, it is not considered that the proposed wall would significantly overbear or overshadow on to neighbouring gardens. Due to the nature of the works, it is also not considered that the proposal would result in a loss of privacy through an increased sense of overlooking on to neighbouring gardens. On balance, it is not considered that the proposed development would detrimentally impact the residential amenity of neighbouring residents.
- 5.18 It is noted that the use of an area of garden to provide parking spaces would reduce the level of outdoor private amenity space at the site. However it is considered that sufficient space would be retained following the implementation of the proposal. Overall, the proposed development is considered to accord with policy H4 of the Local Plan. The impacts on residential amenity have been given neutral weight in the assessment of the application as a whole.
- 5.19 Archaeology  
It is acknowledged that the archaeology officer has requested that the removal of soil to create the parking areas be supervised by a qualified archaeological professional, working to a brief agreed in advance of the works. However as

the proposed development is not considered acceptable in terms of conservation impacts, a brief has not been requested at this stage.

5.20 Arboriculture

It is acknowledged that the arboricultural officer has requested that an Arboricultural Method Statement be submitted in association with the application. However as the proposed development is not considered acceptable in terms of conservation impacts, a report has not been requested at this stage.

5.21 Planning Balance

On balance, it is considered that the harm caused to the Marshfield Conservation Area significantly outweighs the moderate benefit of the proposal in terms of highway safety. Furthermore, it is not considered that any relatively minor amendments could be made to the scheme which would result in an acceptable development. On this basis, the application should be refused.

5.22 Works at Nearby Properties

It is acknowledged that similar works have previously been approved, or allowed at appeal, at nearby properties. The outcome of these applications, as well as the assessments made during the planning process, form a material consideration within the assessment of this planning application.

*2A St Martin's Lane – Approved 2016*

5.23 Whilst this application was approved, the development allowed was not as intrusive as that proposed under the current application. It should also be noted that this application related to the widening of an existing access, as opposed to the creation of an entirely new access.

*4 St Martin's Lane – Approved 2014*

5.24 Whilst this application was approved, the development allowed can also not be considered to be as intrusive as that proposed under the current application. In this case, the conservation officer found that the harm to the conservation area could be sufficiently mitigated through planning conditions.

*1 St Martins Lane – Allowed at Appeal 1995*

5.25 It is noted that this application relates to a site in close proximity to the application site. However this proposal did not seek the high levels of excavation that are proposed under the current application. Furthermore, it is considered that due to its significant age, this appeal decision can only be attributed limited weight as it made in light of dated planning policy.

5.26 Whilst the creation of new accesses has previously been approved along St Martin's Lane, it is considered that there are some key differences between these proposals and the proposal being assessed under this application. On this basis, it is not considered that these decisions should set a precedent for this application.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **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 **REFUSED** for the reasons outlined above.

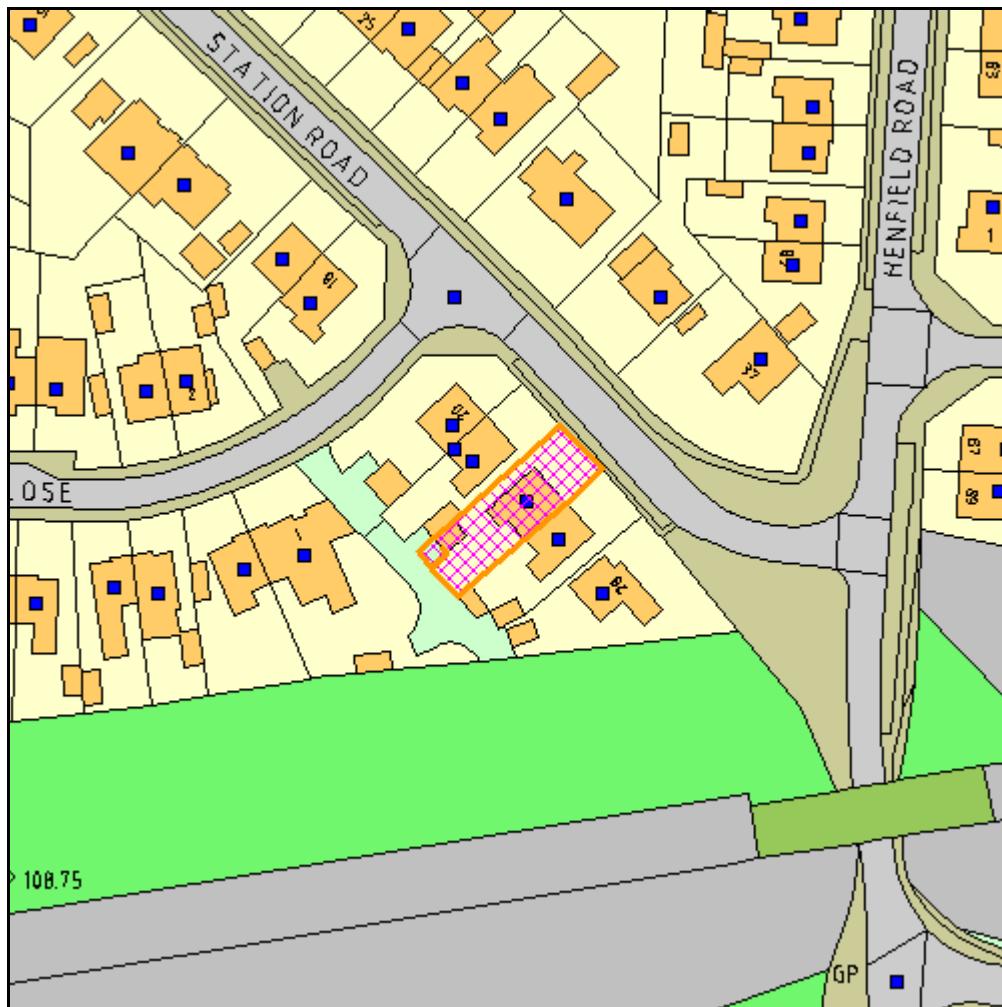
**Contact Officer: Patrick Jackson**  
**Tel. No. 01454 863034**

