



**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. 34/17**

**Date to Members: 24/08/2017**

**Member's Deadline: 31/08/2017 (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.

Schedule Number	Officers Deadline reports to support before 3PM	Date to Members 9AM	Members deadline 5PM	Decisions issued	Notes
33/17	As Normal – Weds	Friday 18 Aug	Thursday 24 Aug	Friday 25 August	
34/17	Tuesday 22 Aug	Thursday 24 Aug	Thursday 31 Aug	Friday 01 Sep	

Changes to usual deadlines are shown in RED

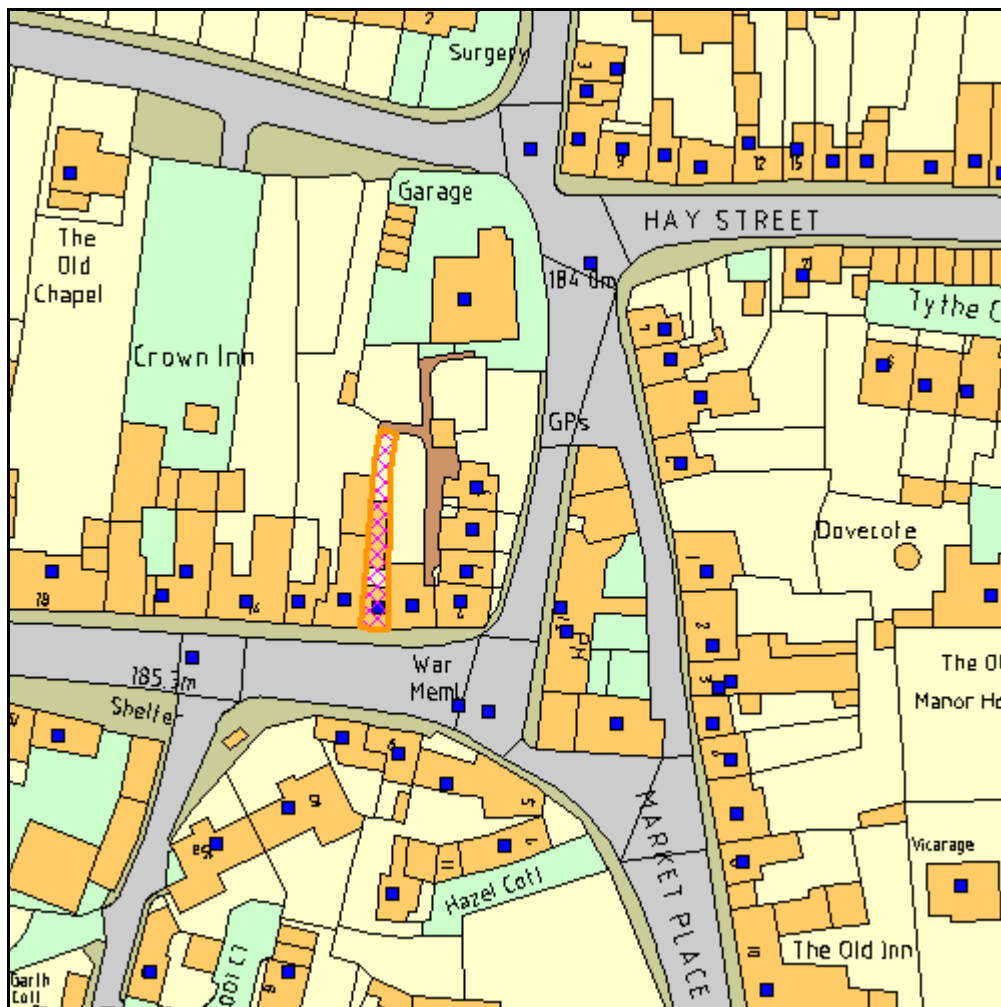
Changes to Dates and Officer Deadlines for Circulated Schedule due to August Bank Holiday 2017

# CIRCULATED SCHEDULE - 24 August 2017

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/2427/CLE	Approve	8 High Street Marshfield South Gloucestershire SN14 8LP	Boyd Valley	Marshfield Parish Council
2	PK17/2715/F	Approve with Conditions	Frying Pan Farm Old Parish Lane Dodington South Gloucestershire BS37 6SE	Westerleigh	Dodington Parish Council
3	PK17/3094/CLP	Approve with Conditions	46 Cabot Close Yate South Gloucestershire BS37 4NN	Yate Central	Yate Town
4	PK17/3113/TRE	Split decision See D/N	67 Cleeve Hill Downend South Gloucestershire BS16 6EU	Downend	Downend And Bromley Heath Parish Council
5	PK17/3258/F	Approve with Conditions	9 Cesson Close Chipping Sodbury South Gloucestershire BS37 6NJ	Chipping	Sodbury Town Council
6	PT16/6954/FDI	No Objection	Land At Park Farm Butt Lane Thornbury South Gloucestershire BS35 1RA	Thornbury North	Thornbury Town Council
7	PT17/0382/F	Approve with Conditions	Cider Barn Whitehouse Lane Severn Beach South Gloucestershire BS35 4NN	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
8	PT17/2843/CLP	Approve with Conditions	Land Adj 166 Badminton Road Coalpit Heath South Gloucestershire BS36 2SX	Westerleigh	Westerleigh Parish Council
9	PT17/3180/TRE	Approve with Conditions	17 Kings Meadow Charfield South Gloucestershire GL12 8UB	Charfield	Charfield Parish Council
10	PT17/3219/F	Approve with Conditions	8 Tinding Drive Stoke Gifford South Gloucestershire BS16 1FS	Frenchay And Stoke Park	Stoke Gifford Parish Council

CIRCULATED SCHEDULE NO. 34/17 – 24 AUGUST 2017

<b>App No.:</b>	PK17/2427/CLE	<b>Applicant:</b>	Mr & Mrs Reeves
<b>Site:</b>	8 High Street Marshfield Chippenham South Gloucestershire SN14 8LP	<b>Date Reg:</b>	13th June 2017
<b>Proposal:</b>	Application for a certificate of lawfulness for the existing loft conversion	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	378065 173729	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	18th July 2017



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## **REASON FOR REFERRAL TO CIRCULATED SCHEDULE**

This application is for a Certificate of Lawfulness, and as such, under the Council's current scheme of delegation, is to be determined under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 The application is for a Certificate of Lawfulness for the existing loft conversion, including the installation of rooflight at the rear elevation at No. 8 High Street Marshfield. The application therefore seeks to demonstrate that the existing loft conversion is lawful.
- 1.2 The application site relates to a two-storey terraced dwelling situating within a conservation area of Marshfield. The dwelling is not statutorily or non-statutorily protected.
- 1.3 There is no enforcement investigation on this property, and the applicants would like a formal confirmation that the completed works (loft conversion) constitute permitted development.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

- i. Town and Country Planning Act 1990: 191;
- ii. Town and Country Planning (General Permitted Development) (England) Order 2015 – Schedule 2, Part 1, Class A;
- iii. National Planning Practice Guidance

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

- 3.1 P92/1040C Works of incidental demolition to facilitate the erection of first floor extension to provide bathroom. Approved 16.02.1992
- 3.2 P91/2103C Removal of existing roof to facilitate erection of first floor extension. Refused 21.08.91
- 3.3 P92/1004 Erection of first floor extension to provide bathroom. Approved 17.002.1992
- 3.4 P91/2003 Erection of first floor extension to provide bathroom. Refused 21.08.91

### **4. CONSULTATION RESPONSES**

- 4.1 Marshfield Parish Council  
No comments received

#### **Other Representations**

- 4.2 Local Residents  
No comments received.

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

- 5.1 In support of the application, the applicant submitted a supporting statement including photographs of the front and rear elevations of the site, the internal space of the loft space.

## **6. SUMMARY OF CONTRARY EVIDENCE**

- 6.1 The Local Planning Authority has no contrary evidence and the evaluation is therefore based on the existing alterations installed on site.

## **7. EVALUATION**

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is a formal way of establishing whether or not the existing development constitutes permitted development. 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.

- 7.2 In this instance, the key issue is to determine whether the existing rooflight, including the conversion of loft space to a bedroom, falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class C of the GPDO (2015). If there is unclear if the existing development would meet the criteria, a consideration will be given on when the existing development was carried out. Based on the available information, it is noted that the property has permitted development rights, as such they are intact.

### **7.3 The relevant test of the submitted evidence**

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probability”. Advice contained in Planning Practice Guidance states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt.” Furthermore, the applicant’s own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous. The planning merits of the development are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant’s version of events less than probable, should be taken into account.

#### 7.4 Assessment of Evidence

The property is an existing dwellinghouse, the use of the existing loft space to a bedroom itself would not be development as it would not constitute any change of use of the host dwelling nor create an additional planning unit. Regarding the existing rooflight on the rear elevation, the Council's historical aerial photo of 2005 already showed a rooflight was installed in the rear elevation. Although no clear details were submitted showing the construction details of the rooflight to show if the proposed rooflight would meet the criteria of Schedule 2, Part 1, Class 2 of the general permitted development order, there is a clear evidence to show that such rooflight has been installed more than 4 years ago. As such, it is considered that the existing loft conversion including the existing rooflight is lawful development.

### 8. RECOMMENDATION

- 8.1 That a Certificate of Existing Lawful Use be **APPROVED** for the following reason:

Sufficient information has been submitted to demonstrate that, on the balance of probability, the existing rooflight on the rear elevation of No. 8 High Street, Marshfield has been present for a continuous period of 4 years or more immediately prior to the submission of the application.

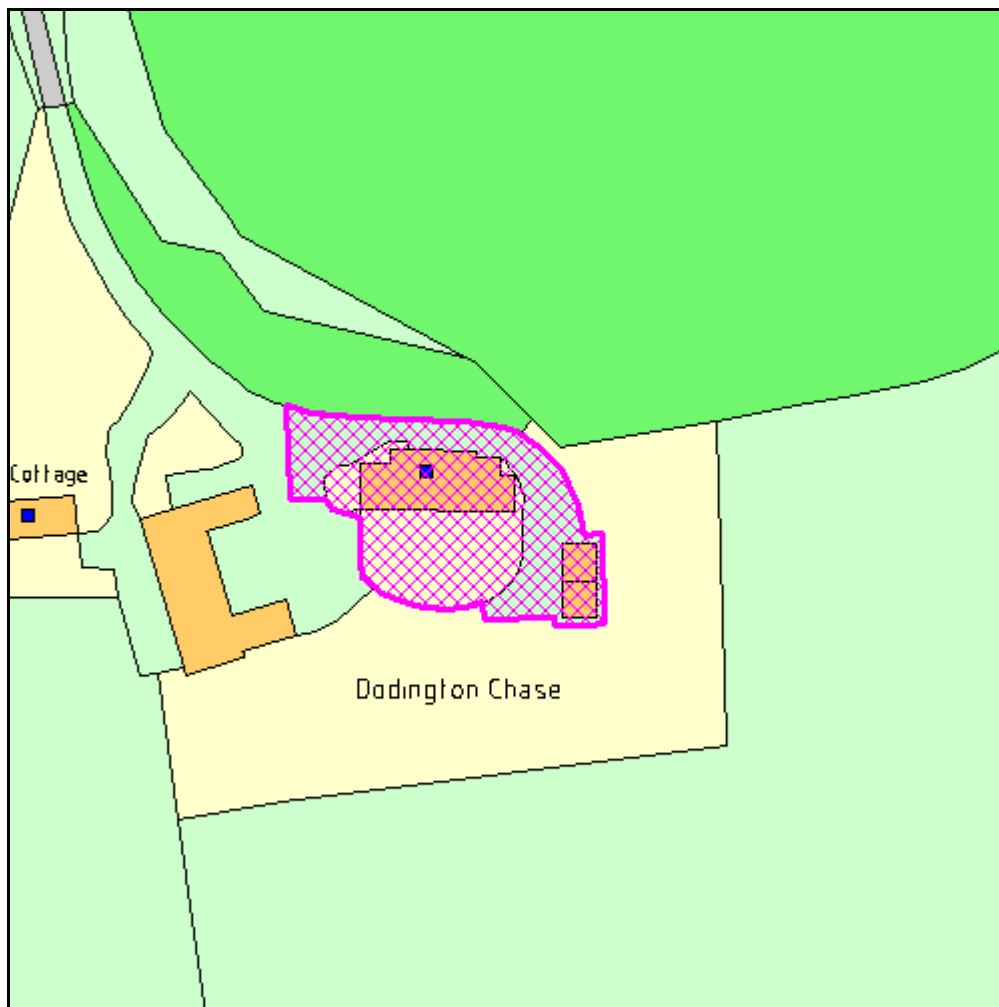
**Contact Officer: Olivia Tresise**  
**Tel. No. 01454 863761**



