

**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. 17/17

Date to Members: 27/04/2017

Member's Deadline: 04/05/2017 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

Dates and Deadlines for Circulated Schedule
During May Bank Holidays 2017

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

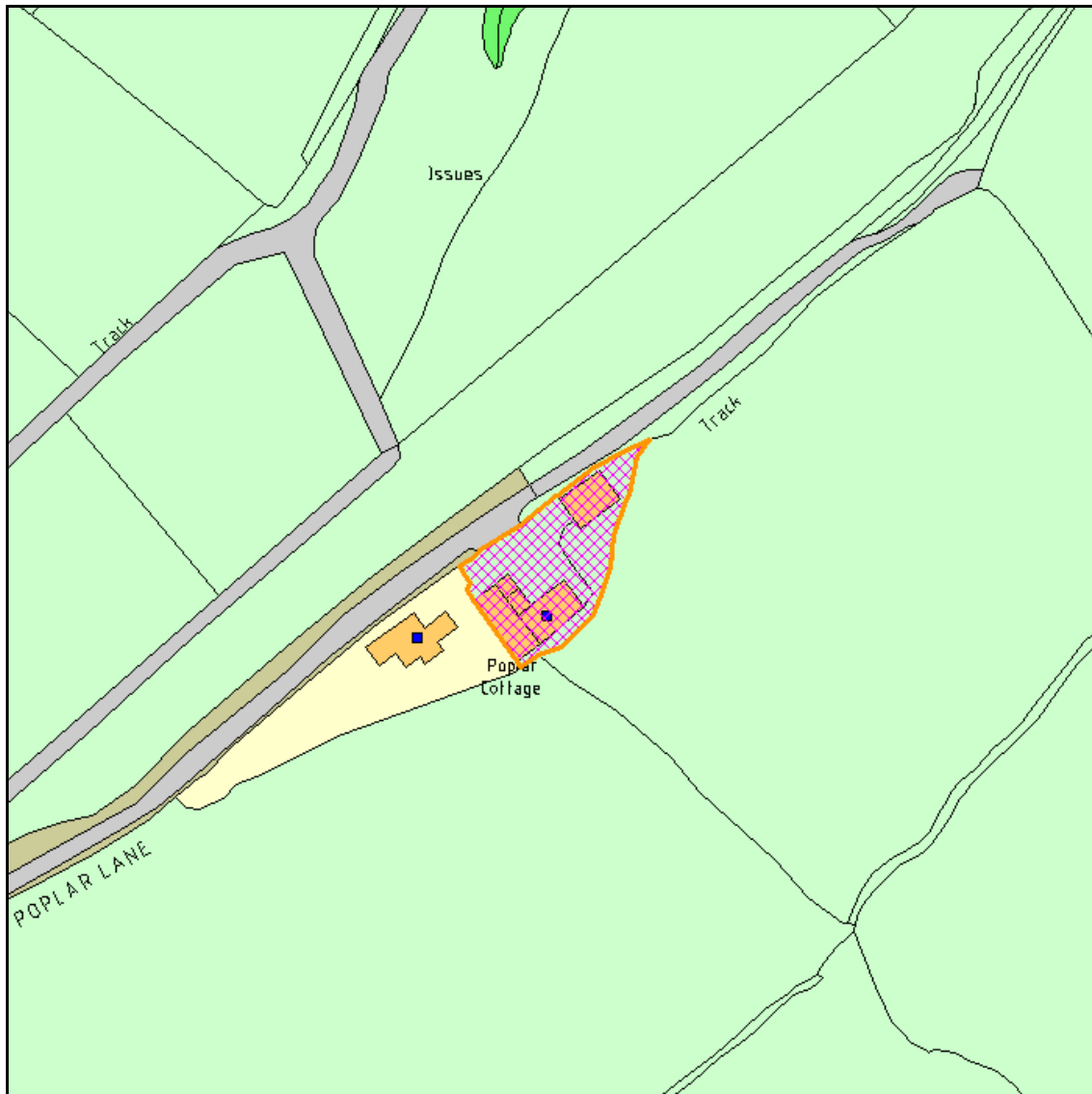
Please see changed deadlines in **RED**.
All other dates remain as usual

CIRCULATED SCHEDULE - 27 April 2017

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK16/6485/O	Approve with Conditions	Popplecot End Poplar Lane Wickwar South Gloucestershire GL12 8NS	Ladden Brook	Wickwar Parish Council
2	PK16/6730/F	Approve with Conditions	The Chase Tenniscourt Road Kingswood South Gloucestershire BS15 4JW	Kings Chase	None
3	PK17/0765/F	Approve with Conditions	Rose Dale 72 Farm Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
4	PK17/0903/F	Approve with Conditions	10 And 12 Regent Street Kingswood South Gloucestershire BS15 8JS	Woodstock	None
5	PK17/1003/F	Approve with Conditions	6 Wick Wick Close Downend South Gloucestershire	Emersons	Emersons Green Town Council
6	PK17/1041/CLP	Approve with Conditions	5 Foxcote Kingswood South Gloucestershire BS15 9TX	Woodstock	None
7	PK17/1110/CLP	Approve with Conditions	15 Cleeve Lodge Road Downend South Gloucestershire BS16 6AF	Downend	Downend And Bromley Heath Parish Council
8	PK17/1314/CLP	Approve with Conditions	42 High Street Kingswood South Gloucestershire BS15 4AJ	Woodstock	None
9	PT16/3579/O	Approved Subject to S106 Agreement	11 Hortham Lane Almondsbury Bristol South Gloucestershire BS32 4JH	Almondsbury	Almondsbury Parish Council
10	PT17/0091/F	Approve with Conditions	Hollies Bungalow New Road Rangeworthy South Gloucestershire BS37 7QH	Ladden Brook	Rangeworthy Parish Council
11	PT17/0703/PDR	Approve with Conditions	4 Hawksmoor Lane Stoke Gifford South Gloucestershire BS16 1WS	Frenchay And Stoke Park	Stoke Gifford Parish Council
12	PT17/1006/F	Approve with Conditions	11 Church Close Frampton Cotterell South Gloucestershire BS36 2BB	Frampton Cotterell	Frampton Cotterell Parish Council
13	PT17/1109/CLP	Approve with Conditions	6 Kennet Way Thornbury South Gloucestershire BS35 2EY	Thornbury South And	Thornbury Town Council

CIRCULATED SCHEDULE NO. 17/17 – 27 APRIL 2017

App No.:	PK16/6485/O	Applicant:	Mr Andrew Bunnett
Site:	Popplecot End Poplar Lane Wickwar South Gloucestershire GL12 8NS	Date Reg:	16th January 2017
Proposal:	Erection of 1no. dwelling with associated works (Outline). All matters reserved.	Parish:	Wickwar Parish Council
Map Ref:	372918 187885	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	8th March 2017



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100023410, 2008. N.T.S. PK16/6485/O

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of 1no. dwelling with associated works, with all matters reserved.
- 1.2 The application site is land within the residential curtilage of a property known as Poplar Cottage, at the end and on the southern side of Poplar Lane, Wickwar. The site is outside of any established settlement boundary, which is located to within approximately 140 metres to the east of the site, on the northern side of Poplar Lane.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance.

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H3 Residential Development in the Countryside
L1 Landscape
T12 Transportation Development Control Policy for New Development
T7 Cycle Parking

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS16 Housing Density
CS17 Housing Diversity
CS34 Rural Areas

Policies Sites and Places Development Plan Document (Submission Draft)
June 2016

PSP1 Local Distinctiveness
PSP2 Landscape
PSP8 Residential Amenity
PSP40 Residential Development in the Countryside
PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Residential Standards SPD (adopted)
The South Gloucestershire Development in the Green Belt SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/4006/O - Outline planning permission for up to 80 residential dwellings (including up to 35% affordable housing), landscaping, informal public open space, children's play area, new access and associated works (Outline) with access to be determined. All other matters reserved. Land South Of Poplar Lane, Wickwar. Recommended for approval 02.12.2016, subject to completion of a S106 Agreement.

PK12/3497/F Erection of two storey side and rear extension to form annexe ancillary to main dwelling.
Approved 10.12.12

PK08/1966/F Erection of single storey side extension to provide additional living accommodation.
Approved 5.08.2008

P97/1285 Erection of two storey side and rear extensions. Construction of rear veranda with glass roof over
Approved 10.04.1997

P90/1481 Use of part of premises and corrugated iron shed for the repair of private motor vehicles (renewal of consent)
Approved 16.5.90

P89/1923 Erection of first floor extension over existing detached store to provide domestic store with study over
Approved 5.7.89

P88/2042 Demolition of existing single storey front addition and erection of two storey front extension to provide store
Refused 27.7.88

P85/1363 Use of part of premises and corrugated iron shed for the repair of private motor vehicles.(Renewal of temporary consent)
Approved 29.4.85

N3661/4 Use of part of premises and corrugated iron shed for the repair of private motor vehicles. (Renewal of temporary consent).
Approved 26.5.83

N3661/3 Use of part of premises and corrugated iron shed for the repair of private motor vehicles.
Approved 16.4.81

N3661/2 Change of use of premises from residential to motor vehicle repairs and sales.
Refused 29.3.79

N3661 Erection of extension at first floor level to provide bathroom and additional bedroom; erection of conservatory at ground floor level.
Approved 28.7.77

4. CONSULTATION RESPONSES

4.1 Wickwar Parish Council

Objects to this planning application on the grounds it is outside the village boundary.