## REASONS FOR REFUSAL

1. The site is located within Marshfield conservation area, the character and appearance of which it is desirable to preserve or enhance. The proposed development, by virtue of the loss of stone walling and green garden space, would harm the conservation area contrary to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the National Planning Policy Framework, policy L12 of the Adopted South Gloucestershire Local Plan, policy CS9 of the Core Strategy and advice provided within the Marshfield Conservation Area SPG.

## CIRCULATED SCHEDULE NO. 29/17 – 21 JULY 2017

<b>App No.:</b>	PK17/2500/CLP	<b>Applicant:</b>	Ms Maria Goodfield
<b>Site:</b>	24 Station Road Coalpit Heath Bristol South Gloucestershire BS36 2TJ	<b>Date Reg:</b>	16th June 2017
<b>Proposal:</b>	The installation of a rear dormer to facilitate a loft conversion.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367355 180313	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>		<b>Target Date:</b>	25th July 2017



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer to facilitate a loft conversion 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 and Class D.

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 P97/1515  
Approve Full Planning (15.05.1997)  
Erection of detached single garage (demolition of existing garage).
- 3.2 N5929  
Approve with Conditions (13.09.1979)  
Erection of single storey rear extension to provide dining area.

### **4. CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
No objection.

#### **Other Representations**

- 4.2 Local Residents  
No comments received.

## 5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Location Plan  
Drawing No: 17/006 01  
Received by the Council on 30<sup>th</sup> may 2017

Existing Plans and Elevations  
Drawing No: 17/006 02 Revision A  
Received by the Council on 18<sup>th</sup> July 2017

Proposed Plans and Elevations  
Drawing No: 17/006 03 Revision A  
Received by the Council on 18<sup>th</sup> July 2017

## 6. ANALYSIS OF PROPOSAL

### 6.1 Principle of Development

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

6.2 The 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:

### D.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 window 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 semi-detached dwelling. Volume calculations extrapolated from the Proposed Plans and Elevations plan, Drawing No: 17/006 02 Revision A shows the increase in roof space to be 43 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 does not include the construction or provision of a verandah, balcony or raised platform.

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

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

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

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

Submitted plans indicate that the proposed dormer, including its windows will be constructed from materials to match those used on the main 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 rear dormer would be approximately 1 metre from the outside edge of the eaves of the original roof and the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse. The eaves are maintained.

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

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

The proposal does involve the insertion of a window to the side elevation of the dwellinghouse. This window would be obscure glazed and the parts of the window that can be opened will be more than 1.7 metres above the floor of the room in which the window is to be installed.