**CIRCULATED SCHEDULE NO. 34/17 – 24 AUGUST 2017**

<b>App No.:</b>	PK17/2715/F	<b>Applicant:</b>	Mr N Escott Dodington Commercial Properties Limited
<b>Site:</b>	Frying Pan Farm Old Parish Lane Dodington South Gloucestershire BS37 6SE	<b>Date Reg:</b>	7th July 2017
<b>Proposal:</b>	Sub-division and alterations to existing dwelling to form 2no dwellings.	<b>Parish:</b>	Dodington Parish Council
<b>Map Ref:</b>	374541 178620	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th August 2017

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

This report appears on the Circulated Schedule following a letter received from a local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the sub-division and alterations to existing dwelling to form 2no dwellings. The application relates to Frying Pan Farm, Old Parish Lane, Dodington. The site is therefore outside an established settlement boundary in the countryside, the Green Belt and in the AONB.
- 1.2 During the course of the application revised plans were received to include the existing garages within the application site.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS34	Rural Areas

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

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP28	Rural Economy
PSP38	Development within Existing Residential Curtilages
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Standards

- 2.4 Supplementary Planning Guidance  
 Design Checklist SPD (Adopted) 2007  
 Residential Parking Standard SPD (Adopted) 2013  
 Waste Collection: Guidance for New Developments (Adopted) January 2015  
 South Gloucestershire Landscape Character Assessment (Adopted)  
 November 2014  
 Green Belt (Adopted 2007)

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

- |     |                         |  |
|-----|-------------------------|--|
| 3.1 | PK05/1148/PNA           | Prior notification of intention to erect agricultural barn with 2 adjoining sheds                                      |
|     | No objection            | 16.5.05  |
| 3.2 | P99/2087<br>Approved    | Rebuilding of grooms accommodation.<br>1.12.99   |
| 3.3 | N2830/2<br><br>Approved | Erection of single storey extension at rear to provide entrance hall. Erection of four-car garage block.<br><br>3.3.83 |
| 3.4 | N2830/1<br><br>Approved | Change of use of converted outbuildings to separate dwelling. Construction of cesspit.<br><br>6.12.79                  |
| 3.5 | N2830<br><br>Approved   | Conversion of outbuildings and incorporation into dwelling.<br><br>22.7.76   |

### 4. **CONSULTATION RESPONSES**

- 4.1 Dodington Parish Council  
 No objection:  
 This application was duly considered by members at their Planning Committee meeting on 26<sup>th</sup> July 2017. They had previously been briefed on the proposals by the agent so were aware of reasoning behind proposals. They noted that there was a comment from local resident regarding the piped water supply – and would like to ensure that this matter is looked into - so as not to create further issues. This doesn't affect their overall view of application - that being that they have no issues with the sub division of property
- 4.2 Other Consultees
- Sustainable Transport  
 No objections:  
 We are somewhat concerned about the isolated location of this site.

This is because it is outside easy walking or cycling distance to any significant facilities and so we believe that this development will be car-dependent. Nevertheless, it is our opinion that a single new dwelling in a rural area is generally taken to produce around 6 or 7 vehicular movements per 24 hour day, therefore the site would now generate between 12 to 14 trips in this period. Consequently, we do not believe that the sites trip generation can be considered to be significant or severe and so we would not be able to sustain an objection on this basis. Our examination suggests that after sub-division, each property will have 2 bedrooms and a study which could be used as a third. Consequently, to conform to the Councils adopted Residential Car Parking Standards, the applicants will be required provide 2 car parking spaces for this dwelling. We understand that this is the case, hence this development appears satisfactory in this respect. Likewise, we also understand that this new dwelling will be able to use the existing access arrangements which will not be altered any way and this access does not directly join the public highway. Therefore, we consider that it is unlikely this this proposal will raise any material affect highway safety concerns.

Landscape officer

No objections

Highway Structures

No objection subject to an informative being attached to the decision notice

**Other Representations**

4.3 Local Residents

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

- As owner of Sands Court Lane and the piped water delivery system both facilities which the application site uses, am surprised no advance consultation by Dodington Commercial Properties Ltd with neighbours who will be affected by the unwelcome increase in vehicle movements and increase in demand upon the water supply
- Increase in noise, vibration, danger and disturbance by added vehicle movements
- Water supply system already experiences very low pressure at peak times and increasing the number of houses upon this fixed-capacity system will worsen existing problem
- Would welcome discussions with Dodington Commercial Properties Ltd as to how the situation can be ameliorated e.g. costs of added wear and tear on the lane and water system repair
- Would like assurance that thought will be given to tenant selection to maximise compatibility with the existing community
- Hope this does not mean a forthcoming application to convert the large barn to domestic accommodation

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular importance here is firstly the location of the site within the Green Belt where certain forms of development is restricted and secondly that an existing dwelling is to be sub-divided into two to make two 2 bed dwellings.

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

5.3 The effect of this is that policies such as policy H3 and policies CS5 and CS34, which generally restrict residential development within the open countryside, are now considered to constitute limited weight in planning assessments. In simple terms, this means the Local Planning Authority can no longer refuse planning applications for residential units based on the sole fact that the development is outside of recognised a settlement boundary. Rather, residential development should be assessed in terms of adopted up-to-date development plan policies and paragraph 14 of the NPPF.

5.4 Paragraph 14 states a presumption in favour of sustainable development, and states that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

5.5 At the heart of the NPPF is the presumption in favour of sustainable development. It sets out the three dimensions – economic, social and environmental - that need to be considered, and that the roles should not be taken in isolation. Moreover, paragraph 55 of the NPPF states that in order to promote sustainable development, housing should be located where it would enhance or maintain the vitality of rural communities. Paragraph 55 goes onto state that housing development in rural areas should not be promoted where such development would lead to isolated homes within the countryside.

5.6 The conversion of a single dwelling into two would add to the existing housing supply and therefore attracts weight in its favour for this reason.

## 5.7 **Green Belt**

The site is located in the Bristol/Bath Green Belt. Development in the Green Belt must meet certain criteria because inappropriate development is by definition harmful to it. *The re-use of buildings provided that the buildings are of permanent and substantial construction* is one of the exceptions. It is considered that this proposal to divide the existing property into two would meet this test. Weight is given in favour for this reason. It is noted that the footprint of the building would remain the same so there would be no adverse impact on for example the openness of the Green Belt and again weight is awarded in favour. A new dormer window would be added but this is a very small addition and would not be disproportionate to the existing building. This again accords with Green Belt policy and weight is attributed for this reason.

5.8 The conversion of the one dwelling into two dwellings by the means proposed is considered to meet one of the listed criteria and is therefore appropriate development which can be supported.

## 5.9 **Sustainability**

The main issue regarding sustainability is that the proposal would be the conversion of an existing building rather than the introduction of a new build into the countryside. This means there are existing services and access points to the site. This again counts in its favour.

## 5.10 **Design and visual amenity**

The proposal entails some small alterations to the existing fenestration and door patterns to for example reinstate some first floor blocked-up windows, remove an existing first floor balcony, insert a ground floor door in the north elevation to accommodate the sub-division. A small dormer window is also proposed in the north elevation to facilitate a successful conversion. These changes are acceptable as there would be little change to the overall appearance of the building. Furthermore, the proposal to sub-divide the dwelling would not impact on the Cotswold AONB and is therefore also acceptable in these terms.

## 5.11 **Residential amenity**

The existing property benefits from a good size garden to the rear which then overlooks open fields. This space would be divided to serve the two properties. The amount of amenity space for each is considered acceptable and the conversion would not impact on closest neighbours positioned some distance away to the north. On this basis there are no objections to the conversion.

## 5.12 **Transport**

The site is in the countryside where there is a great reliance on private vehicles. However, this is an existing property which would be converted into two separate dwellings. This must be taken into consideration and although there would be an increase in vehicular use from the site, this is balanced by the additional new home it would bring to the housing supply. Sufficient provision of parking for the two dwellings can be found on site, therefore the scheme meets the adopted standards and there can be no objection in transport terms.

### 5.13 **Equalities**

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

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

### 5.14 **Other matters**

The points raised by the local resident are noted but those relating to water supply and wear and tear on the shared access road amount to civil matters to be discussed and agreed upon by the relevant parties. Similarly with regards to prospective tenants this is not a planning matter. This application is assessing the merits of the sub-division of the existing property. Should an application relating to the barn be submitted this would be assessed on its own individual points and under the relevant current planning policies. It is not a matter that can be discussed within this report.

## 6. **CONCLUSION**

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

## 7. **RECOMMENDATION**

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

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

## **CONDITIONS**

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

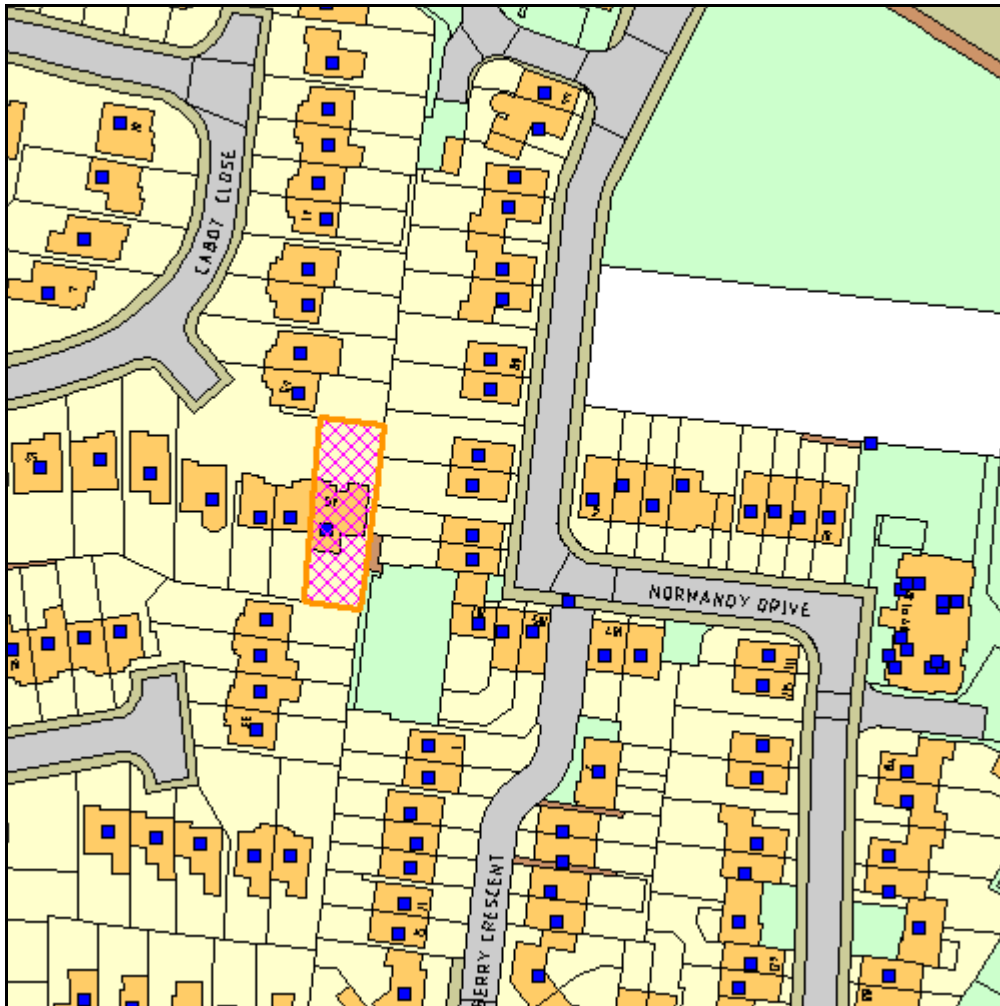
Reason

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



**CIRCULATED SCHEDULE NO. 34/17 – 24 AUGUST 2017**

<b>App No.:</b>	PK17/3094/CLP	<b>Applicant:</b>	Mr & Mrs Mahoney
<b>Site:</b>	46 Cabot Close Yate Bristol South Gloucestershire BS37 4NN	<b>Date Reg:</b>	11th July 2017
<b>Proposal:</b>	Proposed garage conversion.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371825 182059	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	28th August 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 garage conversion at no. 46 Cabot Close, Yate, would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.
- 1.3 The originally submitted proposal also included the installation of 1no. dormer window. However this dormer window did not meet permitted development criteria, and as such could not be carried out as permitted development. The applicant was notified of this, and subsequently submitted revised plans on 18<sup>th</sup> August 2017, excluding the proposed dormer window from the proposal.