4.2 Other Consultees

Sustainable Transport

We note that this outline planning application seeks to erect a new dwelling adjacent to Poplar Cottage which is located at Popplecot End, Poplar Lane, Wickwar. We understand that access and parking will be included within the reserved matters and so no details have been submitted at this time. Having examined the information provided by the applicant, we are concerned that this location is not within easy walking distance from any significant facilities and so we believe that this development will be largely car-dependent. However, as this new dwelling will only produce around 7 vehicular movements per 24 hour day, we believe that its trip generation cannot be considered to be significant. Hence, we would not be able to sustain an objection on this basis. As noted, no detailed information about the access or parking arrangements has been provided by the applicant. Nevertheless, as we understand that one or more existing buildings are already situated at this location, we believe that access to the adjacent highway network can be obtained without difficulty. Moreover, our investigations also reveal that Poplar Lane is a Class 5 public highway and so is adopted by the Council. Hence, we are satisfied that vehicular access to the wider highway network, can be obtained from this site. It also appears that the site is large enough for appropriate on-site parking provision to conform to the Councils Residential Parking Standards SPD to be made within its curtilage. Therefore, we consider that this development raises no any highways or transportation concerns in principal and have no fundamental objection to this planning application. We would however, remind the applicant of need for more detailed information about access and parking arrangements to be submitted at the reserved matters stage.

Lead Local Flood Authority

No objection in principle to this application but queries as to the proposed method of foul drainage

Other Representations

4.3 Local Residents

One letter has been received indicating support of the proposals and raising no objection to the planning application.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

5.2 The application site is outside of the settlement boundary of Wickwar. 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 on to suggest that if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date. It is not considered, at this time, that South Gloucestershire can demonstrate a five year housing land supply, meaning paragraph 49 of the NPPF is engaged. Regardless of this, the starting point for any decision-taker is the adopted Development Plan, but the decision-taker is now also required to consider the guidance set out within paragraph 14 of the NPPF. 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 and other policies of the Development Plan.

5.3 Saved policy H3 of the Local Plan and policies CS5 and CS34 of the Core Strategy, for the purposes of housing provision; all relate to the retention of settlement boundaries; generally not supporting residential development outside of settlement boundaries or urban areas. In light of the lack of a 5 year supply of deliverable housing, the weight that these policies can be given may be limited. Notwithstanding this other relevant policy restriction would still apply and the relevant policies of the adopted Development Plan remains the starting point for consideration, the NPPF presumptions being a material consideration in the assessment to be given an applied level of weight in each individual case.

5.4 The main concerns regarding development outside of defined settlement boundaries are sustainability and impact upon the open countryside. In these respects the circumstances of the site and surroundings and any mitigating effects may be considered and given weight. In terms of location and sustainability, the site is located within the curtilage of and immediately adjacent to an existing detached dwelling which, itself is located at the bottom of a lane containing other properties, including a farm complex and associated infrastructure approximately 85 metres to the east, and other residential properties approximately 150 metres to the east, also deemed outside of the settlement boundary, which is located approximately 170 metres to the east, to metres on the northern side of Poplar Lane. The application site represents the very end of the vehicular access for the lane. The main Sodbury Road, which runs right through Wickwar is approximately 360 metres to the east.

Further to this, and of note, is the recent granting, subject to the completion of a S106 Agreement, of development for up to 80 residential dwellings on land to the South of Poplar Lane (ref. PK16/4006/O). The approved residential development site extends to within approximately 190 metres to the east of the application property. The site already contains a relatively large corrugated outbuilding and a garage/studio. The planning history indicates that this has been used as a premises for the repair of vehicles. Given the location of the proposed dwelling this building would be removed, making way for a the proposed dwelling, the design of which would require to be approved and would be considered more in keeping with the rural and residential mix of site and surroundings.

5.5 Taking into account the above and given the sites location relative to the existing settlement boundary, other properties and approved development, its relationship and proximity to a dwelling immediately adjacent, the presence of existing buildings and the planning history and previous use of the site it is not considered that the site could reasonably be argued to be within an unsustainable location or that a dwelling would have an unreasonable impact upon the open countryside in visual amenity terms. On this basis no harm has been identified that would significantly and demonstrably outweigh the benefits of a dwelling at this location

5.6 Landscape/Visual Amenity

Whilst this application is only for outline planning permission, with the design assessment to take place during the reserved matters application, the application indicates that the proposed dwelling would be a two storey dwelling to around 6.5 metres in height. The existing adjacent dwelling is a two storey detached dwelling. Its location would be where the detached corrugated building currently exists so would therefore replace it with a building that can be designed more in keeping with the site and surroundings. Given the location of the proposals, at the end of the lane, and being the last building on that lane, a condition restricting the height height will be added to the decision notice in the event the application is approved to ensure that the development remains in keeping.

5.7 Residential Amenity

It is considered that, given the location of the property and its distance and relationship with other properties in the area, that the proposals could be acceptable in local amenity terms and not give rise to any unacceptable amenity impact upon the nearest properties. Its relationship with the host property, taking into account existing buildings within the site could also be reasonably accommodated.

5.8 Transport

Access already exists to the site and it is considered that the levels of additional vehicle movements associated with such a development could be accommodated and would not be significant within the context of the local highway network. Sufficient space exists to provide adequate off-street parking provision. There are no in principle objections to the proposals on a transportation basis.

5.9 Drainage

It is considered that drainage requirements could be incorporated within the site, however this would be done at reserved matters stage.

5.10 Planning Balance

Paragraph 14 states a presumption in favour of sustainable development, and states that proposal 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. No harm has been identified that would significantly and demonstrably outweigh the benefits of a dwelling at this location. Therefore in this instance, and on balance, on account of a demonstrable lack of 5 year housing land supply and the relative policy restrictions relating to housing supply and settlement boundaries, more weight is given to the presumptions of the NPPF and it is recommended that the application is approved.

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 conditions on the decision notice.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

1. Approval of the details of the layout, scale and appearance of the building(s), access and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

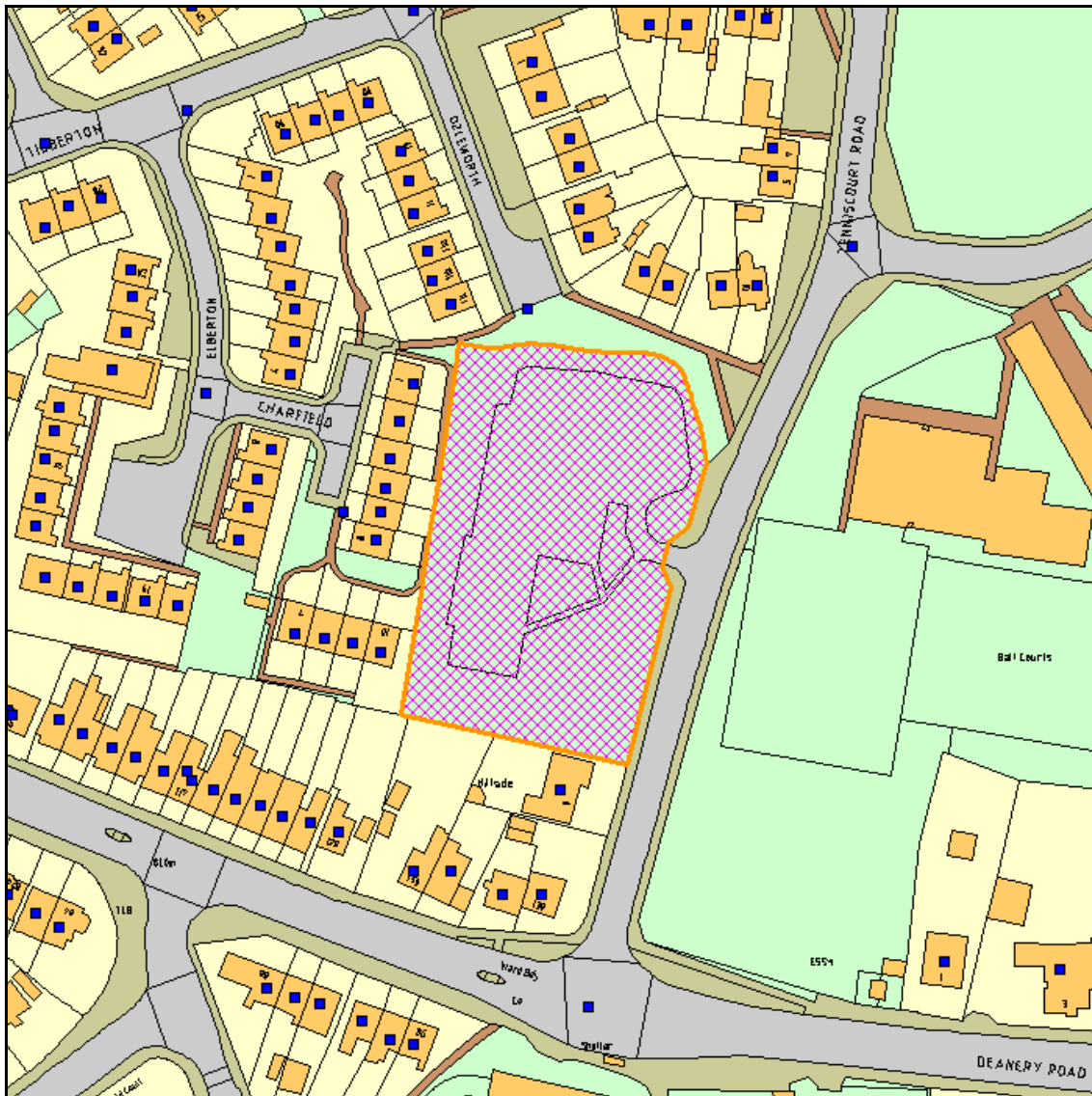
5. The maximum ridge height of the dwelling hereby approved shall not exceed 6.5 metres in height.