## **7. RECOMMENDATION**

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

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

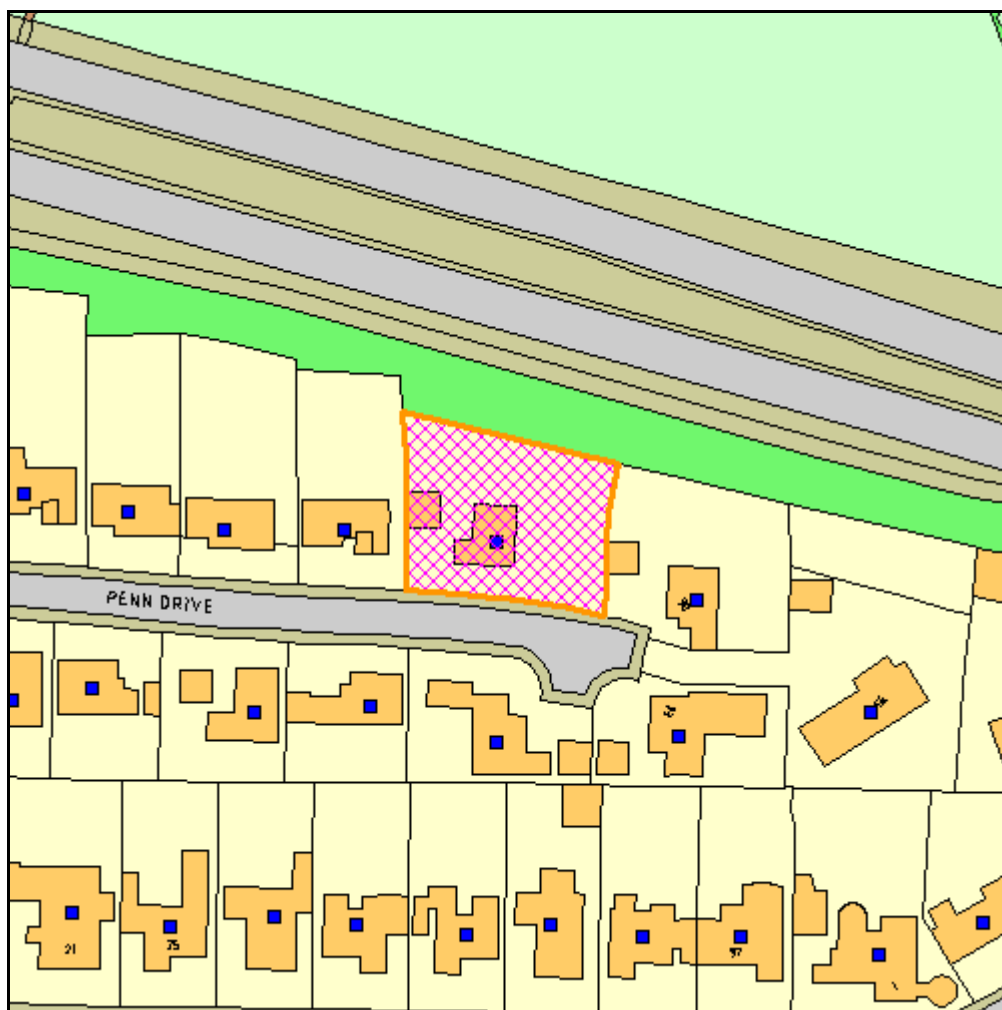
**Contact Officer: David Ditchett**  
**Tel. No.**

## **CONDITIONS**

- 1. Evidence has been provided to demonstrate that on the balance of probabilities the proposed installation of a rear dormer to form a loft conversion does 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. 29/17 – 21 JULY 2017

<b>App No.:</b>	PT17/1401/CLP	<b>Applicant:</b>	Mr L Singh
<b>Site:</b>	34 Penn Drive Frenchay Bristol South Gloucestershire BS16 1NN	<b>Date Reg:</b>	14th June 2017
<b>Proposal:</b>	Certificate of lawfulness for the proposed rear extension to existing garage.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364366 178314	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>		<b>Target Date:</b>	1st August 2017



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PT17/1401/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 rear extension to an existing garage 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 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class E.

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 PT16/5035/TRE  
Approve with Conditions (05.10.2016)  
Works to fell 1no. Beech tree and 1no. Norway maple covered by Tree Preservation Order TPO 466 dated 4th March 1996
- 3.2 PT11/3857/F  
Approve with Conditions (19.01.2012)  
Erection of two storey side and single storey rear extension to provide additional living accommodation. (Amendment to previously approved scheme PT11/2424/F)
- 3.3 PT11/2424/F  
Approve with Conditions (22.11.2011)  
Erection of two storey side and single storey rear extension to provide additional living accommodation. (Amendment to previously approved scheme PT10/1181/F)
- 3.4 PT10/1181/F  
Approve with Conditions (22.06.2010)

Erection of two storey rear and single storey side extension to provide additional living accommodation

- 3.5 PT09/1201/TRE  
Split Decision see D/N (05.08.2009)  
Works to fell 3 no. Maple trees (T1, T3 and T4) and 1 no. Rowan tree (T2) covered by Tree Preservation Order No. 416 - Land at Penn Drive, Frenchay
- 3.6 P96/1942/T  
Approval of Tree Works (19.03.1997)  
Reduce height of 4 trees covered by Northavon District Council (Land at Penn Drive, Frenchay) Tree Preservation Order 1996.
- 3.7 P84/1558  
Approval of Full Planning (27.06.1984)  
Erection of lean-to greenhouse between front boundary wall and side of dwelling.

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

- 4.1 Winterbourne Parish Council  
"No objection".

##### **Other Representations**

- 4.2 Local Residents  
No comments received.