### **2. POLICY CONTEXT**

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

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

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

#### **3.1 PK02/0286/F**

Erection of rear conservatory.

Approved: 28.02.2002

#### **3.2 P97/1288**

Erection of single storey side and front extension to provide dining room, kitchen and WC with bathroom in roof space.

Approved: 10.04.1997

- 3.3 **P95/1243**  
Erection of single storey rear extension to provide diningroom/kitchen Erection of carport to side elevation.

Approved: 28.03.1995

- 3.4 **P86/0103/3**

Erection of 86 houses and garages; construction of ancillary roads and footpaths; landscaping works. (Details following outline.) (To be read in conjunction with P84/0103/1) (in accordance with the revised layout plans received by the council on 2ND and 7TH july 1986.)

Approved: 16.07.1986

- 3.5 **P84/0103/1**

Residential and ancillary development on approximately 27 acres (outline).

Approved: 01.07.1986

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

- 4.1 Yate Town Council  
No comments received

- 4.2 Dodington Parish Council  
No comments received

#### **Other Representations**

- 4.3 Local Residents  
No comments received

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

- 5.1 Site Location Plan  
Combined Existing Plans (Drawing no. P7198/E/001)  
(Received by Local Authority 3<sup>rd</sup> July 2017)

Combined Proposed Plans (Drawing no. P7198/P/001 Rev A)  
(Received by Local Authority 18<sup>th</sup> August 2017)

#### 6. **ANALYSIS OF PROPOSAL**

- 6.1 Principle of Development  
The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented.

The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

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

6.3 The proposed development consists of the conversion of an existing garage. The only external alteration proposed is the replacement of an existing garage door with a ground floor window. This development would fall within Schedule 2, Part 1, Class A, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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

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

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

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

The proposed works would have no impact on the total area of ground covered by buildings.

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

The height of the converted garage would not change as a result of the proposal.

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

The height of the eaves of the converted garage would not change as a result of the proposal.

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

The proposal would not involve the enlargement of the dwellinghouse.

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

The proposal would not involve the enlargement of the dwellinghouse.

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

Not applicable.

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

The proposal would not involve the enlargement of the dwellinghouse.

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

The proposal would not involve the enlargement of the dwellinghouse.

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

- (iii) have a width greater than half the width of the original dwellinghouse; or**

The proposal would not involve the enlargement of the dwellinghouse.

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

The proposal does not include any of the above.

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

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

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

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

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

The proposed window would be finished in white PVCu to match existing. As such the proposal meets this criterion.

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

Not applicable.

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

Not applicable.

## **7. RECOMMENDATION**

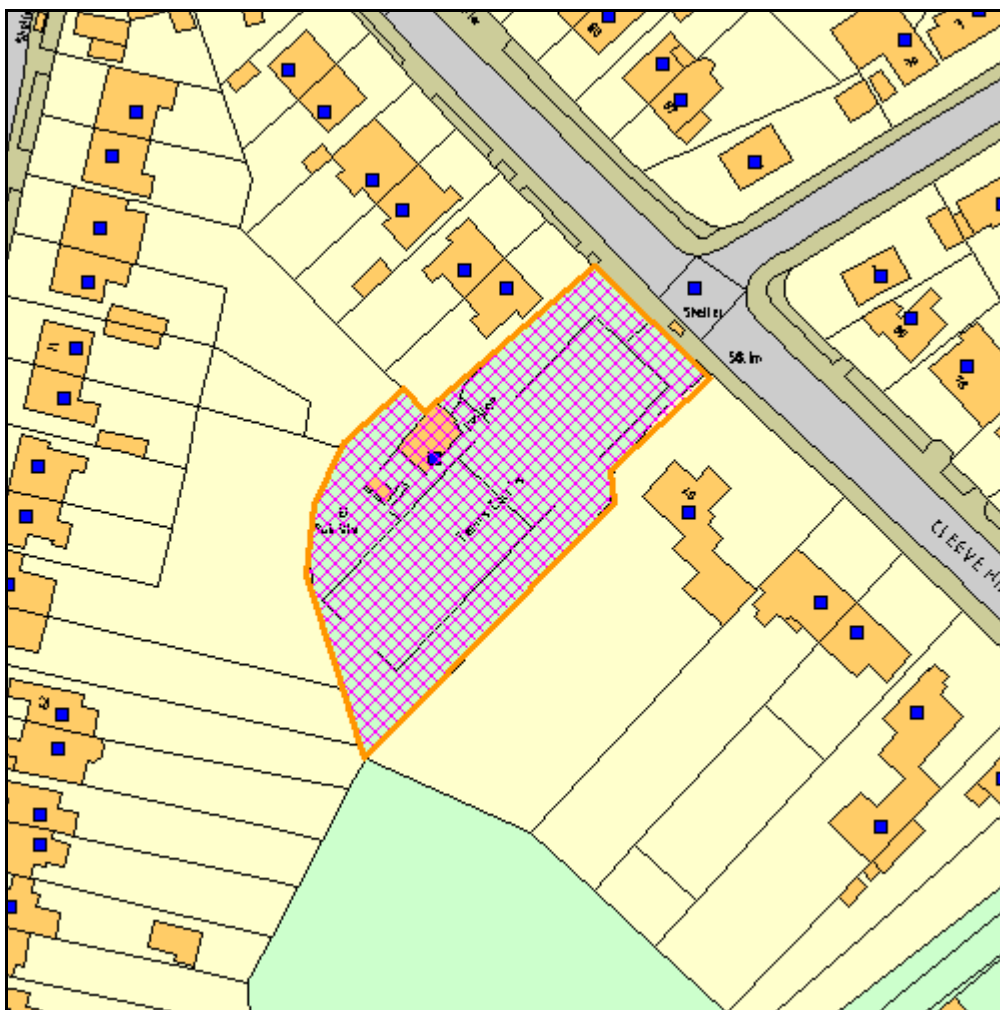
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

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

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

**CIRCULATED SCHEDULE NO. 34/17 – 24 AUGUST 2017**

<b>App No.:</b>	PK17/3113/TRE	<b>Applicant:</b>	Mr Dean Ileswillow deen developments
<b>Site:</b>	67 Cleeve Hill Downend Bristol South Gloucestershire BS16 6EU	<b>Date Reg:</b>	6th July 2017
<b>Proposal:</b>	Works to Pollard by 3m 1 no. Ash tree, fell 1 no. Cherry tree, fell 2 no. Sycamore, fell 2 Ash, fell 1 no. Oak and fell 1 no. Apple tree all covered by SGTPO 22/11 dated 16th May 2012	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	364802 177098	<b>Ward:</b>	Downend
<b>Application Category:</b>	Works to trees	<b>Target Date:</b>	30th August 2017



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

This application is referred to the Circulated Schedule as there are comments that are contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 Works to Pollard by 3m 1 no. Ash tree, fell 1 no. Cherry tree, fell 2 no. Sycamore, fell 2 Ash, fell 1 no. Oak and fell 1 no. Apple tree all covered by SGTPO 22/11 dated 16th May 2012.
- 1.2 The trees are on land at and surrounding no.67 Cleeve Hill, Downend, Bristol, South Gloucestershire, BS16 6EU.

### **2. POLICY CONTEXT**

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

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

- 3.1 PK14/4921/F, Site Address: Land To The Rear Of And Adjacent To 65 And 67 Cleeve Hill, Downend, Bristol, South Gloucestershire, BS16 6EU, Decision: NODETM, Date of Decision: 12-JAN-2016, Proposal: Erection of a 60no. bedroom Residential Care Home (Class C2) with access, parking, landscaping and associated works., CIL Liable: T
- 3.2 PK17/2254/TRE, Site Address: 67 Land At Cleeve Hill, Downend, Bristol South Gloucestershire, BS16 6EU, Decision: , Date of Decision: , Proposal: Works to various trees covered by Tree Preservation Order SGTPO22/11 dated 16/05/2012 as detailed within Tree schedule and plan submitted to the Council on 10th May 2017, CIL Liable:

### **4. CONSULTATION RESPONSES**

- 4.1 Downend And Bromley Heath Parish Council objects to felling 7 protected trees due to an inconsistency in the supporting tree report that states that no action is required in the tree schedule, then indicates that they are proposed for removal further into the report.

#### **Other Representations**

- 4.2 Local Residents

There are comments objecting to elements of the proposed works from two local residents. One comment concerns the extent of reduction of one of the Ash trees. The other is more general, questioning the value of the Tree Preservation Order (TPO) and stating the significance of some of the trees, particularly those on the bank next to the tennis court.

## 5. **ANALYSIS OF PROPOSAL**

- 5.1 Works to Pollard by 3m 1 no. Ash tree, fell 1 no. Cherry tree, fell 2 no. Sycamore, fell 2 Ash, fell 1 no. Oak and fell 1 no. Apple tree all covered by SGTPO 22/11 dated 16th May 2012.
- 5.2 **Principle of Development**  
The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.
- 5.3 **Consideration of Proposal**  
The tree officer has met onsite with the developer and discussed the proposed works.
- 5.4 Whilst it is agreed that the Ash (T976) does require some reduction, it is felt that a higher pollard would be more appropriate. If a climbing inspection doesn't reveal significant decay at the pollard bole level, it is proposed that the tree is reduced to 8 to 10 metres in height.
- 5.5 The twin-stemmed Turkey Oak (T982) is also considered to be of high amenity value and its retention is felt to be viable and desirable.
- 5.6 The Apple and the Cherry are low quality trees. The two Sycamore and Ash are self-set specimens that are very close to the boundary wall. The Sycamore (T979) in particular, is in poor condition and when considering these trees individually they would not meet the criteria for inclusion on a TPO.
- 5.7 The purpose of the Tree Preservation Order is to give the local authority the opportunity to gain some measured control over which trees are retained and which can be removed and replaced through mitigation planting. Across this site as a whole, and on the western boundary of this part of the site, there are a number of retained, mature trees that are of high amenity and ecological importance.

## 6. **RECOMMENDATION**

### 6.1 **SPLIT DECISION**

That consent is GRANTED for the removal of 1no. Cherry, 2no. Sycamore, 2no. Ash, 1no. Apple and for the pollarding to between 8m and 10m Ash (T976).

That consent is REFUSED for Pollarding Ash (T976) to 3m and for the removal of Oak (T982).