Reason:

To reduce harm to the openness and rural character of the landscape in accordance with policy CS34 of the South Gloucestershire Core Strategy (Adopted) December 2013 and policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 17/17 – 27 APRIL 2017

App No.:	PK16/6730/F	Applicant:	Avery Healthcare
Site:	The Chase Tenniscourt Road Kingswood South Gloucestershire BS15 4JW	Date Reg:	12th January 2017
Proposal:	Erection of part two and part three storey 77 bedroom care home (Class C2) with access, parking, landscaping and associated works .	Parish:	None
Map Ref:	366267 173656	Ward:	Kings Chase
Application Category:	Major	Target Date:	12th April 2017



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 100023410, 2008. N.T.S. PK16/6730/F

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure, following objections from local residents which are contrary to the officer recommendation detailed within this report.

1. THE PROPOSAL

- 1.1 The application proposes the erection of a part two and part three storey care home (C2) providing 77 beds, with access, parking, landscaping and associated works at The Chase, Tenniscourt Road.
- 1.2 The site consists of a brownfield site within the urban area of Kingswood. A smaller care home previously stood at the site however this was closed in 2010 and later demolished.
- 1.3 A public right of way runs to the north of the site, and the south of the site may have been used for coal mining in the past.
- 1.4 During the course of the application, amended plans were received to clarify design and access details and alter the landscaping scheme. A period of re-consultation was not deemed necessary as there had been no material change to the proposal.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS2 Green Infrastructure
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS6 Infrastructure and Developer Contributions
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS20 Extra Care Housing
CS23 Community Infrastructure and Cultural Activity
CS24 Green Infrastructure, Sport and Recreation Standards
CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape Protection and Enhancement
L5 Open Areas within the Existing Urban Areas and Defined Settlements

L8 Sites of Regional and Local Nature Conservation Interest
L9 Species Protection
L11 Archaeology
EP2 Flood Risk and Development
EP4 Noise-sensitive development
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control Policy for New Development
LC1 Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2 Provision for Education Facilities (Site Allocations and Developer Contributions)
LC12 Recreational Routes

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP9 Health Impact Assessment
PSP11 Development Related Transport Impact Management
PSP16 Parking Standards
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Residential Parking Standards SPD (Adopted) December 2013
Design Checklist SPD (Adopted) 2007
Waste Collection: Guidance for New Development SPD (Adopted) January 2015
Community Infrastructure Levy and Section 106 Planning Obligations Guide (Adopted) March 2015
Affordable Housing and Extra Care SPD (Adopted) May 2014

3. RELEVANT PLANNING HISTORY

3.1 There is no recent or relevant planning history at the site.

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
Un-parished area.

4.2 Other Consultees

Tree Officer
No comment received.

Sustainable Transport
No objection subject to conditions.

Wessex Water

The applicant is proposing to re-use the existing surface water connection into our Public Surface Water Sewer. To accept this we would require the applicant to provide confirmation of a historic connection otherwise any connections would be considered to be 'new'. We would typically ask for betterment of Surface Water flows of 25% following site re-development. Information demonstrating the existence of a historic connection would need to be provided by the applicant when they seek technical approval from us of the proposals.

Our preliminary assessment of the proposals for foul water disposal is that there is sufficient capacity at this location for the existing foul sewer network to accommodate the foul flows from this development.

Highway Structures

No objection.

Avon Fire and Rescue

No comment received.

Police Community Safety

No objection to amendments - suggestions outside of planning remit have been passed directly to applicant.

Arts and Development

Suggests that for major new development a contribution for public art may be required that is relevant and specific to the development and/or locality and commensurate with its size and/or importance.

Lead Local Flood Authority

SUDs condition recommended.

Sustainability

We support their proposal to include Gas CHP in the development, which is in line with policy CS4a (Presumption in favour of sustainable development). Whilst the size of the proposed development does not meet the threshold for policy CS4 (Heat Networks) we would encourage the applicant to consider the potential for connecting to other heat consumers in the area, to start a small heat network. Potential heat loads in the vicinity include Kings Oak Academy and The Grange School and Sports College.

Public Rights of Way

Unlikely to affect Public footpath to north eastern border of site.

Open Spaces Society

No comment received.

Public Open Space

Contribution will be required – requests confirmation of how much open space will be provided on-site.

Housing Enabling

No comment received.

Economic Development

No objection.

The Coal Authority

No objection.

Listed Building and Conservation

The only above ground heritage feature within the immediate context is the locally listed Tennis Court Public House approximately 100m to the south of the site - positioned on the southern side of Deanery Road. Due to the separate distance, the character of the local consent and the planning history of this site, it is not considered that the proposals would result in any impact on the setting of the locally listed building that could be considered harmful to its significance. Consequently there is no objection.

Environmental Protection

No objection subject to conditions.

Urban Design

Subject to high quality brick types and tiles (preferable a recon slate product to give a crisp modern finish) being secured by condition and confirmation of window reveal depths (min 100mm) and colour (grey). No objection.

Landscape

No objection – recommends changes to landscaping scheme to show larger trees rearranged at front of site and soften rear boundary.

Ecology

No objection subject to a condition on the decision notice.

Other Representations

4.3 Local Residents

Two letters of objection have been received, and the points raised are summarised below:

- 133 Hill Street have not been consulted
- Tree surgeon working on site stressed out neighbour's dog
- Will increase traffic volumes on an already busy road
- Traffic refuses to stop at zebra crossings and this puts children in danger
- Tenniscourt Road should be made one way between Deanery Road and Grace Drive

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS5 'Location of Development' encourages new development to take place within the Urban Areas. Kingswood is within the East Fringe of Bristol which is a designated urban area by the adopted Development Plan.

Policy CS29 'Communities of the East Fringe of Bristol Urban Area' sets out the vision for the East Fringe of Bristol urban area, a key aim is to deliver housing and employment development in a way that ensures such new development is integrated effectively within existing communities. The proposal is described as a care home to provide a range of on site care with residential, nursing and dementia care services around the clock. The layout and communal facilities provided are commensurate with the level of care described. Accordingly, the Council considers that this use would fall within Use Class C2, rather than residential (C3). This is pertinent to a number of factors. Firstly on this basis the development would therefore not trigger any affordable housing contributions under policy CS18. Moreover it is relevant to the consideration of other planning obligations (as discussed in relation to public open space).

With specific reference to 'Extra Care Housing', Policy CS20 recognises the requirement of Extra Care Housing will be required within South Gloucestershire, and dementia care in particular, and so the provision of 77 beds in a sustainable urban location with access to facilities would weigh in favour of the development. The policy also states that Extra Care schemes should be proportionate in scale to the locality and provide ancillary facilities as part of the development, and these criteria are considered to have been met and are discussed in more detail elsewhere in this report.

- 5.2 A large number of staff will be employed at the care home providing 24 hour care to the residents. The provision of an employment opportunity on brownfield land in an urban area is considered to weigh in favour of the proposal. Accordingly, given the fact that the site is previously developed land within a sustainable urban location, and also the fact that the site used to contain a care home, the development is considered to be acceptable in principle. Paragraph 14 of the NPPF states that development proposals which accord with the development plan should be approved without delay, and there is a presumption in favour of sustainable development.

5.3 Design and Landscaping

Kingswood has a diverse urban character formed of varying scales and wider architectural influences. Tennis Court Road runs from Hill Street (which is to the south of the site) to a roundabout at New Cheltenham Road, Fisher Road and Anchor Road which is approximately 0.6 km to the north of the application site. Between Tennis Court Road and the A4174 to the east is a stretch of green infrastructure, which includes King's Oak Academy, Warmley Brook and Kingswood Rugby Club, this is an important buffer on the eastern flank of Kingswood. A key feature of Tennis Court Road are the trees which line the road and a number of sites on this road, the site itself being one of them.

- 5.4 Tennis Court Road has a range of uses and development in ribbon form, such development includes residential, educational and a fire station. Indeed opposite to the enquiry site is King's Oak Academy, with its hardcourts and playing fields area adjacent to Tennis Court Road, however, the two/three storey school buildings are partially visible from Tennis Court Road. At the southern end of Tennis Court Road, on the Hill Street side, is the Tennis Court public house, adjacent to this is Springly Court, a three storey block of 70+ residential flats built in the noughties, which although accessed from Grimsbury Road, has a strong presence on Hill Street, and Tennis Court Road.

Further to the north of enquiry site on Tenniscourt Road is the fire station, adjacent to this is block of residential flats which is four storeys in height and has a rather box-like appearance.