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

- 5.1 Location Plan  
Drawing No: P-100
- Location Plan  
Drawing No: P-200
- Existing and Proposed Garage Plan  
Drawing No: P-400
- Existing and Proposed Garage Elevations  
Drawing No: P-500

#### **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 extension to an existing garage falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class E of the GPDO 2015; which permits buildings etc. incidental to the enjoyment of a dwellinghouse, providing it meets the following criteria.

Class E – Buildings etc incidental to the enjoyment of a dwellinghouse

### **Permitted development**

#### **E. The provision within the curtilage of –**

- (a) Any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or**
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.**

### **Development not permitted**

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

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

The dwelling has not been granted by virtue of Class M, N, P, PA or Q of Part 3 of the GPDO.

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

As calculated from the drawing P-200 the total area of ground covered by buildings, enclosures or containers within the curtilage (other than the original dwellinghouse) will not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse) following the construction of the proposed garage.

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



As noted on drawing P-200, no part of the proposed garage will be on land forward of a wall forming the principal elevation of the original dwellinghouse.

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

The proposed garage will have a single storey.

**(e) the height of the building or enclosure would exceed –**

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

The proposed garage would have a dual pitched roof, exceed 4 metres in height and be less than 2 metres from the boundary of the curtilage. The proposed extension to an existing garage therefore does not meet these criteria.

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

The eaves would be 2.2 metres.

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

34 Penn Drive is not a listed building.

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

The proposal would not include a verandah, balcony or raised platform.

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

The proposal would not include a microwave antenna.

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

The proposed garage is not a container.

## **7. RECOMMENDATION**

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

The evidence provided has been insufficient on the balance of probabilities to demonstrate that the proposed extension to an existing garage falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class E of the Town and Country Planning General Permitted Development Order 2015. This is because there is evidence to suggest that the height of the outbuilding

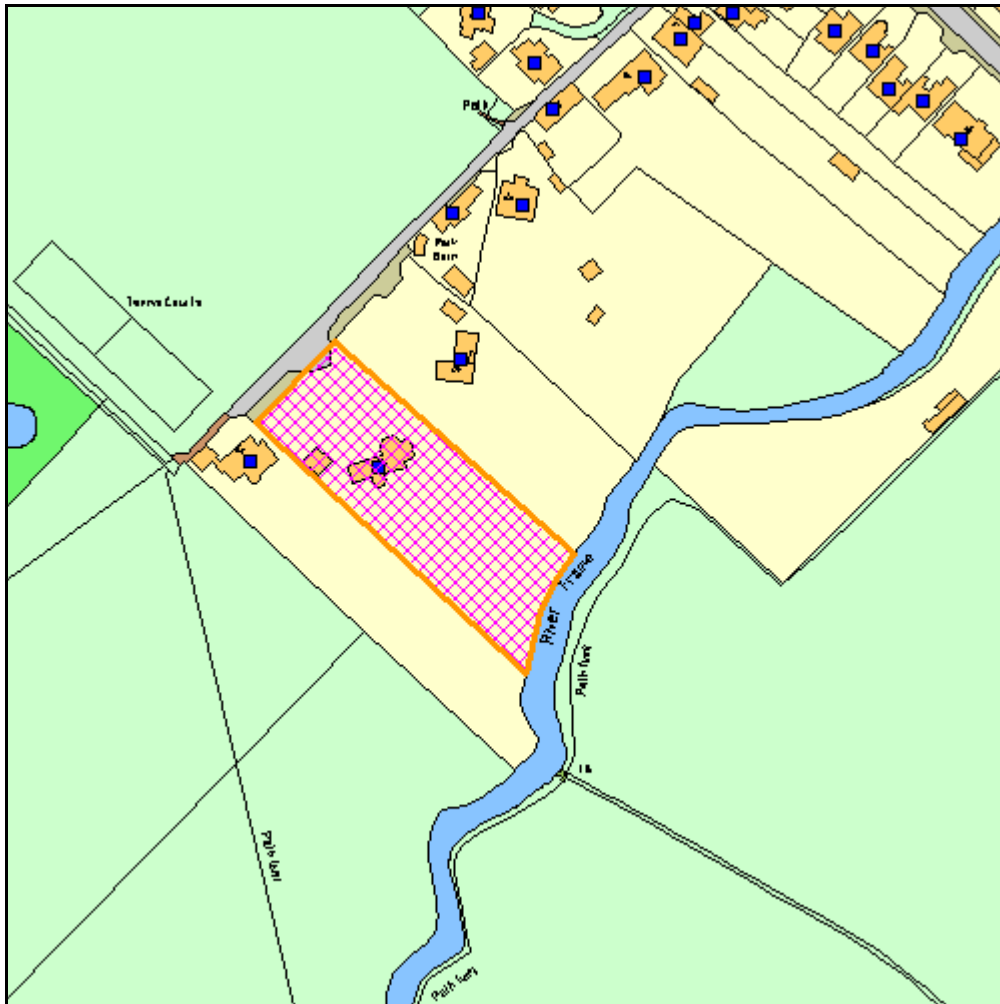
would exceed 4 metres; and the location of the outbuilding would be within 2 metres of the boundary of the curtilage of the dwellinghouse, contrary to paragraphs e(i) and e(ii) of Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