**Contact Officer: Simon Penfold**  
**Tel. No. 01454 868997**

## **CONDITIONS**

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

Reason

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

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

Reason

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

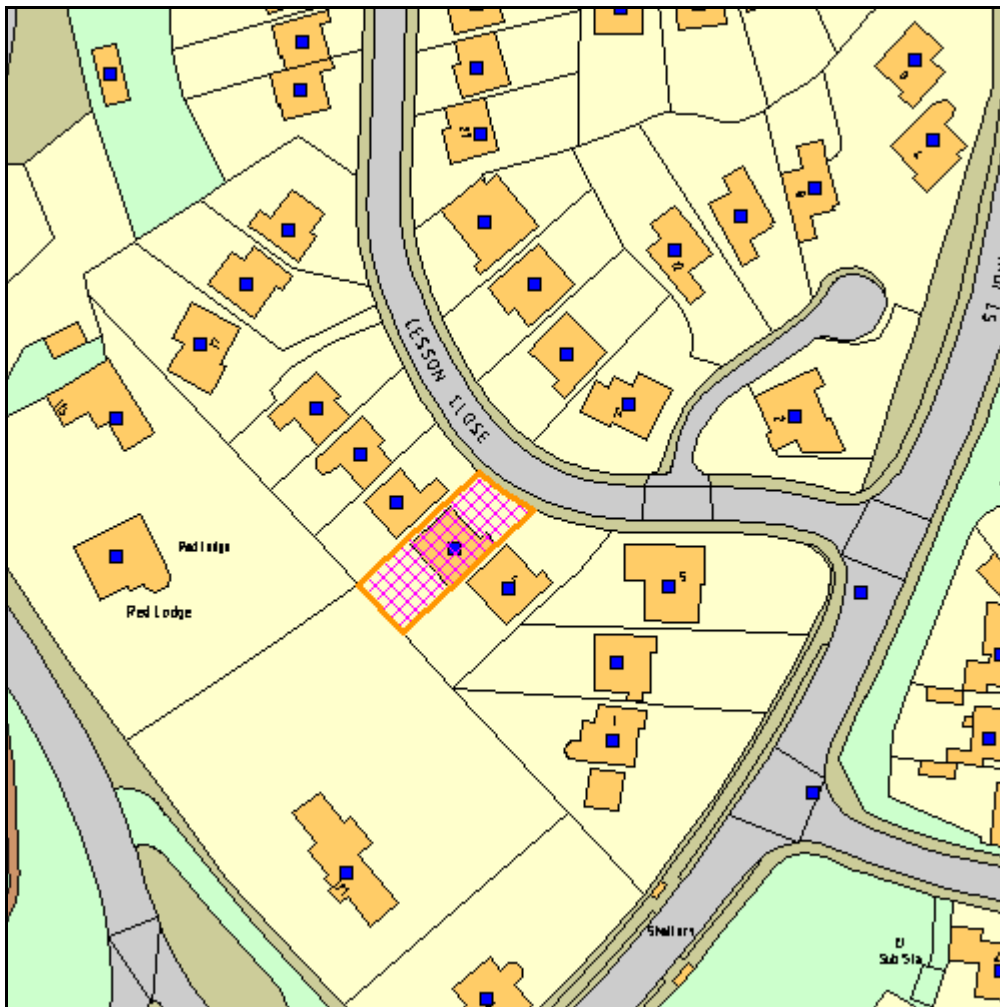
3. Replacement trees, the species, size and location of which are to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

Reason

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

**CIRCULATED SCHEDULE NO. 34/17 – 24 AUGUST 2017**

<b>App No.:</b>	PK17/3258/F	<b>Applicant:</b>	Mr And Mrs Taylor
<b>Site:</b>	9 Cesson Close Chipping Sodbury Bristol South Gloucestershire BS37 6NJ	<b>Date Reg:</b>	24th July 2017
<b>Proposal:</b>	Erection of two storey side extension to provide additional living accommodation	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	373434 181885	<b>Ward:</b>	Chipping Sodbury
<b>Application Category:</b>	Householder	<b>Target Date:</b>	4th September 2017



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

The application appears on the Circulated Schedule in the light of a comment received from a local resident.

### **1. THE PROPOSAL**

- 1.1 The site is located in the Yate and Chipping Sodbury Urban area. The site consists of a modern detached dwelling with garage, parking and driveway access onto Cesson Close. The dwelling is contained in its own residential curtilage.
- 1.2 The proposed development consists of the construction of a first floor extension over an existing flat roof garage to the site of the dwelling. The proposed development would provide additional bedroom floor space.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

- CS1 High Quality Design
- CS4a Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility

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

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

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

- PSP1 Local Distinctiveness
- PSP7 Development in the Green Belt
- PSP8 Residential Amenity
- PSP38 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007  
Residential Parking Standard SPD (Adopted) December 2013  
Development within the Green Belt SPD (Adopted) June 2007

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

- 3.1 None

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

- 4.1 Chipping Sodbury Town Council  
No Objection
- 4.2 Highway Authority  
No Objection – site includes sufficient parking

#### **Other Representations**

- 4.3 Local Residents  
One comment has been received neither objecting or supporting the planning application. The writer comments as follows;

Is it possible to insert a clause making it a condition that the area around the property (including the writers own) is kept in a clean condition?

Is it possible to restrict the number of vehicles involved and to maintain good access to neighbours driveways.

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

- 5.1 The site is located within the urban area and entirely within the residential curtilage associated with the subject dwelling.
- 5.2 Principle of Development  
Saved Policy H4 of the South Gloucestershire Local Plan is relevant to this application. The Policy indicates that the proposed development is acceptable in principle subject to the following considerations.
- 5.3 Design  
The existing dwelling dates from the mid to late 20<sup>th</sup> Century. It is of a modern chalet style bungalow with dormer windows to the front and rear. This is a common element of the surrounding locality.
- 5.4 The proposed development would extend the dwelling at first floor level over the existing flat roof garage attached to the Northeast elevation. The ridge and eaves would continue at the same level as the existing dwelling and three roof lights inserted into the front elevation at roof level. To the rear, the eaves and ridge would be the same as the existing house and the existing rear dormer window extended across into the proposed extension.
- 5.5 Officers are satisfied that the proposed development is an appropriate and sympathetic addition to the existing dwelling and is acceptable.
- 5.6 Residential Amenity  
The proposed development would add a further bedroom and en-suite over the existing garage. New windows would be introduced in the front and rear elevations. The rear dormer extension would face towards the host curtilage and would allow views across this area as well as neighbouring residential properties.

However, these views would not be unusual in the sub-urban context and would not result in any materially greater impact over the existing situation. Similarly, views facing out towards the front of the site would not be materially different to the existing position.

5.7 The extension would increase the height of the dwelling against the neighbouring property to the Northeast (no. 11 Cesson Close). However, this relationship is such that the development would not result in an overbearing impact to no. 11). Officers are therefore satisfied that the development will not result in an adverse impact in terms of residential amenity.

5.8 Highway safety and Parking.

The proposed development does would increase the number of bedroom spaces from three to four. The front of the property includes an area of brick paving that provides sufficient parking and access for three private vehicles to be kept on site. This is consistent with the South Gloucestershire Residential Parking Standards. Officers are therefore satisfied that the development would have no material impact in terms of parking and highway safety.

5.9 Officers note that a local resident has suggested that any approval of this application is subject to a condition that restricts the number of vehicles that can be kept with the residential property; and that this would be in the interests of the amenity of the highway and allow free access to neighbouring driveways. As set out above, there is sufficient space to keep three private vehicles on the driveway associated with the subject dwelling, and this is sufficient with the minimum parking residential parking standards. However, it is neither reasonable or appropriate to restrict the number of vehicles associated with the property, even if this is in excess of three vehicles being owned by the applicant. In the event that vehicles are parked on the public highway this is a matter which is controlled by Traffic Regulation Legislation and any indiscriminate or obstructive parking is a matter for the Police to enforce.

5.10 Other Matters

A local resident has requested that a condition be imposed on any approval such that the site is kept in a clean condition. The upkeep of a private residential property and neighbouring property is generally a civil matter for the occupants of the dwelling concerned. In extreme and rare circumstances issues of upkeep may be a matter for Environmental Health and/or Planning Enforcement Legislation. In any case, there is specific legislation available outside of the planning application process to cover this matter and as such a condition is not necessary or reasonable.

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

7.1 That Planning Permission is granted subject to the conditions set out in the decision notice.

**Contact Officer: Simon Penketh**  
**Tel. No. 01454 863433**

## **CONDITIONS**

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

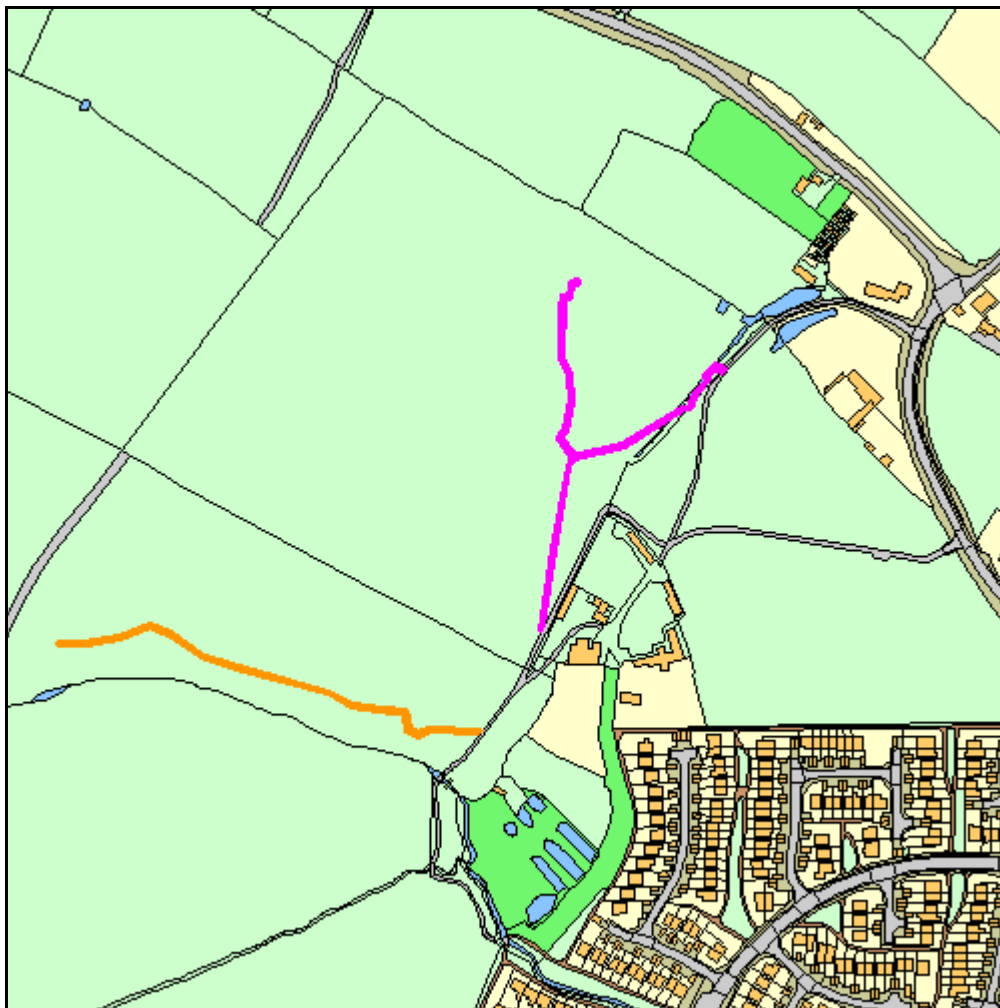
Reason

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



**CIRCULATED SCHEDULE NO. 34/17 – 24 AUGUST 2017**

<b>App No.:</b>	PT16/6954/FDI	<b>Applicant:</b>	BDW Trading Limited
<b>Site:</b>	Land At Park Farm Butt Lane Thornbury South Gloucestershire BS35 1RA	<b>Date Reg:</b>	5th January 2017
<b>Proposal:</b>	Diversion of footpath OTH/18, OTH/19 and OTH/13.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	363829 191392	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Footpath Diversion	<b>Target Date:</b>	23rd February 2017



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

Under the Council's scheme of delegation, footpath diversion orders are required to be determined through the Circulated Schedule process.