- 5.5 To the north of the site are two storey semi-detached dwellings, characterised with open gable ends, red brick elevations and white PVCu fenestration, intervening between these dwellings and the site is an open green space dotted with mature trees which contributes to the character of the area. Further to the north west of the site within Bibstone Road are a number of block of residential flats which are three storeys in scale. To the north west of the site is a small terrace of two storey dwellings, whereas immediately to the west of the site are all single storey dwellings along Charfield Road and Elberton Road. Immediately to the south east of the site is a single storey dwelling, whereas to the south west of the site are all two storey dwellings which are orientated toward Hill Street. Notwithstanding the bungalow to the south, the three storey scale of the development is acceptable visually from the street scene and is not considered to be out-of-keeping with predominant scale and character of existing built form along Tenniscourt Road.
- 5.6 The design and detailing of the building proposed is acceptable, with the plans showing a hipped roof of multiple elevations, including a feature gable with large openings on the principle elevation to form the entrance. Variations in brick colour have been used to create interest and the Urban Design officer has requested that high quality brick and slate tiles are used and samples can be secured by condition. Changes to the boundary treatments were made during the course of the application in order to increase security, following advice from Avon and Somerset Police. The developer has demonstrated their commitment to providing a sustainable building that exceeds the minimum building regulations requirements, including the use of Gas CHP within the site. This is considered to weigh in favour of the proposal, and the presumption in favour of sustainable development within policy CS4a and the National Planning Policy Framework.
- 5.7 Policy CS1 of the Core Strategy seeks to secure landscaping as an integral part of development and is a key element in achieving the highest possible standard of design. Policy L1 of the adopted local plan seeks to both conserve existing elements of the landscape that make a contribution to the character and distinctiveness of the locality and to provide enhancements where possible. The design of the gardens area has taken into consideration the need for semi private patios and more open communal areas. Although the gardens are not very extensive there are areas in the sun and a variety of features have been incorporated, including raised beds and ornamental planting. There is a path around the secure area of the garden which is easy to follow and there are benches providing seating for residents.
- 5.8 Several trees are proposed for removal as part of the scheme, however the landscaping scheme is considered to provide adequate mitigation. A mix of vegetation is proposed including 5 no trees along the front of the site; with two of these trees shown on the plans as London Plane, a large tree. A condition will ensure that trees to be retained at the site will be protected in accordance

with section 5.2 of the Arboricultural report submitted by BHA Trees Ltd (dated 22nd September 2016).

5.9 Public Art and Public Open Space

The proposed development is classed as a major development and is residential in nature. As such consideration for a contribution for both public open space and public art related to the development should be considered. Policy CS23 sets out that major residential development and schemes that will attract a large number of users will be required to demonstrate the method for contributing towards the South Gloucestershire Cultural, Heritage and Arts Strategy through the provision of additional, extended or enhanced or enhanced facilities and access to/or facilitation of art and cultural activities for the new residents.

5.10 It is acknowledged that the development would provide 77 bed spaces for elderly residents, including dementia care, and this will also involve associated staff and visitors. The nature of the use of the development is very different from open market housing. Indeed, the development would not attract large numbers of users and the operation of the development would be private with very limited public interface. The nature of the residents is such that specialist care will be required. Cultural activities relevant to the specific needs of the residents is to be provided by the provider of the care the residents receive (the operator of the site). External areas and internal areas will be provided with specific activities in this regard and it is considered that the introduction of art onto the development is appropriately for the operator of the development to implement. Any art/activities associated with the development are not likely to benefit the general public given the nature of the development.

5.11 Furthermore, and with regards to public open space, the day to day needs of residents will exclusively be provided on site. Each resident will have complex care needs and will not be making use of, or adding pressures to, existing local open space facilities. Due to these needs, trips outside of the care home are limited. In total, the amount of useable open space (incorporating grassed areas, patios, allotments, footpaths and balconies) equates to 1,736 sqm. This is equivalent to approximately 22.5 sqm per resident, and will be maintained by the operator of the site, in this instance, Avery Healthcare.

5.12 On this basis, officers consider that a requirement for a contribution towards public art and public open space as part of this specific development would not meet the statutory tests set out in the CIL Regulations 2010. Given that the evidence would not indicate that the development would lead to a material increase in relation to demands on public open space facilities it is not considered reasonable or proportionate for a contribution in this instance.

5.13 Residential Amenity

A core principle of the NPPF is to 'enhance and improve the places in which people live their lives'; and also to 'seek to ensure high quality design and a good standard of amenity for all existing and future occupants'. Accordingly, the proposed development should respect the residential amenity of all occupiers, both existing and future.

- 5.14 Sections have been submitted to demonstrate that, due to the topography the site, the proposed development will not be overbearing on the bungalows to the west of the site. No. 10 Charfield is very close to the boundary however it does not have any openings on the facing elevation, and it is only the front garden that would be overlooked. There is over 16 metres between the closest rear three-storey element of the care home to the boundary to the rear gardens along Charfield, and approximately 15 metres between the terrace and the same boundary at the nearest point. The window to window distance at first or second storey height does not fall below 20 metres at any point. The bulk of the building is set back from the north and south boundaries to the site, and the highway runs to the east, so there is not any other potential for overlooking or overshadowing.
- 5.15 There is a plant room, a tank room and a laundry room proposed within the development at first floor level, and in order to prevent noise from plant and equipment affecting adjacent residential properties, a condition will restrict the maximum noise level from the equipment. A condition will also restrict hours of deliveries and refuse collection to prevent disturbance to no. 3 Tenniscourt Road, which is adjacent to the car park.
- 5.16 Turning to the amenities of the application site, the landscaping scheme shows adequate garden space for the residents to share, given the nature of the use. Overall, the development is considered to offer acceptable amenity levels for future occupiers as well as protect the amenities of the surrounding residential properties, subject to the aforementioned conditions.
- 5.17 Ecology
A BREEAM and Ecological Assessment has been submitted in support of the proposed application by Paul Hicking Associates Ltd (September, 2016). The site does not have potential for bats or great crested newts, however there is potential for nesting birds, reptiles, badgers and hedgehogs, although none were found during the survey. The ecological report recommend various mitigation, enhancement and compensation measures to prevent biodiversity loss, and enable biodiversity gain, through the proposed development. A condition will ensure that development proceeds in accordance with the recommendations within the report, including bird boxes, tree planting, a log pile, climbing plants, water for birds etc, and subject to this the development is in accordance with policy L9 of the Local Plan.
- 5.18 Transport
In terms of access, it is proposed to serve the new development using an improved site access by modifying the existing entrance off of Tenniscourt Road. The existing access will be widened to allow cars to pass and for new 2m footways to be taken into the site on both sides of the access driveway. There is adequate visibility splays from the site access onto the public highway. The Transport officer considers that the access is acceptable.
- 5.19 The proposed development would operate 24 hours per day and is expected to employ 77 members of staff with up to 25 members of staff being on-site at any one time. Staff members would consist of the care home manager, nursing staff, care assistants, administration staff, kitchen staff and housekeeping staff.

- 5.20 Associated with the application, the applicant has submit a Transportation Statement and this has been assessed by the officer. In terms of the traffic generated by the development, it is estimated within the submitted Transportation Statement that the total daily traffic to and from the proposed care home would be in the order of 116 trips i.e. two-way movements. It is necessary to assess the traffic impact of the development during the peak hour period. It is forecast that the proposed development would generate 11 two-way vehicular trips during the peak hour of the morning and approximately 10 two-way vehicular trips during the peak hour in the evening. The Council's Transport officer considers that this assessment may be underestimating the likely trip pattern. Notwithstanding this, given the former use of the site as a 29 bed care home and traffic generated from the earlier use, the officer is satisfied that the net traffic increase from the new development will not be significant to justify refusal of the application on traffic grounds.
- 5.21 Turning to highway safety, the Council implemented a traffic management scheme between the A420 (Deanery Road) and the Avon Fire and Rescue Station on Tenniscourt Road, which was completed in September 2015. The road is now subject to 20mph speed limit with traffic calming features including speed cushions. The results of the speed survey indicate that the average speeds of vehicles travelling northbound and southbound along Tenniscourt Road are 21.8mph and 21.3mph respectively. It is considered that the introduction of these traffic calming scheme should resolve any historical safety issues in the area.
- 5.22 According to the Council's maximum parking standards for a care home, the parking requirement is 1 parking space per 6 bed spaces for visitors, and 1 space per 2 members of staff. The parking levels for staff have been determined based on a maximum of 25 staff being present on-site at any one time. This results in a maximum requirement of 25 car parking spaces. Plan submitted shows 24 parking space and this includes two disable spaces and as such, the parking proposed meets the Council's maximum parking standards. In line with the Council's sustainability policy and in order to promote alternative modes of travelling, the applicant proposes to provide cycle parking on site. Four parking spaces for cycles have been shown however 9 Sheffield cycle standards are required – this will be conditioned on the decision notice.
- 5.23 The turning head is not adequate for the large waste collection vehicles used by the Council to turn within the site. The applicant has confirmed that they intend to use a private contractor to dispose of waste and so the Transport officer has withdrawn their objection. Subject to the aforementioned conditions, the development is acceptable in transportation terms.
- 5.24 Coal Mining
The site is only partially in an area known to have been used for coal mining in the past, and no built form is proposed over this area. The Coal Authority have no objection subject to an informative on the decision notice.