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

The evidence provided has been insufficient on the balance of probabilities to demonstrate that the proposed extension to an existing garage falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class E of the Town and Country Planning General Permitted Development Order 2015. This is because there is evidence to suggest that the height of the outbuilding would exceed 4 metres; and the location of the outbuilding would be within 2 metres of the boundary of the curtilage of the dwellinghouse, contrary to paragraphs e(i) and e(ii) of Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

**CIRCULATED SCHEDULE NO. 2917 – 21 JULY 2017**

<b>App No.:</b>	PT17/1666/F	<b>Applicant:</b>	Mr & Mrs Kempson
<b>Site:</b>	Orchard House 39 Park Row Frampton Cotterell Bristol South Gloucestershire BS36 2BS	<b>Date Reg:</b>	27th April 2017
<b>Proposal:</b>	Demolition of existing conservatory and garden room. Re design dwelling to include erection of two storey rear extension, front and rear canopies, instal rear balcony, alteration to roofline to include 2 no. new chimneys	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366309 181608	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	5th June 2017



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PT17/1666/F

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

This report is circulated because of the comments of Frampton Cottrell Parish Council.

### **1. THE PROPOSAL**

- 1.1 The proposal is for the modernisation and extension of the existing detached house by removal of the existing two conservatories, and their replacement with a part single and part two storey rear extension. The proposal also seeks to remove the porch and ground floor hipped structure across the front of the house and a bay feature ground floor extension.
- 1.2 The site is located within the Green Belt and the site is located in an ecologically sensitive area. The River Frome is located at the bottom of the extensive garden and part of the garden as a result is also within the flood zone 3.

### **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  
CS5 Location of Development  
CS9 Managing the Environment and heritage  
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages, including extensions and new dwellings

L1 Landscape

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

PSP1 Local distinctiveness  
PSP7 Development in the green belt  
PSP8 Residential amenity  
PSP16 Parking standards  
PSP18 statutory

- 2.3 Supplementary Planning Guidance  
SG Development in the Green Belt

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

- 3.1 PT04/3291/F Erection of detached double garage with games room over. (Resubmission of PT04/0282/F) approved 27.10.2004

- 3.2 PT01/2301/F Erection of rear conservatory. Approved Erection of rear conservatory.
- 3.3 PT99/0190/F Alterations and erection of two storey side and single storey front extension. Approved 09/12/1999

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

4.1 Frampton Cotterell Parish Council

No objection subject to:

- compliance with the standards required for developments in the Greenbelt
- subject to no loss of privacy for the occupants of 43 Park Row.

4.2 Other Consultees

Sustainable transport

No objection

Environment Agency

No comment received

Trees officer

No objection further to Arboricultural report.

Ecologist

No objection but seeks bat housing.

#### **Other Representations**

4.3 Local Residents

None received

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

5.1 Principle of Development

The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. There is therefore a presumption in favour of development subject to further consideration in relation to the policies of the development plan.

In assessing applications for residential extensions, planning policy H4 of the adopted Local Plan and CS1 of the Core Strategy are particularly relevant. Policy H4 specifically relates to residential development, including extensions, and considers issues such as design, residential amenity and highway safety. CS1 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 site and its context. As the site is also in the Green belt policies CS34 and CS5 are also relevant.

## 5.2 Green Belt

Paragraph 89 of the NPPF states that new buildings are inappropriate in the Green Belt unless the works fall into an exception category. In this case extensions or alterations to a building might not be inappropriate 'provided that it does not result on disproportionate additions over and above the size of the original building'. Policies CS34 and CS5 refer to protecting the Green belt and support rather than contradict or add to the NPPF. The Green Belt SPD was adopted in 2007 and advises that extensions in excess of 50% of the original dwelling are likely to be viewed as disproportionate. In assessing whether a proposal is disproportionate or not, account will be taken of the increased volume of the original dwelling, the appearance of the proposal such that it does not appear out of proportion with the scale and character of the original dwelling and existing extensions and outbuildings within the curtilage.

In this case various additions have been made to the property and most of these are to be removed from the property to create the modern look now sought. It is difficult to account for the volume added in 1999 from the plans but overall it is calculated that the original house was around 764m<sup>3</sup> and the retained extension accounts for approximately 120m<sup>3</sup>. The current proposal of first and ground floor rear extension adds approximately 272m<sup>3</sup> making the extensions a 51% increase over the volume of the original structures on site. This does not account for the frameless glass balcony area or canopy over the front doors which, being seen as part of the overall design aesthetic are considered to blend with the resultant form. Additionally a garage existing but this being separate to the house does not appear disproportionate to the scale of the house.