### **1. THE PROPOSAL**

- 1.1 This application is made under Section 257 of the Town and Country Planning Act 1990. Under this application, consent is sought to divert a 200m length of footpath OTH/18, 201m length of footpath PTH/19 and a 308m length of footpath OTH/13. All three proposed diversions run through the same development site 'Park Farm' and all are to enable development.
- 1.2 Footpath OTH/13 runs East to West across the site just to the North of Pickedmoor brook. At present OTH/13 meanders across the field and roughly follows the course of the brook. The proposed diversion will continue to follow the course of the brook but just along a surfaced footpath rather than through grass.
- 1.3 Footpaths OTH/18 and OTH/19 run North to South through the development. At present, OTH/19 runs through the centre of an approved children's playground. The diversion is to route OTH/19 around the western edge of the playground on an estate footpath. As approved, buildings and associated parking spaces would be constructed over the route of path OTH/18. The proposed diversions would slightly re-align OTH/18 so it runs along estate paths and a short section of estate road.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
Town and Country Planning Act 1990: Section 257  
Circular 01/09: Rights of Way

#### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS9 Managing the Environment and Heritage  
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

T12 Transportation  
LC12 Recreational Routes

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

- 3.1 PT17/2342/RVC Variation of condition 11 attached to planning permission PT15/5528/RM (read in conjunction with PT11/1442/O) to substitute approved drawings with those received by the Council on 16th May 2017 to make changes to some of the approved housetypes.

- Application currently on Circulated Schedule with a recommendation for approval
- 3.2 MODT16/003 Deed of Variation of Section 106 Legal Agreement attached to planning permission PT11/1442/O.  
Resolution to grant subject to the signing of a Deed of Variation – not yet signed at the time of the preparation of this report.
- 3.3 PT11/1442/O Erection of up to 500 dwellings on 26.21 hectares of land with public open space, associated works and access. Outline application including access with all other matters reserved.  
Approved and S106 signed October 2012
- 3.4 PT13/0919/RM Erection of 127 no. dwellings with landscaping, car parking and associated works. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT11/1442/O).  
Approved March 2014
- 3.5 PT15/5528/RM Approval of the appearance, landscaping, layout and scale in relation to the erection of 374 Homes on Phases 2, 3 and 4 of the Park Farm, Thornbury development, in addition to the discharge of pre-commencement conditions and S106 Obligations. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT11/1442/O)  
Approved January 2017

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

- 4.1 Thornbury Town Council  
No Objection
- 4.2 Transportation Development Control  
No objection
- 4.3 Archaeology Officer  
No comment
- 4.4 Public Rights of Way  
No objections subject to clauses.

#### **Other Representations**

- 4.5 Local Residents  
Letters have been received from two local residents. Neither neighbour has raised any objection to the proposed diversions but have raised the following points:
- Paths should, where possible, be shared use or bridleway
  - Existing links should be upgraded thereby diverting pedestrians and cyclists from Butt Lane and Gloucester Road
  - The Severn Way footpath has already been closed and needs to be re-opened

## 5. ANALYSIS OF PROPOSAL

5.1 This application seeks to divert the route of existing footpaths to facilitate the erection of up to 500 dwellings on the site known as Park Farm.

### 5.2 Principle Matters

The diversion of a public right of way is not development as defined in the Town and Country Planning Act. A diversion Order for a public right of way can therefore only be considered through the planning system when the diversion of the right of way is considered necessary to allow the implementation of a planning permission. In considering making a diversion to a right of way, the local planning authority must be satisfied that the proposed alternative route is suitable, that the diversion is reasonably necessary and that the amenity of the right of way is maintained.

### 5.3 Diversion of Right of Way

The proposed footpath diversion is required to enable the Park Farm development to take place. In order to satisfy the South Gloucestershire Path Diversion order policy the new route must be like for like or an improvement, i.e. any stiles should be replaced with accessible gates, the route must not introduce any additional gradients or steps and the path must be clear of obstructions etc. The proposal is acceptable as it appears to satisfy the legal tests required and no objections are raised to the proposed diversion order. The new route is less than 20 % greater in length.

5.4 The proposed rerouting has been assessed by the Council's Public Rights of Way team. The officer has concluded that the proposed diversion passes the legal test of Section 257 of the Town and Country Planning Act 1990 and raise no objection to the new alignment subject to the following requirements:

- No new gradients are introduced which are steeper than 1:12;
- The stile on the boundary of Ringtail Lane is removed and replaced with either a gap or gate of a minimum 5ft (1.525m) in accordance with BS standard 5709 to allow access for cyclists and horses (when we are considering an application for a diversion order we look at the path as a whole within the applicant's control, not just within the limits of what is to be diverted);
- A cinder path is provided through phases 2 and 3 on the line of OTH19;
- Whilst OTH19 will retain its legal status as a public footpath in practice it will be set out as and follow the line of a multi user path between the adopted highway Ringtail Lane and the bus gate into the Alexandra Nursing Home site.

5.5 The proposed diversion is therefore acceptable.

## **6. CONCLUSION**

- 6.1 The recommendation to raise no objection to the proposed footpath diversion 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 including Circular 01/09 and Policy LC12.
- 6.2 The proposal is considered to satisfactorily meet the tests of a footpath diversion and the amenity and utility of the route would be maintained.

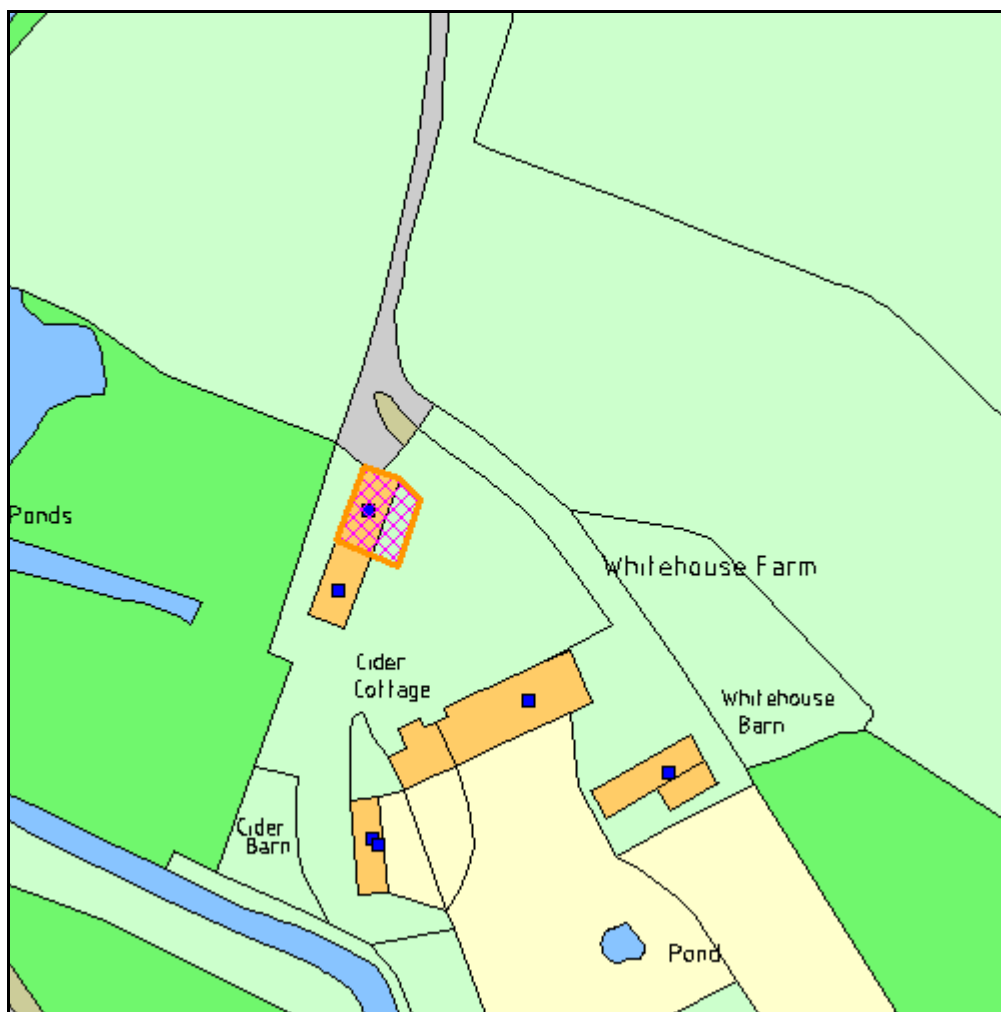
## **7. RECOMMENDATION**

- 7.1 It is recommended that NO OBJECTION be raised to the proposed diversion, as shown on the accompanying plans.
- 7.2 It is recommended that the Head of Legal and Democratic Services be instructed to and delegated the authority to make an Order under Section 257 of the Town and Country Planning Act 1990 for: the part diversion of footpath OTH/13, part diversion of footpath OTH/18 and part diversion of OTH/19 as shown on the accompanying plan received by the Council on 30th December 2016.

**Contact Officer: Marie Bath**  
**Tel. No. 01454 864769**

**CIRCULATED SCHEDULE NO. 34/17 – 24 AUGUST 2017**

<b>App No.:</b>	PT17/0382/F	<b>Applicant:</b>	Ms Jayne Brown
<b>Site:</b>	Cider Barn Whitehouse Lane Severn Beach Bristol South Gloucestershire BS35 4NN	<b>Date Reg:</b>	7th February 2017
<b>Proposal:</b>	Conversion of former detached garage to form 2no. Dwelling Houses (Class C3) with associated works.	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	354982 184626	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th March 2017



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 100023410, 2008. **N.T.S.** **PT17/0382/F**

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

This report appears on the Circulated Schedule following objections from the Parish Council and a local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks permission for the retrospective conversion of a former detached garage to form 2no. Dwelling Houses (Class C3) with associated works. The application site relates to a building close to the Cider Barn, Whitehouse Lane in Severn Beach. It is therefore outside the settlement boundary and in the open countryside. The site lies within the flood zone of the River Severn.
- 1.2 During a site visit it was apparent that the works had already taken place and that at least one of the units was occupied. Neighbours were already aware of this fact and the description of development has been changed to reflect the existing situation.
- 1.3 During the course of the application revised plans were submitted initially, on an informal basis in an attempt to address Officers concerns relating to design, adverse impact on residential amenity and parking issues. These plans show amendments to the design, the amenity space and the location of the parking. However, the parking is outside the red edge and furthermore, although the applicant asserts they own the piece of land in question, it has not been registered with the Land Registry. Parking could therefore not be conditioned on land not formally within the control of the applicant. As the revised plans only make changes to the visual appearance of the building they were not sent out for re-consultation. On another matter the same piece of land is not within the residential curtilage of the site and although works have been done and the area is used to park vehicles, a change of use of the land application would be needed.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
Planning Policy Guidance  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)  
Managing Significance in Decision-Taking in the Historic Environment (GPA 2)  
The Setting of Heritage Assets (GPA 3)

- 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)

H3 Residential Development in the Countryside

T12 Transportation Development Control Policy for New Development

L13 Listed Buildings

EP2 Flood Risk

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP16 Parking Standards

PSP17 Heritage Assets and the Historic Environment

PSP20 Flood Risk

PSP38 Development within Existing Residential Curtilages

### 2.4 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

Residential Parking Standard SPD (Adopted) 2013

Waste Collection: Guidance for New Developments (Adopted) January 2015

## 3. RELEVANT PLANNING HISTORY

3.1 PT15/2738/F Change of use from detached garage to 2no. Dwelling Houses (Class C3) with associated works as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (Retrospective)  
Approved 14.12.15

3.2 PT12/0844/F Change of use of existing detached garage to mixed use holiday let and office accommodation (Sui Generis) as defined in the Town & Country Planning (Use Classes) Order 1987 (as amended) and associated works.  
Approved 31.5.12

3.3 PT05/2691/F Conversion of existing stables to form dwelling. (Resubmission of PT05/1304/F).  
Refused 25.11.05

### **Other**

3.4 PT09/5081/F Construction of two earth bunds and fencing. Erection of detached garage/ shed (retrospective).  
Approved 6.11.09

3.5 PT08/2620/F Construction of screening bund  
Refused 30.10.08



### **Conversion barn – now called Cider Barn**

- |     |              |  |
|-----|--------------|--|
| 3.6 | PT03/2484/LB | Conversion of 1 no. redundant farm building to form dwelling (plot two) (in accordance with amended plans received on 6 November 2003).<br>27.11.03  |
|     | Approved     |  |
| 3.7 | PT03/2481/F  | Conversion of 1 no. redundant farm building to form dwelling (plot two) (in accordance with amended plans received on 6 November 2003).<br>27.11.03  |
|     | Approved     |  |
| 3.8 | N877/1       | Outline application for the erection of warehouses, distribution depots and ancillary offices on approximately 47.6 acres of land. Construction of new vehicular and pedestrian access.<br>12.6.75 |
|     | Refused      |  |

## **4. CONSULTATION RESPONSES**

### **4.1 Pilning and Severn Beach Parish Council**

#### **Objection:**

- 1) Flooding - change of use to "more vulnerable" category requires the Exception Test to be passed - this scheme does not satisfy any element of that test. Applicant has failed to provide evidence of any attempt to find a less vulnerable use or that existing use is not viable
- 2) Access is inadequate
- 3) Overdevelopment- this former farm property was granted holiday accommodation but it is being used continuously by tenants
- 4) It is believed that the work has already been carried out - if this is the case, then the matter should be referred to planning enforcement
- 5) Within the curtilage of a listed building

### **4.2 Other Consultees**

#### **Conservation / Listed Building Officer**

**Objection:** The aesthetic impact of these alterations is in my view a significant further loss of character, as the building clearly now possess an overtly residential appearance. It is also difficult to understand why the design approved for the first four bays was not repeated for the rest of the building to at least provide some visual coherence.