5.25 Other Issues

One of the neighbours have indicated in their consultation response that they were not consulted, however the Council's records show that a consultation card was sent out on 12th January 2017.

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 on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

2. Development shall proceed in strict accordance with the following plans:
Landscaping Scheme Rev G received 21st April 2017
Proposed Site Plan 013 Rev P3, Typical Window Opening Details 052 Rev P4, Swept Path Analysis (Refuse Collection Vehicle) F16145/02, all received 12th March 2017
Elevations Sheet 2 008 Rev P3, Elevations Sheet 1 007 Rev P3, Roof Plan 009 Rev P3, Site Location Plan 010 Rev P1, Proposed FF GA Plan 005 Rev P4, Proposed GF GA Plan 004 Rev P4, Proposed SF GA Plan 006 Rev P4, all received 12th December 2016.

Reason

In the interests of clarity and proper planning.

3. Prior to commencement of development, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably competent person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development, and if any contaminants are identified, then the investigation shall also ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth, with the report to include the findings and identify what mitigation measures are proposed to address unacceptable risks.

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

Reason

In order to identify and mitigate against contamination risks from previous uses of the site, to accord with policy CS9 of the Core Strategy and the National Planning Policy Framework. This information is required prior to commencement to prevent remedial works later on.

4. Prior to the commencement of development, samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework. Information is required prior to commencement of development to prevent remedial works later on.

5. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In order to prevent flooding and pollution and to accord with policy CS9 of the South Gloucestershire Core Strategy (adopted) December 2013 and the National Planning Policy Framework. This information is required prior to commencement to prevent remedial works later on.

6. Prior to commencement of the relevant part of development, details of highway construction works associated with the new site entrance/access shall first be agreed in writing with the Council and development shall proceed in accordance with the agreed details.

Reason

In order to ensure the access accords with the Council's standard of construction in the interests of highway safety, and to accord with policy CS8 of the Core Strategy (Adopted) December 2013, policy T12 of the Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

7. Prior to first occupation of the building hereby approved, and notwithstanding the submitted plans, a plan showing 9 no. Sheffield cycle stands within the site shall be submitted for written approval to the Local Planning Authority. The cycle stands shall then be implemented on site prior to first occupation of the building.

Reason

In order to promote sustainable transport choices in accordance with policy T7 of the Local Plan and the National Planning Policy Framework.

8. Prior to first occupation of the building hereby approved, the off-street parking facilities shown on the approved plans shall be implemented, and thereafter maintained for that purpose and free of obstruction.

Reason

In order to ensure adequate parking provision and to accord with policy T8 of the South Gloucestershire Local Plan and the National Planning Policy Framework.

9. The trees to be retained on site shall be protected throughout the construction period in accordance with paragraph 5.2 of the Arboricultural Report dated 22nd September 2016 by BHA Trees Ltd.

Reason

In order to prevent necessary damage to trees that are being retained, in accordance with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

10. Development shall proceed in strict accordance with recommendations A to H within the BREEAM and Ecological Assessment (Paul Hicking Associates, September 2016). That is, the planting of trees, and other plants beneficial for invertebrates, the provision of bird boxes, a log pile, climbing plants and water for birds, and sensitive horticultural practice for wildlife. Any deviation from the recommendations must be submitted to the local planning authority for approval in writing.

Reason

To ensure that ecological enhancements are secured through the development in accordance with policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

11. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

In the interests of visual amenity and to accord with policy CS1 and CS9 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

12. Activities relating to deliveries or the collection of refuse and recyclable at the site shall only take place between 07.30 and 19.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason

To prevent harm to the residential amenities of adjacent residential dwellings, in accordance with policy CS1 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

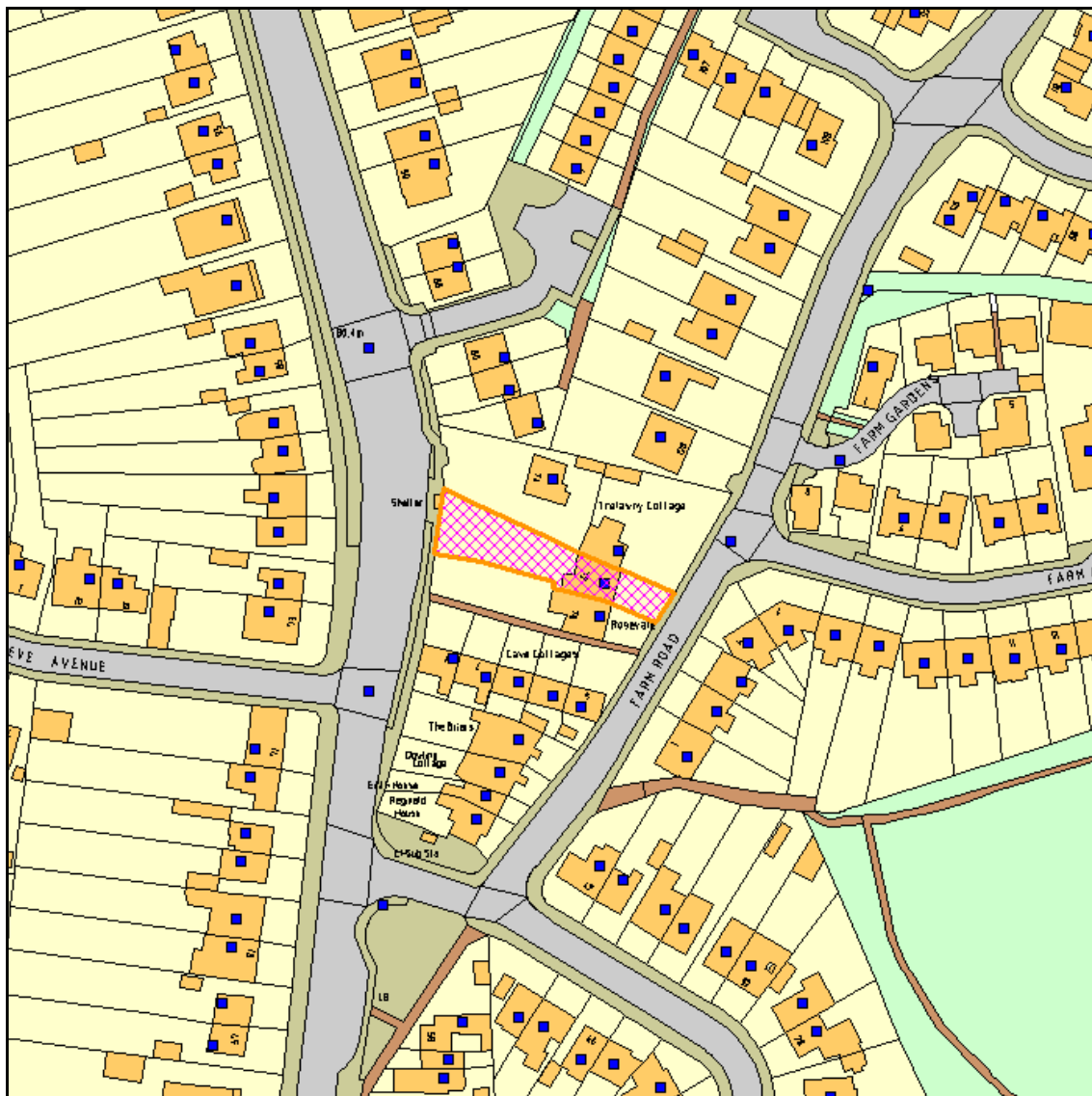
13. Any plant and/or equipment installed at the site as part of the development shall be at least 5 dB below the pre-existing background level as determined by BS4142: 2014 - 'Methods for rating and assessing industrial and commercial sound,' and maintained regularly so it does not exceed this level thereafter.

Reason

To prevent harm to the residential amenities of adjacent residential dwellings, in accordance with policy CS1 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 17/17 – 27 APRIL 2017

App No.:	PK17/0765/F	Applicant:	Mr Jonathan Barrett
Site:	Rose Dale 72 Farm Road Downend South Gloucestershire BS16 6DD	Date Reg:	9th March 2017
Proposal:	Demolition of existing extension. Erection of a single storey rear extension to provide additional living accommodation.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365248 177091	Ward:	Downend
Application Category:	Householder	Target Date:	2nd May 2017



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REASONS FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the demolition of an existing extension, and the erection of a single storey rear extension to provide additional living accommodation at no. 72 Farm Road, Downend.
- 1.2 The application site consists of a locally listed, mid-terrace property. The dwelling forms the middle property in a clutch of 3 locally listed cottages. The property sits towards the front (east) of a long narrow plot, and is situated in the urban fringe area of Downend. The main dwelling is finished in stone with a tiled, pitched roof. The property incorporates a single storey element, inset in to its rear elevation. The immediate surrounding area does not demonstrate a particularly distinctive character, consisting of a mixture of properties in terms of age and architectural style. However the clutch of cottages can be considered to be of their own distinctive character.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- H4 Development within Existing Residential Curtilages

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

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

The Proposed Submission Draft Policies Sites and Places Plan (PSP plan) is a further document that will form part of the South Gloucestershire Local Plan. The PSP plan will set out new planning policies for South Gloucestershire. Submission and Examination of this took place in February of 2017, and adoption is expected toward the end of 2017.