Taking the house as a whole and noting that the loss of the side conservatory limits the width of the proposal and that the extensions are designed to be read against the rear of the property with a proportionate extension in relation to the original side elevation, the resultant building complies with the SPD and is considered to be proportionate and therefore not inappropriate in the green belt.

## 5.3 Design

The street has a variety of house designs in large gardens. Orchard House is located in a very large, well landscaped garden set well back from the end of this discrete cu-de-sac location. The house is currently render and tiles and the proposal seeks to add natural stone to various elevations and incorporate larger openings than existing. Also proposed is a change from UPVC fenestration to powder coated aluminium with timber lintels.

- 5.4 The proposal would remove several additions to the original house and whilst they suit the current house with its UPVC preferences the additions and design aspirations proposed are considered to be well designed and distinctive architecture which this site can take without detriment to the streetscene.

## 5.6 Residential amenity

The proposed extension is not of a scale to affect the non-adjointed neighbouring houses and there would be no loss of privacy to neighbours owing to the sizable garden in which the house is sited and there is no direct visibility between elevations. Whilst a swimming pool is located in the property

known as Fairview House, 35 Park Row this is some 30m from the nearest proposed window which is a bathroom. This distance is considered sufficient normally to protect window to window distances and the boundary planting offers some screening too, sufficient to prevent the need to further restrict the proposed windows on this elevation. The rear of the house faces away from that neighbour and whilst a balcony area is proposed above the ground floor extension it does not cause overlooking to either neighbour. Juliet balconies are also proposed but these, given their juxtaposition with the neighbouring houses and significant tree screen cause no loss of privacy to neighbours. The proposal is therefore not considered to cause material loss of residential amenity.

#### 5.7 Transportation

The proposal creates a six bedroom house and there is ample space to park four cars such that the minimum parking requirement of the SG Residential Parking SPD is satisfied. There is no change to the access although there is evidence in the Arboricultural report that a change to the driveway is proposed within the site. No transportation objection to the proposed development results from the drive or extension proposals.

#### 5.8 Trees/hedge

There is a substantial beautifully landscaped garden with some mature trees to the boundaries. There is no reason to believe that the garden would need to be affected by the proposal except by the need to get machinery and storage at the rear of the house. A tree report was requested during this application and this has shown that with the removal of three small trees and other ground mitigation there would be no material harm to the more substantial trees around the site. A condition is applied to ensure works are in accordance with this report.

#### 5.9 Ecology

There is unlikely to be any significant impact on ecology in this garden and the existing house offers little refuge for bats as the eaves are all protected completely by UPVC fascia boarding. In accordance with the Councils Biodiversity Plan a condition is required to facilitate the improvement of housing for bats which are likely to live in this area. A scheme of two bat boxes has been negotiated prior to decision and as such the condition need not require further information, just implementation of the proposal.

#### Flood Risk

The extensions stay within the established envelope of the existing dwelling and do not encroach into the higher risk flood zone adjacent to the river Frome. On this basis it is not considered there will be a material increase in risk as a result of flooding.

## 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 Overall the proposal is acceptable, having no harmful impact on the Green belt, design or neighbours.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 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.

**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 proposal shall be carried out in accordance with the plans listed below.

A201

A101 both received 10/4/2017

Arborocultural Report received 21/6/2017

Bat box details A300 received 13/07/2017

Reason

For the avoidance of doubt.

3. Prior to first use of the extensions hereby permitted, the two bat boxes detailed together with their proposed locations as shown, in Drawing 893:A300 shall be installed and thereafter maintained in accordance with the agreed details.

Reason

To ensure the works are carried out in an appropriate manner to support the bat species, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

4. Prior to development commencing on site the tree mitigation set out in the Arborocultural Report by Silverback received 21/6/2017 shall be carried out in full and maintained in place until the completion of the building works hereby approved.