If the upvc framed glass infills and roof lights required consent and this has not been given, then I would advise that an enforcement notice requiring their removal is considered to enable a more appropriate design to be introduced in regard to fenestration and rooflights.

Therefore although on the face of it no external alterations are being proposed, this may not actually be the case and we could potentially be granting permission for unauthorised works, or at least regularising it.

Externally the creation of dedicated amenity space for the proposed units would also exacerbate the domestication of this once historic functional building and distort its relationship with the listed farmhouse.

Any formal amenity areas and parking areas should therefore be resisted to ensure the hierarchy and relationship between the outbuilding and the principal designated asset remains clearly distinguishable and decipherable. I would also add that there may be a cumulative issue to consider, as the resultant building would accommodate three separate residential units.

#### Updated Comments

*During the course of the application the following revisions were proposed:*

- *The pattern of fenestration, doors and rooflights should match those of the already converted part of the garage next door*
- *The fence to the front of the property removed and two amenity areas proposed with suitable, subtle boundary treatments*

*The above changes are considered to remove objections but elevation plans should be conditioned.*

#### Sustainable Transport

No objection

#### Drainage comments

No Objection, as it is noted that in accordance with our local flood risk standing advice provided by the Environment Agency (EA) the applicant has provided the required information within their submitted Flood Risk Assessment (FRA) and accompanying elevation plan.

#### Highway Structures

No objection:

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

#### Public Rights of Way

No objection, however footpath ORN 49 runs along the lane to the north of the property and as such an informative regarding the public right of way must be attached to any approval.

### **Other Representations**

#### 4.3 Local Residents

One letter has been received expressing concern regarding the potential impact an increase in traffic could have on this lane and its access onto a busy road.

A letter in response has been sent in by the applicant's partner. As the two parties are considered to be one household the comments are not regarded as support, merely additional information for the application.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. It is material that in 2015 the conversion of the other half of this historic barn into residential accommodation was regularised. The principle of converting an outbuilding such as this into habitable accommodation has therefore been established. What needs to be assessed is the work that has already been carried out and its impact firstly on the character of the building itself, the impact on the adjacent grade II listed farmhouse, impact on the residential amenity of future occupants of the converted building and impact in transport terms.

The level of impact is discussed below and is considered sufficient to warrant a refusal of the application.

### 5.2 Background

In 2012 an application was invited by enforcement officers to regularise alterations to an existing detached building within the listed curtilage of Whitehouse Farmhouse, a grade II listed building. The application was to convert the southern part of the building into holiday accommodation at ground floor and office accommodation on the first floor. The northern part of the building was to be retained as garage and store areas. The conversion work had already taken place and furthermore, detailed investigations revealed that the original stable block had been demolished and re-built (without planning permission) to such an extent it was really a modern building, albeit displaying some historic features such as re-use of materials. Its curtilage listing status no longer applied.

5.3 In 2015 an application was invited to again regularise works to this outbuilding due to firstly, the external works having not followed the approved plans and secondly, the building had been converted into 2 residential units and not used as holiday/office accommodation. The red edge plan only included the southern part of the outbuilding and excluded the northern part which contained the storage/garage element. Officers are aware that at some point the ownership of the outbuilding was split between two parties but are unclear of timings. The 2015 application specifically removed the permitted development rights for this half of the building. A block plan showing four separate coloured areas indicating the respective residential amenity and respective parking areas for the 2 units was submitted but this plan did not specify boundary treatments and this was not covered in the accompanying officer report. It is highly unlikely that close boarded fencing would have been deemed appropriate treatment given the proximity of the grade II listed farmhouse.

- 5.4 Although the 2012 permission which included the whole of the building within the red edge was partially implemented in that the southern element of the building was converted into residential, the approved description of development was:

*Change of use of existing detached garage to mixed use holiday let and office accommodation (Sui Generis) as defined in the Town & Country Planning (Use Classes) Order 1987 (as amended) and associated works.*

- 5.5 This mixed use with a sui generis class use classification does not benefit from permitted development rights and as such the external changes to the northern part of the outbuilding needs to be assessed under this current application.

5.6 Design, Impact on character of the area and listed building

It is acknowledged that given the previous history of the site, the building is judged as being part new-build and part re-construction of a former curtilage listed structure. Consequently, due to the scale of demolition and reconstruction the building is not considered to be curtilage listed as although it would comply with a number of tests for curtilage listed status, as a new build it is not pre-1948 structure.

- 5.7 Nonetheless, it forms part of an historic group of buildings formally associated with Whitehouse Farm. All the former associated buildings now appear to be within separate ownership and although the subject building is the most modest in terms of character and form, it is in a prominent located being situated at the entrance to the site.

- 5.8 The following building description was also noted for the 2012 application:

*The building is rectangular on-plan with a clay pantile dual-pitched roof supported to the front by 8no columns divided internally into 3 bays; two bays each feature 4no. up-and-over timber single garage doors set between stone piers and 1no. bay just with a double steel up-and-over door. Due to the number and resultant appearance of the garage doors, the building can be considered to have the appearance of a large domestic structure as opposed to a former agricultural building. In particular the appearance of the wide garage door at the northern end of the building is especially visually damaging, as its scale and proportions are completely at odds with the rest of the building.*

- 5.9 The external works to the northern part of this building have already been undertaken. Had the building had its permitted development rights then it may be argued that the difference in fenestration pattern between this half of the building and that previously converted would not be one requiring planning permission. However, as only half of the structure was identified in the red edge in the 2015 regularising permission, the other half, under consideration here, does not have permitted development rights having been included in the 2012 sui generis class use application. That application being partially implemented means the class use is still applicable to this part of the building for which there are no permitted development rights. It is therefore correct that the introduction of the fenestration and rooflights be assessed here.

- 5.10 Records show that with regards to the other half of the building, that conversion did not follow the approved plans. Permitted development rights were removed but boundary fencing has been erected. Similarly, the conversion being considered under this application has already taken place and works to the fabric of the building carried out. These works have not followed the pattern of the works carried out on the other half of the building and fencing has also been erected. The impact of these design elements on the grade II listed building has therefore been considered.
- 5.11 Consequently, during the course of the application and in discussion with the applicant Officers declared that the aesthetic impact of the current alterations amounted to a significant further loss of character which has resulted in the building clearly now possessing an overtly residential appearance which was regarded as being harmful to the setting of the listed building and the character of the immediate area.
- 5.12 Given the degree of Officer concern, revised plans were submitted to show that the applicant was prepared to make further revisions so that openings would match those present within the other half of the converted building. This repetition of the pattern would bring some visual coherence and is acceptable in design terms. The relevant revised submitted plans will be conditioned.
- 5.13 It was furthermore evident from Officer's site visit that a large amount of close boarded fencing has been used to mark out the boundary in between the units and the main farmhouse. This feature exacerbates the domestication of this once historic functional building and distorts its relationship with the listed farmhouse, thereby being harmful to the setting of the listed building.
- 5.14 Again during the course of the application the applicant expressed willingness to remove this fencing and this is welcomed.
- 5.15 Notwithstanding the improvement to the overall appearance that these changes would bring the impact on residential amenity remains a matter of concern and this is discussed below.

#### Residential Amenity

- 5.16 A small amount of residential amenity space is proposed for each of the properties. Both would be two bed dwellings, despite one of the upstairs rooms being labelled 'study'. Property 1 would have an outside amenity space of about 36 sq metres and Property 2 would have around 42 sq metres. These figures fall below the minimum levels proposed under the emerging PSP 43. However, the size of amenity space is not too dissimilar to that accepted for the adjoining conversion and furthermore the policy has not yet been fully adopted.
- 5.17 Given the orientation of the garage to the listed building Whitehouse Barn, there is greater opportunity for overlooking. However, there is a distance of around 30 metres between the two properties and although there would be changes for this neighbour it is considered that a refusal reason on this basis would not be substantiated.

- 5.18 Originally submitted plans showed the parking for these properties within the limited residential curtilage. Parking is therefore considered below.
- 5.19 Sustainable Transport  
*Access track:*  
This is predominantly single track in width, but does have passing places. Furthermore, there would appear to be space at the junction with the main road for 2 vehicles to pass. The impact of the lack of passing places along the track provides an inconvenience to users in that they will need to either give way to each other or pass each other by half driving on the paddock adjacent to the track. Neither option although undesirable would create a severe highway safety issue.
- 5.20 *Location:*  
Whilst the site is located in an unsustainable location and necessitates predominately car borne travel, given the scope of development that has previously been allowed at this location no objection could be sustained on this basis.
- 5.21 *Parking:*  
The proposed parking was originally contained within the residential curtilage of the properties. This meant that especially for property 2 the amount of garden space would be limited to virtually the size of a car. In addition the layout of the parking would have meant that vehicles would have to reverse into or out of the spaces. However, given the road is remote from the highway this would not have been problematic in highway safety terms.
- 5.22 Of more concern is the conflict between the amenity space and parking space. A revised plan was submitted to the LPA to indicate that an area of land to the west of the barn could be used for the parking of vehicles. It was noted on the Officer's site visit that a large area has been fenced off by close boarded fencing with half of it being hardstanding and the other half being shingle (possibly to accommodate drainage for the barns).
- 5.23 The submitted plan merely indicates that this area is within the ownership of the applicant and does not form part of the red edge of the application. It is understood that the applicant (and partner) have purchased this area of land in good faith from a third party who did not have the right to the land. This third party has attempted to register the parcel of land with the Land Registry claiming adverse possession. This means that evidence showing possession of the land must be proven for a period of 12 years. It is understood that that application failed and was cancelled in December 2016 by the Land Registry. No subsequent application has been made. Nevertheless, the applicant has shown by the inclusion of solicitors letters with this application that monies have exchanged hands. It is assumed this will continue to be a civil matter between the parties whilst the legal title to that land is confirmed.
- 5.24 The above uncertainty regarding the ownership of the land means that it cannot be taken into consideration in the determination of this application because any condition attached to the decision would not be enforceable if the applicant was not the legal title holder of the land.

The question of where should the vehicles for the two properties park is therefore an important issue if the suggested area cannot be included in this assessment.

5.25 It is understood that no-one owns the access track/lane leading to the application site and all the nearby properties. These dwellings merely have a right of access over it. As such parking is un-restricted on this lane. On this basis given the limited amount of traffic estimated to use the conversion, it is not necessary to secure parking by means of a condition. If in the future the land ownership issue is sorted then parking for the occupants of the barn would be readily available. Officers understand there has also been an offer made by other neighbours that parking could be on their land either on an informal or formalised basis to be agreed by the parties. Regardless, the issue for Officers is whether dedicated parking is necessary and if not whether this would cause a severe harm.