Accordingly, with regard to the assessment of this planning application limited weight is attached to the PSP plan as a whole at this time – although weight can be attributed to those policies which are not expected to be subject to modification.

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 There is no relevant planning history associated with the application site.

4. **CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council
No objection

- 4.2 Other Consultees

Conservation

This application concerns a locally listed building. The proposed scheme would result in a loss of historic fabric through the removal of what were the original rear and side external elevations at ground floor to create the proposed and extended open-plan space.

Although this loss of plan form would be regrettable, in my view the loss would not be so significant that an objection could be sustained. I would however suggest that to help retain a memory of the original plan-form and scale of the building, just small "stub" sections of the existing walls could be retained where they return from the rest of the structure to be retained. I would also advise that the removal of the load bearing walls will likely require some substantial structural intervention to carry the live and dead loads.

Externally again there are no objections, but in my view the scale and position of the bi-folding doors distorts the proportions of the existing house. I would suggest that in the interests of aesthetics, the scale of the bi-folding doors is reduced and moved to the left so they only span across the rear elevation of the main part of the two-storey house.

Other Representations

- 4.3 Local Residents

One comment of objection to the proposal has been submitted by a local resident. The main concerns raised are outlined below:

Looking at the plans it is noted:

- a) No plans show south-facing side elevation
- b) Some plans do not include utility/pantry

Objections

- Adverse effect on the character and appearance of the area and particularly neighbouring property at Rosevale if extension built.
- Extension will significantly increase size of subject property in relation to neighbouring properties. One neighbouring property only one and a half stories.
- Conservation Officer comments do not address the impact on the appearance and character of the locally listed building next door, namely Rosevale.
- Points at which extension attached to neighbouring external wall will be raised very significantly, and will dramatically alter both the character and appearance of neighbouring property.
- Potential issues relating to load bearing walls and impacts on structural integrity of neighbouring property.
- Extension will reduce open aspect of neighbouring garden and will have overlooking and overshadowing effects.
- May be issues relating to utility room of property which projects towards neighbouring property.
- Extension will overshadow neighbouring property. Also significant loss of privacy with the increased use of the proposed multi - purpose utility / larder area with a sink in front of the window.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application seeks permission for the erection of a single storey rear extension to provide additional living accommodation. Policy H4 of the Local Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. As well as the criteria of policy H4, the proposal will be considered with regards to design against policy CS1 of the Core Strategy. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 Design, Visual Amenity and Conservation

Policy CS1 of the Core Strategy and policy H4 of the Local Plan seek to ensure that development proposals are of the highest possible standards and design.

This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

- 5.3 By virtue of its location to the rear of the property, the proposed extension would be almost entirely screened from the public areas offered along Farm Road. Furthermore, the proposed extension would also be largely screened by vegetation, when viewed from the public areas offered along Badminton Road; which runs to the rear (west) of the application site. As such it is not considered that the erection of the proposed extension would significantly impact upon the streetscene or the character of the wider area. Therefore the main design consideration is the extent to which the proposed extension respects the character and distinctiveness of the host dwelling and other adjoining properties.
- 5.4 In line with conservation officer comments on the proposal, officers have acknowledged that the proposed extension would result in some loss of the historic fabric of the locally listed building. It was therefore considered that the retention of some internal 'stub' sections of wall would help to retain some of the original plan form of the property. Furthermore, it was also deemed that the location and width of the bi-fold doors result in a somewhat dominant feature. It was deemed that the re-location of the doors away from the centre of the rear elevation, as well as a reduction in width, would help to mitigate this issue. Whilst these amendments were sought by officers, the applicant was unwilling to make any alterations to the proposal. As such the proposal shall be assessed in its current form.
- 5.5 Overall, it is considered that the overall scale and proportions of the proposed extension result in an extension which would not appear as an incongruous addition to the rear elevation of the property. Design cues have been taken from the existing rear elevation, with the roof pitch of the existing single storey element being retained. Furthermore, the proposed extension would be finished in salvaged rubble and stone to match the existing dwelling. However in the interests of conserving some of the historic integrity of the property, a condition will be attached to any decision requiring the wall and roof materials to match those used in the external finish of the existing dwelling.
- 5.6 As is previously outlined there are concerns over the location and prominence of the proposed bi-fold doors. However it is not deemed that the impact of the doors on the character and distinctiveness of the host dwelling would be so significant as to substantiate a reason for refusal. It is also noted that the proposed area of decking would impact upon the appearance of the rear elevation of the property. However it is once again not considered that any impacts would be so significant as to substantiate a reason for refusal.
- 5.7 With regard to the loss of the internal plan-form of the locally-listed building, this is considered to be regrettable. However as this relates to works taking place internally within the property, it is unlikely to constitute development and would therefore not require planning permission. As such this is not a factor that can necessarily be controlled within the remit of this planning application.

- 5.8 With regard to the extent to which the proposed extension would impact upon the setting of the neighbouring cottages, it is not deemed that a single storey extension of the depth proposed would have any significant impacts. Due to boundary treatments, the rear elevation of the subject property (at ground floor level) is not clearly seen together with the rear elevations of adjoining properties. On balance, it is deemed that the proposal satisfies design criteria set out in policy CS1 of the Core Strategy and H4 of the Local Plan. However this is subject to the conditions attached to any decision.
- 5.9 Residential Amenity
Policy H4 of the Local Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space.
- 5.10 When considering the impacts of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties, the main properties under consideration are the attached cottages to the north and south at Trelawny Cottage and Rosevale respectively. The northern boundary of the curtilage of the property is also adjacent to no. 74 Badminton Road, located to the north-east of the application site. As such any impacts on the residential amenity of the occupiers of this property have also been taken in to account.
- 5.11 The proposed extension would extend across the entire rear elevation of the property, and would protrude from the rear of the existing property by approximately 3.7m. The roof of the proposed extension would have an eaves height of roughly 2.4m, and would attach to the northern part of the rear elevation at a height of 3.4m, and at the southern part at 4.4m (due to the inset nature of this part of the building). The ridge height of 4.4m would match the existing situation.
- 5.12 Due to the relatively modest protrusion, and single storey nature of the proposed extension, it is not considered that its erection would result in a significant increase in any sense of overbearing or overshadowing on to neighbouring properties.
- 5.13 Due to the single storey nature of the extension, no first floor windows are proposed. As such it is unlikely that any ground floor windows would provide a view on to neighbouring gardens. However it has been noted that due to its location, the window to the proposed utility room/pantry provides a view directly on to a neighbouring garden to the south. The proposed addition of a sink in front of this window would likely increase its use compared to the existing situation. As such, in order to reduce overlooking on to the neighbouring garden, a condition will be attached to any decision requiring the utility room/pantry window to be obscurely glazed. It is also noted that the proposed decking would provide an elevated area to the rear of the property. However it is not deemed that any increased sense of overlooking would be so great as to cause significant harm to the residential amenity of neighbouring occupiers.

5.14 It is acknowledged that the proposal would result in the loss of some outdoor private amenity space at the site. However it is deemed that sufficient space would be retained following the implementation of the proposal. Overall, with regard to impacts on residential amenity, the proposal is considered to satisfy criteria set out in policy H4 of the Local Plan. However this is subject to the conditions attached to any decision.

5.15 Transport

By virtue of the scale and nature of the proposed works, it is not deemed that the proposal would give rise to any significant issues regarding parking provision or highway safety.

Objection Comments

With regard to observations (a) and (b), it is deemed that sufficient plans have been submitted in order for officers to sufficiently assess the potential impacts of the proposal.

With regard to concerns relating to the impacts of the proposed extension on the setting of neighbouring properties, and the residential amenity of neighbouring occupiers, it is deemed that these issues are sufficiently addressed within the report. With regard to concerns relating to structural stability, this is an issue that will be assessed in greater detail against building regulations by a Building Control Officer.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

2. The stone work to be used externally in the development hereby permitted shall match that of the existing building in type, colour, texture, size, coursing and jointing.