Reason

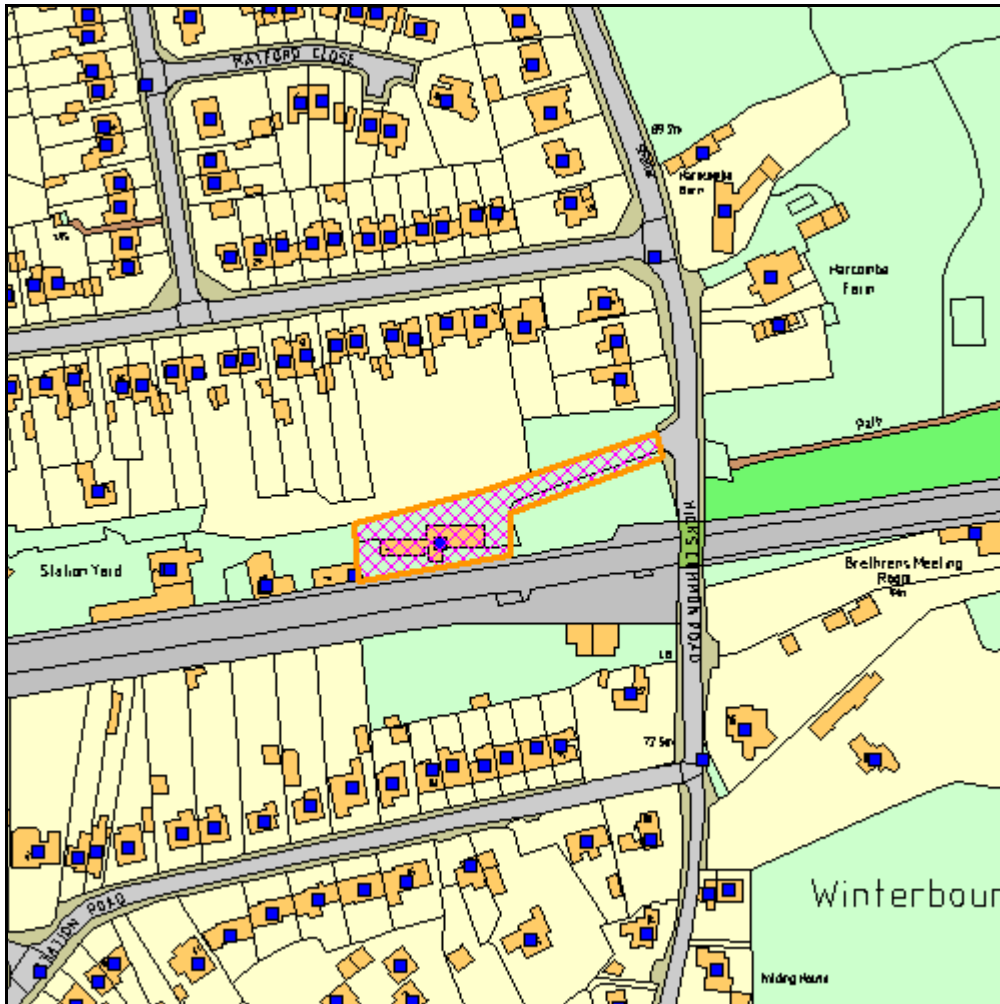
To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.



This is a precommencement condition because later implementation would be likely to result in damage to the trees.

**CIRCULATED SCHEDULE NO. 29/17 – 21 JULY 2017**

<b>App No.:</b>	PT17/2014/F	<b>Applicant:</b>	Mr Martin Smith
<b>Site:</b>	Reynolds Engineering Winterbourne Ltd Hicks Common Road Winterbourne South Gloucestershire BS36 1EJ	<b>Date Reg:</b>	31st May 2017
<b>Proposal:</b>	Sub division of existing unit into 3no. units, the proposed installation of external entrance door, 2no. new garage doors to front elevation and external cladding. (Retrospective)	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365383 179951	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th July 2017



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 100023410, 2008. N.T.S. PT17/2014/F

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

This application is submitted to the Circulated Schedule due to 2no. objections received from local residents which are contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks retrospective planning permission for the sub-division of 1no. existing industrial unit into 3no. units. It also involves the installation of external entrance door, 2no. garage doors and external cladding.
- 1.2 The application site relates to an industrial unit located within a safeguarded employment area of Station Premises and Yard and within the settlement boundary of Winterbourne. The application site is located off Hicks Common Road and is surrounded by other industrial units. A number of residential properties are located to the north and south and a railway line runs directly to the south of the site.
- 1.3 The existing unit's last known use was a small engineering workshop (Class B1), it has a gross internal floor area of approximately 221 sqm. The proposed units would have a gross internal floor area of 62 sqm, 68 sqm and 63 sqm respectively. The applicant states that their proposed uses would be similar to that of the existing unit.
- 1.4 This application was previously submitted as a Certificate of Lawfulness application, which was subsequently refused as evidence had been provided to demonstrate that on the balance of probabilities the works did not fall within permitted development for the alteration of an industrial building or a warehouse under Schedule 2, Part 7, of the Town and Country Planning General Permitted Development Order 2015 as it does not accord with Class H. (e), as part of the development would be within 5m of the boundary of the curtilage of the premises.