5.26 On balance the above argument has shown that a condition is not required, that alternative options would exist and that the harm would not be sufficient to warrant refusal of the application.

#### 5.27 Flood Risk

The site lies in flood zone 3 and as indicated on the Environment Agency's (EA) map also within an area benefitting from flood defences. Standing advice from the EA indicates that for change of use applications (excluding self-contained ground floor or basement residential dwellings) a flood risk assessment should be submitted to the LPA for consideration. The LPA must then satisfy itself that the floor level is no lower than existing and that resilience/resistance and evacuation procedures have been addressed in accordance with the stated requirements. It is not necessary to consult the Environment Agency. The flood risk assessment details submitted with the application and detail of a first floor for refuge are considered acceptable and there are no objections on this basis.

#### 5.28 Equalities

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

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

## 6. CONCLUSION

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

## 7. RECOMMENDATION

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

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

## CONDITIONS

1. Within six months of the decision date, changes to the elevation of the building shall be undertaken so that the external appearance matches that of the attached and already converted barn, as shown on Proposed Elevations drawing 16-039-10 received by the Council on 18.4.17.

Reason

For the avoidance of doubt.

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E and F), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

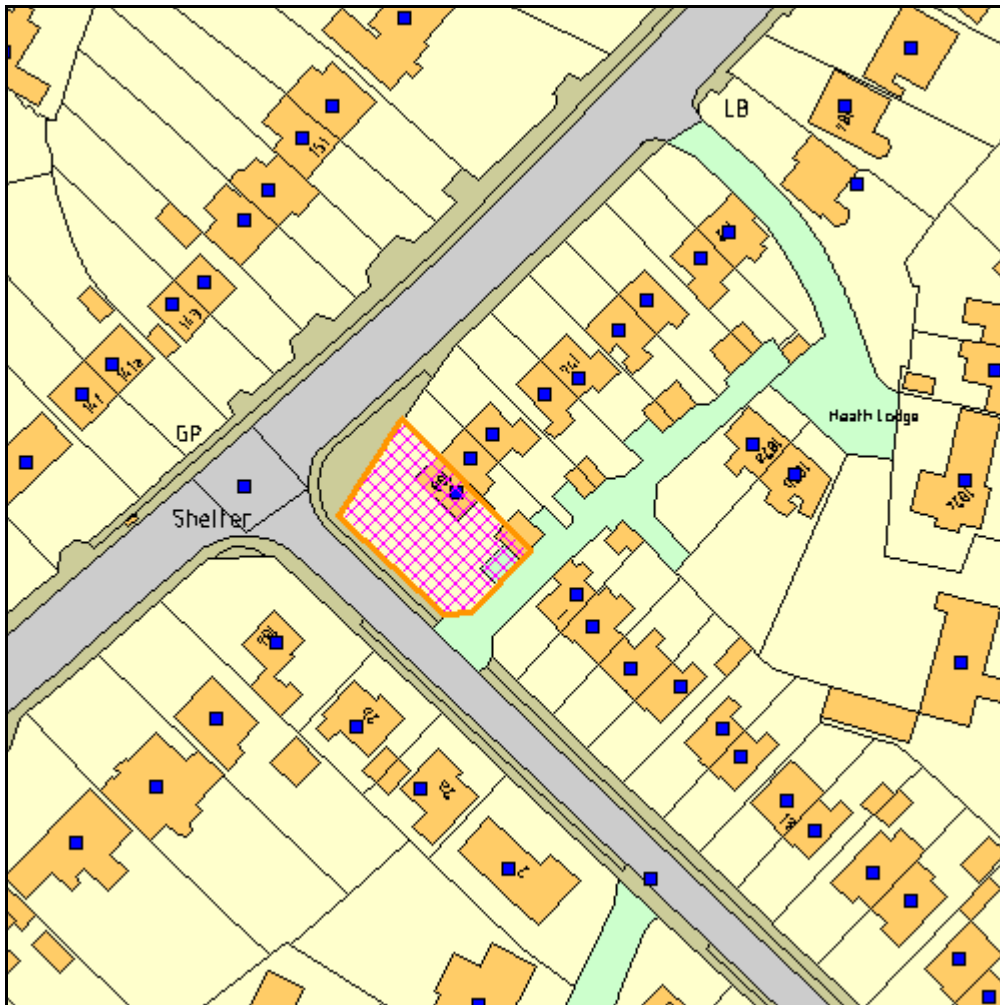
Reason

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



**CIRCULATED SCHEDULE NO. 34/17 – 24 AUGUST 2017**

<b>App No.:</b>	PT17/2843/CLP	<b>Applicant:</b>	Mr Michael Baker
<b>Site:</b>	Land Adj 166 Badminton Road Coalpit Heath Bristol South Gloucestershire BS36 2SX	<b>Date Reg:</b>	20th July 2017
<b>Proposal:</b>	The proposed erection of a rear single garage	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367232 180488	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	4th September 2017



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a rear single garage at land adjacent to no. 166 Badminton Road 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 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 PT17/3006/NMA**

Non material amendment to PK14/2192/F to change fenestration to the rear and side of the property.

No objection: 17.07.2017

#### **3.2 DOC17/0006**

Discharge of conditions 3 (Details of parking spaces) and 5 (Tree protection) attached to planning permission PK14/2192/F. Erection of 1no. detached dwelling with associated works.

Pending Consideration

#### **3.3 PK14/2192/F**

Erection of 1no. detached dwelling with associated works.

Approved: 04.08.2014

### 3.4 **PT10/2376/O**

Erection of 1no. dwelling (outline) with access to be determined. All other matters reserved.

Refused: 29.10.2010

## 4. **CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
No comments received

### **Other Representations**

- 4.2 Local Residents  
No comments received

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

- 5.1 Block Plan  
Proposed Garage Elevations  
(Received by Local Authority 6<sup>th</sup> July 2017)

Site Location Plan  
(Received by Local Authority 10<sup>th</sup> July 2017)

## 6. **ANALYSIS OF PROPOSAL**

- 6.1 Principle of Development  
The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.
- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class E of the GPDO 2015. It should be noted that the permitted development rights at the property have not been restricted, and they are therefore intact and exercisable.

6.3 The proposed development consists of the erection of a detached single garage. This development would fall within Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the erection of buildings incidental to the enjoyment of a dwellinghouse, provided it meets the criteria as detailed below:

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

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

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

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

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

- (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);**

The proposed footprint of the garage would not exceed 50% of the total area of the curtilage.

- (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;**

The garage would be situated to the rear of the dwellinghouse, and would not be situated forward of the principal elevation of the dwellinghouse.

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

The proposed garage would be of a single storey scale.

- (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 be situated within 2 metres of the boundary of the curtilage of the dwellinghouse. However the ridge height of the garage would be set at 2.5 metres. The development therefore meets these criteria.

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

The eaves height would be below 2.5 metres.

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

The host dwelling is not a listed building.

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

The proposal does not include any of the above.

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

The proposal is for incidental uses and does not include a microwave antenna.

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

The proposal is for a garage as opposed to a container.

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

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

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

The application site is not located within any of the above.

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

The application site is not located on article 2(3) land.

## 7. **RECOMMENDATION**

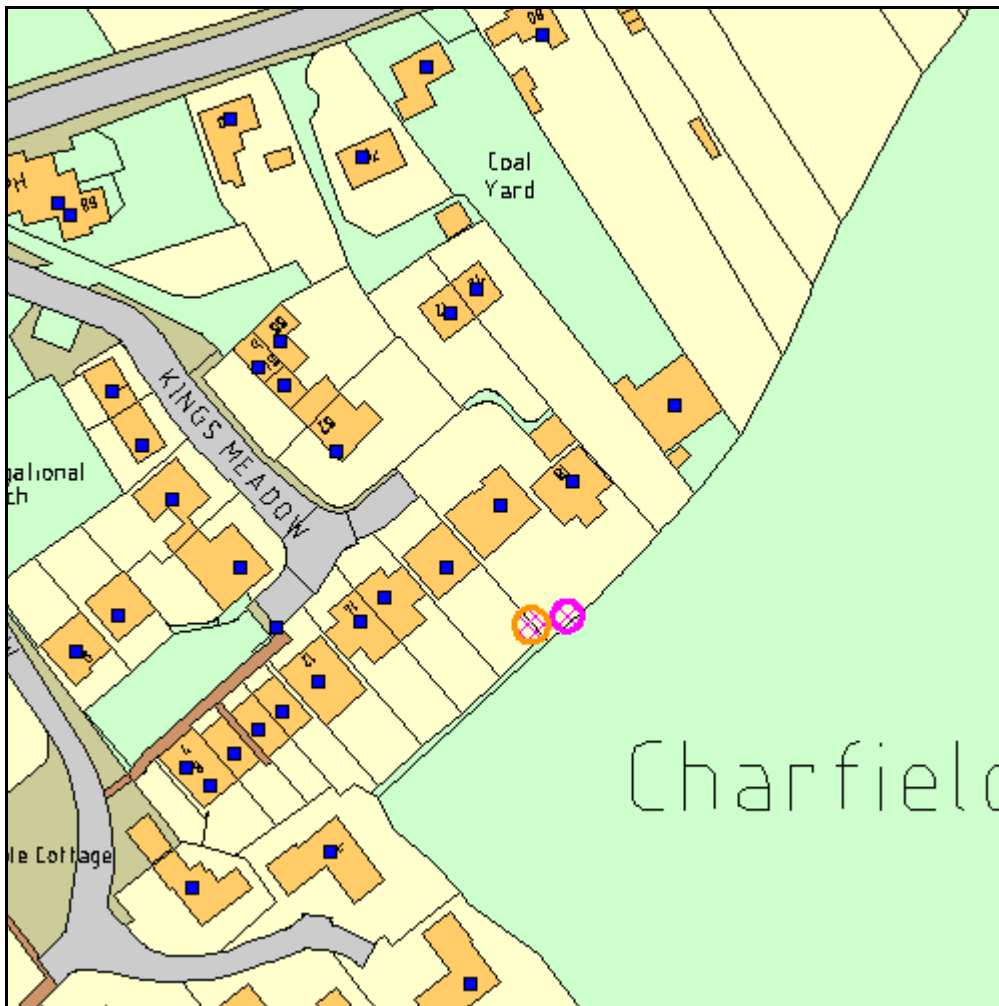
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed detached 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.

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

**CIRCULATED SCHEDULE NO. 34/17 – 24 AUGUST 2017**

<b>App No.:</b>	PT17/3180/TRE	<b>Applicant:</b>	Mr Paul Haycocks Crest Nicholuson
<b>Site:</b>	17 Kings Meadow Charfield South Gloucestershire GL12 8UB	<b>Date Reg:</b>	21st July 2017
<b>Proposal:</b>	Works to 2no Oak trees to reduce lateral growth on property side by 3 metres and crown lift by 4 metres. Covered by South Gloucestershire Tree Preservation Order 07/11 dated 21 June 2011.	<b>Parish:</b>	Charfield Parish Council
<b>Map Ref:</b>	372676 192337	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Works to trees	<b>Target Date:</b>	1st September 2017



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 100023410, 2008. N.T.S. PT17/3180/TRE

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

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

### **1. THE PROPOSAL**

- 1.1 Works to 2no Oak trees to reduce lateral growth on property side by 3 metres and crown lift by 4 metres. Covered by South Gloucestershire Tree Preservation Order 07/11 dated 21 June 2011.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

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

- 3.1 PT12/1089/TRE, Site Address: Kingshall, 60 Wotton Road, Charfield, Wotton Under Edge, South Gloucestershire, GL12 8SR, Decision: COND, Date of Decision: 24-MAY-2012, Proposal: Works to raise canopy by 2.5 metres 1no. Willow tree and crown lift by 2 metres 3no. Oak trees covered by Tree Preservation Order SGTPO 07/11 dated 21 June 2011, CIL Liable:
- 3.2 PT17/1380/TRE, Site Address: 17 Kings Meadow, Charfield, South Gloucestershire, GL12 8UB, Decision: WITHDN, Date of Decision: 01-JUN-2017, Proposal: Works to 2no. Oak trees to crown reduce by 2.5 metres and crown thin by 15% covered by Tree Preservation Order SGTPO 07/11 dated 21/06/2011, CIL Liable:

### **4. CONSULTATION RESPONSES**

#### **4.1 Charfield Parish Council**

Objection on the grounds that the works are substantially the same as a previously application which was withdrawn on the advice of the LPA as it was considered excessive.