Reason

To ensure a satisfactory standard of external appearance and to conserve the historic integrity of the locally listed property, in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

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

Reason

To ensure a satisfactory standard of external appearance and to conserve the historic integrity of the locally listed property, in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

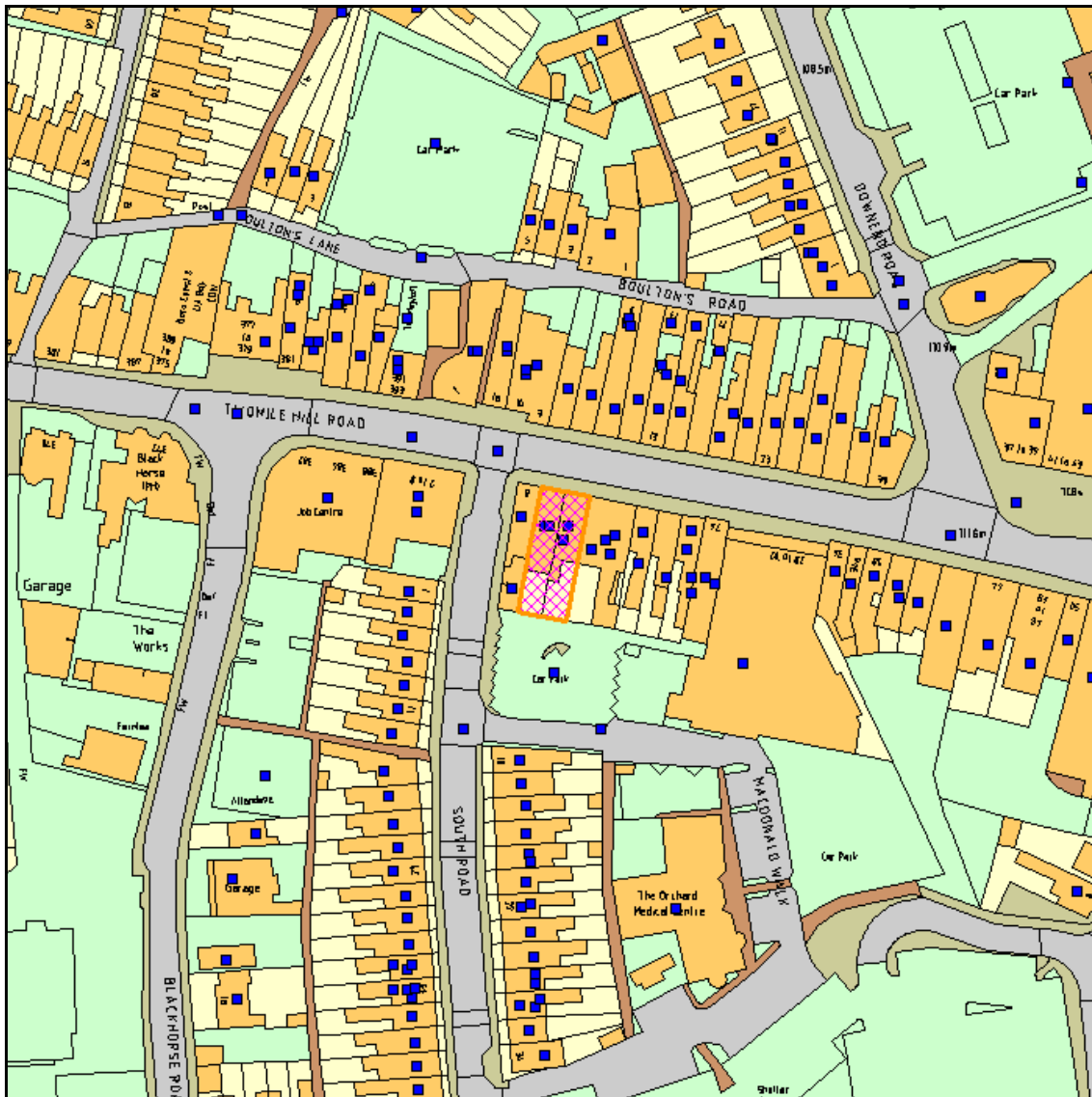
4. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed utility room/pantry window shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being a minimum of 1.7m above the floor of the room in which it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

Reason

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

CIRCULATED SCHEDULE NO. 17/17 – 27 APRIL 2017

App No.:	PK17/0903/F	Applicant:	Third State Pizza Company Ltd
Site:	10 And 12 Regent Street Kingswood South Gloucestershire BS15 8JS	Date Reg:	9th March 2017
Proposal:	Change of use from retail (Class A1) to hot food takeaway (Class A5) as defined in Town and Country (Use Classes) Order 1987 (as amended) and external alterations	Parish:	None
Map Ref:	364592 173884	Ward:	Woodstock
Application Category:	Minor	Target Date:	27th April 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule in light of an objection received from 1 no local resident, contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of an existing vacant shop unit (Class A1) at No.12 Regent Street in Kingswood to a takeaway (Class A5) as defined in the Town and Country Planning (Use Classes) Order 1987). It also seeks permission for a number of external alterations.
- 1.2 No.10 Regent Street is an existing hot food takeaway use (Class A5) this application proposes to convert No.12 to the same use. The two will then be amalgamated to create a larger Class A5 unit.
- 1.3 The application site is within a primary shopping frontage as defined under policy RT9 on the proposals maps and the town centre of Kingswood. In the *Policies, Sites and Places Plan* currently undergoing Examination in Public the site would be within the defined town centre and primary shopping area of Kingswood Town Centre under policy PSP31 and the primary shopping frontage would be retained under policy PSP33. The site is within the existing urban area of part of the East Fringe of Bristol.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

National Planning Practice Guidance

2.2 Adopted Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS14	Town Centres and Retail
CS29	Communities of the East Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

T12	Transportation
RT1	Town Centres
RT9	Changes of Use in Primary Shopping Frontages

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

PSP31	Town Centre Uses
PSP33	Shopping Frontages
PSP35	Food and Drink Uses

3. **RELEVANT PLANNING HISTORY**

In relation to 10 Regent Street

- 3.1 P97/4353 Approval 03.11.1997
Change of use from retail (A1) to hot food takeaway (A3)
- 3.2 P97/4645 Approval 08.12.1997
Installation of new shop front and extract duct

In relation to 12 Regent Street

- 3.3 K1358 Approval 04.05.1976
Change of use of existing shop premises to use as an office (Previous ID: K1358)
- 3.4 K1358/1 Approval 10.04.1986
Change of use of ground floor building society office (Class II) to retail shop (Class I) (Previous ID: K1358/1)
- 3.5 PK09/5499/F Approve with Conditions 02.12.2009
Change of use of first and second floors from Retail (Class A1) to 2no. self contained flats (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

In relation to this application

- 3.6 PK17/1359/ADV Pending Consideration
Display of 1no. internally illuminated Fascia Sign and 1no. internally illuminated Projecting Sign.

4. **CONSULTATION RESPONSES**

- 4.1 Sustainable Transport
"The proposal is for the change of use of a retail unit (Class A1) to a hot food takeaway (Class A5) and external alterations to allow for the amalgamation of No. 12 Regent Street with No. 10 Regent Street to create a single hot food takeaway. The proposed takeaway will be occupied by Dominos Pizza and will operate during the same hours as the existing Dominos next door. We, Transportation Development Control team have no transportation or highway objection to this application."
- 4.2 Environmental Protection
No objection. Guidance recommended in relation to construction sites.
- 4.3 Economic Development
No objection

Other Representations

4.4 Local Residents

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

- Increasing numbers of changes to A2 and takeaways along Regent Street
- 2 shops nearby have been let in the last few weeks which shows that there is still demand for retail units.
- I fear that a further dilution of A1 use retail property in this stretch of Regent St will hasten the demise of the few remaining 'proper shops'.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the change of use of a unit within a primary shopping frontage in the town centre of Kingswood to a use falling within Class A5 of the Use Classes Order.

5.2 Principle of Development

The two issues here are whether the proposed use is appropriate in a town centre and the impact of a change of use in a primary shopping frontage on the operation of that frontage.

5.3 A use falling within Class A5 of the Use Classes Order is, in principle, an appropriate town centre use. Policy PSP35 addresses food and drink uses, however, this policy has outstanding objections to be considered through the Examination in Public and is yet to be adopted; it is therefore afforded limited weight.

5.4 The application site is located in a primary shopping frontage, as defined in policy RT9. The designation as a primary shopping frontage is being carried forward under policy PSP33. Policy RT9 provides three criteria against which to assess changes of use away from A1 retail: the retail use is no longer viable; the proposal would make a positive contribution to the vitality and viability of the centre and would not undermine the A1 retail function of the frontage; and that the use would not result in unacceptable environmental, transportation or residential amenity effects. This policy pre-dates the NPPF. Policy PSP33, although unadopted until the Examination in Public finds the Policies, Site and Places Plan sound, is considered to be NPPF compliant. This policy does not carry forward the criteria relating to whether a continued retail use cannot be achieved.

5.5 In determining this application, the assessment is therefore what impact the change of use would have on the retail function of the frontage, the primary shopping area, and the town centre.

5.6 To assess the current function of the town centre and shopping frontage, the annual retail audit can be used. This demonstrates the following:

August 2014

Total number of A.1 units in town centre	86
Total number of vacant A.1 units in town centre	14
Percent of A.1 use in Primary Shopping Frontage	76%

August 2015

Total number of A.1 units in town centre	84
Total number of vacant A.1 units in town centre	11
Percent of A.1 use in Primary Shopping Frontage	74%

August 2016

Total number of A.1 units in town centre	84
Total number of vacant A.1 units in town centre	12
Percent of A.1 use in Primary Shopping Frontage	74%

- 5.7 This indicates in general that there is a reasonably high vacancy rate within the primary shopping frontage and that the retail function of the primary shopping frontage is of an A.1 use majority. The retail audit confirms that the A1 unit has been vacant for a minimum of 9 months, and the increase in vacancy as noted in the August 2016 retail audit is due to the closure of the operations from the unit subject to this application. The proposed development would bring a currently empty unit back into active use. The unit cannot be listed as 'long term' vacant and under RT9 a longer period of marketing might have been required. However, this element of RT9 is not considered to be fully NPPF complaint.
- 5.8 It is noted that the change of use to A5 would decrease the amount of A.1 uses in the primary shopping frontage, however, following the change of use there would still be approximately 73% of units along the primary shopping frontage in an A.1 use. Therefore the function of the shopping frontage and its retail provision should the unit be occupied by an A5 use is not considered to be significant to the overall vitality and viability of the frontage or the town centre. Weight is also given to the location of the unit toward the end of the frontage, and therefore, it is not considered to lead to segmentation of the retail provision along the frontage.
- 5.9 There is concern that the development may lead to an overconcentration of food and drink uses; however, the retail audit shows that excluding No.10 Regent Street, the nearest takeaway or restaurant (Class A5/A3 use) is 8 units away. Including the proposed change of use there would be a total of 5 units in Class A5 or A3 uses along the south side of Regent Street and 4 units in Class A5 or A3 uses along the north side of Regent Street. Furthermore, the impact on the frontage is minimised given that these units are spread along the frontage and not bunched together.
- 5.10 Design
This application also proposes a number of external alterations including; the repositioning of the front entrance and installation of new glazed shop front. These changes are considered minimal, are appropriate in the primary shopping frontage and provide the amalgamated unit with a more central

customer entrance point. As such the proposal is deemed to comply with Policy CS1 of the Core Strategy as well as the emerging PSP1 of the PSP Plan.