### **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  
CS12 Safeguarded Areas for Economic Development  
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- E3 Criteria for Assessing Proposals for Employment Development Within the Urban Area, Defined Settlement Boundaries and/or Permitted by Policies E4/E6/E7
- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation Development Control Policy for New Development

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

- PSP1 Local Distinctiveness
- PSP16 Parking Standards
- PSP21 Environmental Pollution and Impacts
- PSP27 B8 Storage and Distribution Uses

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

**3. RELEVANT PLANNING HISTORY**

- 3.1 N166 Approve with Conditions 11.07.1974  
Extension of workshop and installation of septic tank.
- 3.2 N166/2 Approve with Conditions 03.11.1977  
Erection of extension (760 sq. ft.) to light engineering workshop.
- 3.3 P88/2090 Approval 24.07.1988  
Erection of single storey extension to provide 19 sq. Metres (204 sq. Ft.) Of storage space
- 3.4 PT17/1083/CLP Refusal 07.04.2017  
Application for a certificate of lawfulness to sub-divide existing unit into 3no. units, the proposed installation of external entrance door, 2no. new garage doors to front elevation and external cladding.

**4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection.
- 4.2 Economic Development  
Support. The proposal will allow the currently vacant site to offer a more flexible, sustainable premises for potential occupiers. We understand that 2 of the 3 proposed units already have occupiers lined up, and the third unit will be let out.
- 4.3 Highway Structures  
Suggested informatives.
- 4.4 Lead Local Flood Authority  
No objection.

#### 4.5 Sustainable Transport

*We are broadly satisfied with this proposal because, despite the fact that a number of different users could now occupy this building, there will be no change in the overall floor area of these premises. Consequently, we believe that its trip generation patterns are unlikely to materially change. We note that the applicants have not forwarded any information about the parking provided at this site, either before or after this development takes place. However, as it is not directly accessed from the public highway but via a section of private road, we do not consider this is likely to be an issue. Therefore, we have no highways or transportation comments about application.*

### **Other Representations**

#### 4.6 Local Residents

2no. objections were received. Summarised as follows;

- It would appear the the property in question is now being offered to rent as one or as three separate units.
- No control over what businesses might be set up or what the working hours may be.

1no. neutral comment was received. Summarised as follows;

- Nearby residential properties already experience significant noise disturbance
- Seek assurance that use and hours of operation will be restricted.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

National Policy seeks to support sustainable economic development in a globally competitive market. Station Premises and Yard, Winterbourne is identified as a safeguarded area for economic development in Policy C212. As such, the principle of B1, B2 and B8 uses are acceptable in this location and opportunities to redevelop or intensify existing employment sites is encouraged. Saved Policy E3 sets out criteria for assessing proposals for employment development within defined settlement boundaries. It sets out that this type of development would be permitted providing there are no unacceptable environmental or highway impacts.

5.2 The proposal does not create any additional floor space. The main consideration is the proposed sub-division and alterations to the building, and the implications in terms of design, residential amenity parking provision and highway safety.

### 5.3 Assessment of Sub-Division

The proposal would provide 3no. units which would be roughly of equal size in an area which is safeguarded for employment development. The proposed uses would be similar to the existing and surrounding units. As such, it is not considered that the development would have a significant impact on the surrounding industrial area and would supply the local area with 3no. units for smaller businesses to occupy.

#### 5.4 Design

The application relates to the proposed sub-division of one industrial unit into 3no. smaller units. The floorspace would not be altered as part of the development. Plans submitted show that minimal external works are proposed, these include; installation of 3no. entrance doors and 2no. garage doors, as well as external cladding, all to the front elevation. Whilst this application is retrospective, Officers noted on site that the external works had not yet taken place. The industrial appearance of the building would remain following the development, and it is thought that it would be appropriate and acceptable in its setting.

#### 5.5 Residential Amenity

The application site is located within a Safeguarded Employment Area where industrial development is permitted. It is noted that there are a number of residential properties to the north and south of the unit. The comments of local residents with regard to noise, disturbance and control of use are noted. The applicant states that the existing unit is Class B1 and this application does not propose to change the use. Officers are mindful that this type of use is appropriate in a residential area without causing detriment to the amenity of the area. If the applicant wishes to intensify the use such that it would cause detriment to the amenity of the area and residential properties, they would be required to submit a change of use application to Class B2.

5.6 The level of separation distance is 60 metres (approx), between the proposed units and the existing nearest dwelling. An extant permission ref. PT14/3637/O is also noted, which, if submitted at reserved matters stage, could introduce residential properties 27 metres away (approx). As such, whilst these concerns are noted, given all of the above, as well as the size of the proposed units, it is not thought that they would result in unacceptable noise or amenity impacts.

#### 5.7 Access and Transportation

There will be no change in the overall floor area of the building and as such it is not considered that trip generation patterns would not materially change. Transportation colleagues have been consulted and have not raised an objection to the parking arrangements at the site. Overall, there are no transportation or highway safety concerns in relation to the proposal.

### 6. CONCLUSION

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

6.2 The recommendation to **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 It is recommended that planning permission is **APPROVED**, subject to the conditions listed on the decision notice.

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