#### **Other Representations**

#### **4.2 Local Residents**

1 objection received stating that the specified works are substantially the same as a previously application which was withdrawn on the advice of the LPA as it was considered excessive.

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

- 5.1 Works to 2no Oak trees to reduce lateral growth on property side by 3 metres and crown lift by 4 metres. Covered by South Gloucestershire Tree Preservation Order 07/11 dated 21 June 2011. insert brief summary of tree works.



5.2 Principle of Development

The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.

5.3 Consideration of Proposal

The 2 oak trees are mature and prominent, contributing well to the amenity of the local landscape.

5.4 In recent times, development in terms of housing has occurred in proximity to these trees leading to requests for tree pruning.

5.5 An application for tree work was recently withdrawn on the advice of SGC as the work, involving an overall crown reduction was considered excessive.

5.6 The revised proposed works are to allow clearance from the existing properties and are not considered to be detrimental to the health of the trees nor the amenity they provide.

**6. RECOMMENDATION**

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

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

**CONDITIONS**

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

Reason

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

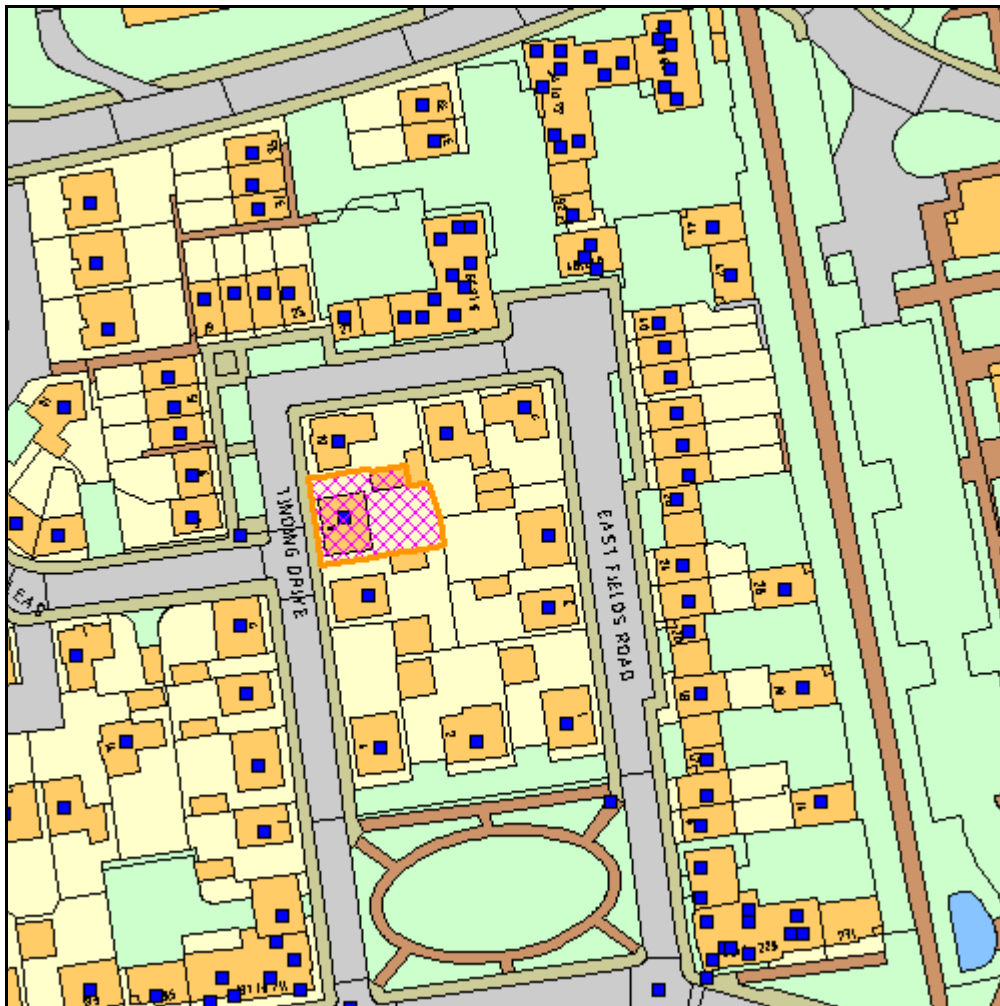
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

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

**CIRCULATED SCHEDULE NO. 34/17 – 24 AUGUST 2017**

<b>App No.:</b>	PT17/3219/F	<b>Applicant:</b>	Mr & Mrs David and Hilary Adams and Nye
<b>Site:</b>	8 Tinding Drive Stoke Gifford South Gloucestershire BS16 1FS	<b>Date Reg:</b>	25th July 2017
<b>Proposal:</b>	Change of use from 4 no. bed HMO (Class C4) to 7 no. bed HMO (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	361897 177796	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th September 2017



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 100023410, 2008. N.T.S. PT17/3219/F

## **REASON FOR REPORT APPEARING ON CIRCULATED SCHEDULE**

This application is referred to the Circulated Schedule as 1no. objection has been received from a local resident, contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the change of use from a 4no. bed HMO (Class C4) to 7no. bed HMO (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application site relates to a modern, detached, double fronted property. It is located within part of the existing urban area of the North Fringe of Bristol, in the Cheswick Village development. The host benefits from an existing, single detached garage and parking on hardstanding to the side. Properties in the vicinity are modern but of different scales and designs.
- 1.3 The property currently has 4 bedrooms, all at first floor, which would remain unchanged. It is proposed that the ground floor would be re-arranged to accommodate the 3no. additional bedrooms. There would be limited external changes, with 1no. window introduced to the northern (side) elevation at ground floor.
- 1.4 Throughout the course of the application additional information was provided to rectify concerns raised by transportation colleagues.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### 2.2 Adopted Development Plan

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

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS17 Housing Diversity  
CS25 Communities of the North Fringe of Bristol Urban Area

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

T7 Cycle Parking  
T12 Transportation Development Control  
H5 Houses in Multiple Occupation

#### 2.3 Emerging Development Plan

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP39	Houses in Multiple Occupation

- 2.4 Supplementary Planning Guidance  
 Residential Parking Standard SPD (Adopted) December 2013  
 Waste Collection SPD (Adopted) January 2015

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

- 3.1 PT04/0684/O Approved (S106) 02.11.2005  
 Residential development at a density of 50 units per hectare overall across the site together with supporting infrastructure and ancillary facilities.
- 3.2 PT09/5504/RM Approve with Conditions 30.12.2009  
 Reserved Matters Application for 121 dwellings, parking, and associated infrastructure. (Approval of reserved matters to be read in conjunction with outline planning permission PT04/0684/O and variation of PT07/3519/RM).
- 3.3 PT10/0201/RM Approve with Conditions 19.04.2010  
 Erection of 121 dwellings with landscaping (Approval of Reserved Matters to be read in conjunction with outline planning permission PT04/0684/O and PT09/5504/RM).

### 4. **CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
 No comment received
- 4.2 Community Enterprise  
 No comment received
- 4.3 Sustainable Transport  
 No objection in principle to this proposal. I note that they refer to the garage being suitable for car and cycle parking. Prior to commenting further therefore I would like to see details of the car and cycle parking.
- 4.4 Police Community Safety  
 No comment received.

### **Other Representations**

- 4.5 Local Residents  
 1no. objection was received from a local resident. Comments as follows;
- Potential increase in noise
  - Parking issues
  - Lack of refuge bins

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H5 of the Local Plan specifically addresses HMOs and is therefore the starting point for determining this application. This policy is supportive of HMOs subject to an assessment of the impact on the character of the area, residential amenity, and off-street parking.

5.2 As part of the forthcoming Policies, Sites and Places Plan this policy is due to be replaced by PSP39. At its current stage of production, the policy holds limited weight. In addition to the criteria listed in H5, this policy would also require an assessment of waste storage and servicing

5.3 Parking provision and highway safety should be assessed against policy T12 and the Residential Parking Standard SPD. In addition to the above, consideration must also be given to the provision of adequate bicycle storage to encourage sustainable and non-car based modes of transport in urban locations.

### 5.4 Residential Amenity and the Impact on the Locality

Policy H5 indicates that proposals should consider the character of the area and the amenities of nearby occupiers. Proposals should also demonstrate that occupiers have access to adequate amenity space.

5.5 The site is located in a relatively dense residential estate in close proximity to a number of employers and further/higher education institutions. The property is currently lawfully occupied as a HMO under Class C4 and this proposal would seek to increase the number of occupants from four to seven.

5.6 The proposal would result in minimal external changes to the building; 1no. window to the northern (side) elevation of the property at ground floor. It is not considered that this would give rise to residential amenity issues. Further to this, the existing property benefits from a large rear garden of approximately 110 sqm. This would remain following the change of use. The emerging PSP43 sets out Minimum Private Amenity Space Standards. This policy states that proposals for change of use must ensure that the minimum standards are met. In this instance that would be the provision of 70 sqm of amenity space. As such, the property would provide in excess of these standards and is considered sufficient.

5.7 Local residents raised concerns that the intensification of this HMO may generate higher levels of noise than at present. Whilst this is recognised, excessive noise would be a nuisance under environmental protection legislation. As such, it is not considered that this matter can be a constraint in determining planning permission.

5.8 Overall, and on balance of the factors discussed above, it is considered that the site would be able to be occupied as a larger HMO without prejudicial harm on the residential amenities of nearby occupiers or a significant impact on the character of the area.

## 5.9 Transport and Parking

Policy H5 states that an 'acceptable' level of off-street parking should be provided. The Council's adopted Residential Parking Standard SPD provides detail on expected parking provision, however there is no specific policy or guidance in respect of HMOs. The SPD requires properties with 5+ bedrooms to provide a minimum of 3 off-street parking spaces. Further guidance is forthcoming in the emerging Policies, Sites and Places Plan Policy PSP16 which requires the provision of 0.5 parking spaces per bedroom in a HMO. As the PSP is still undergoing public examination, Policy 16 currently holds less weight.

5.10 Taking the 0.5 spaces as a guide for the level of parking required on site, this would result in a requirement of 3.5no. parking spaces. At present, the application site provides 3no. parking spaces (2no. on hardstanding and 1no. single garage). When first received, the applicant proposed to use the garage as secure cycle storage. This would have led to a deficit of parking spaces. In correspondence with transportation colleagues, revised information has now been received which indicate that there would be provision of vertical cycle storage in an existing shed within the rear garden. There is an existing gated side access to the rear garden which would remain following the development and would allow ease of access to the cycles in the rear garden. As such, the single garage now remains available for vehicular parking.

5.11 Overall, the proposed level of parking for vehicles and bicycles is considered to comply with adopted standards and there would be no highway safety concerns about the proposed development.

## 5.12 Other Matters

Issues raised from public consultation in relation to inconsiderate parking, noise and waste management cannot be managed through this application and therefore are not given weight in decision taking. Concerns about the management of HMOs are considered through private sector housing legislation and not the planning system.

## 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: Lucy Paffett**  
**Tel. No. 01454 863436**

## **CONDITIONS**

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

Reason

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

2. The cycle storage facilities, for 7 bikes, as shown in 'Bike Storage at 8 Tinding Drive' (Received by the Council 18th August 2017) shall be provided before the building is first occupied as a Larger House in Multiple Occupation (Sui Generis), and thereafter retained for that purpose.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

3. The Larger House in Multiple Occupation (Sui Generis) hereby approved shall not contain more than 7no. bedrooms at any one time.

Reason

Greater levels of occupancy would require further consideration against policies CS5, CS8 and CS25 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) to ensure appropriate levels of off-street parking and amenity of occupants.

4. The proposed ground floor window to the northern side elevation shall match the windows used on the existing building.

Reason

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