5.11 Highway Safety

The change of this unit to A5 use would give rise to some transport impacts, it is likely that the amalgamated unit would enable the ability to process a greater amount of orders, leading to an increase in associated transport movements. It is less likely that trips to the unit would be linked with other goods/services available in the town centre. The use may also generate trips associated with a delivery service.

5.12 The site is situated on Regent Street and it is noted that there are double lines to the front of the site. However, the agent has confirmed that there is on-street parking and a free short stay car park, all within 50 metres of the application site. Transportation colleagues have not raised any concerns to the application, and it is not considered the development would have a detrimental impact on highway safety and therefore no objection is raised to this regard.

5.13 Environmental Impacts and Residential Amenity

The case officer notes that there are number of residential properties at first and second floors along Regent Street, of particular importance are those directly above the application site. This application seeks to amalgamate No.12 Regent Street with an existing hot food takeaway unit at No.10 Regent Street. Plans show that No.12 would be converted to provide a larger customer waiting area, cold room, as well as a wash up and W.C. It is proposed that the existing extraction which is currently used in conjunction with No.10 will be retained, no new ventilation systems are proposed.

5.14 Environmental Protection colleagues have been consulted and have raised no objection in principle to the proposal. In light of the above, it is not thought that there would be environmental or residential amenity impacts over and above the use of the building for an A1 purpose. Having said this, it is noted in the submitted Design and Access statement that the existing fresh air intake system will be reconfigured to serve No.12. As such a condition is recommended to ensure that no new extraction or ventilation systems will be installed at No.12 without approval in writing from the Local Planning Authority.

5.15 In addition, given the nearby residential properties, a condition is recommended to control of opening hours of the unit. On review of the opening hours restriction placed on No.10 Regent Street as part of application ref. P97/4353 and the current opening hours of nearby units, the hours of opening will be restricted from 1000 to 2300 on a daily basis.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 It is recommended that planning permission is GRANTED subject to the conditions listed on the decision notice.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

2. No new ventilation or extraction systems shall be installed without the approval in writing of the Local Planning Authority. Any approved systems shall be carried out in accordance with the approved details.

Reason

To protect the residential amenities of nearby occupiers and to ensure the development does not have an unacceptable environmental effect and to accord with policy CS1, and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework.

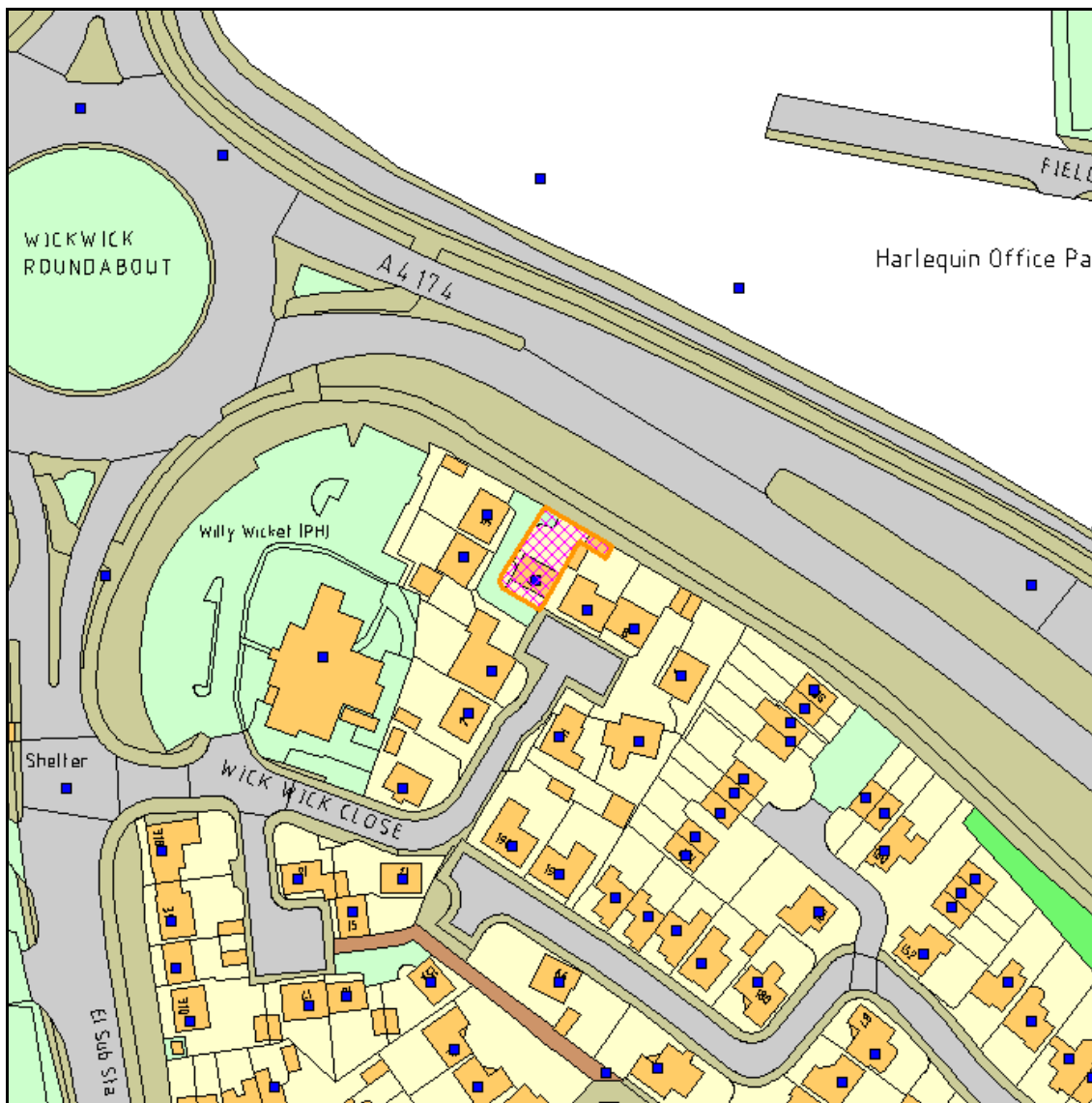
3. The use hereby permitted shall not be open to customers, nor shall any dispatches of food be made, outside the following times 1000 to 2300 daily.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 17/17 – 27 APRIL 2017

App No.:	PK17/1003/F	Applicant:	Mr And Mrs Stevens
Site:	6 Wick Wick Close Downend Bristol South Gloucestershire BS36 1DP	Date Reg:	9th March 2017
Proposal:	Installation of rear dormer to facilitate loft conversion.	Parish:	Emersons Green Town Council
Map Ref:	366162 178541	Ward:	Emersons Green
Application Category:	Householder	Target Date:	1st May 2017



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The proposal seeks to erect a dormer window to the rear elevation of 6 Wick Wick Close, Downend.
- 1.2 The subject property is a modern detached two storey house. It is constructed using brown brick with a brown tile roof, with white uPVC window frames. It has a gabled roof.
- 1.3 The site is located within a residential cul-de-sac in Downend.
- 1.4 The proposal requires full planning permission as the materials would differ from those on the existing dwelling, and therefore would not be permitted by the criteria identified within the Town and Country Planning (General Permitted Development) Order 2015.
- 1.5 Updated plans were received on 06 Apr 2017 which reduced the scale of the scheme, and altered the internal layout of the house.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation

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

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

2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006

3. RELEVANT PLANNING HISTORY

No Relevant Planning History

4. CONSULTATION RESPONSES

4.1 Emersons Green Town Council

Original Plans

No objection, subject to the adequate provision of parking

Amended Plans

No objection

Downend and Bromley Heath Town Council

No comments received.

4.2 Other Consultees

Sustainable Transport

Original Plans

Transport objection due to lack of parking spaces which would likely lead to congestions and hazards on Wick Wick Close

Amended Plans

Internal layout changes mean that the dwelling would have four bedrooms. Therefore, the level of parking would meet parking standards.

Other Representations

4.3 Local Residents

Original Plans

One neighbour objected, due to:

- Parking concerns
- Overlooking concerns
- Overshadowing Concerns

Amended Plans

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing

development. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development within the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and that it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The proposal consists of the erection of a rear dormer window in order to provide additional living accommodation. The plans submitted indicate that this dormer would measure around 20 cubic metres. Rear dormer windows of this size are allowed under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 1 Class B without the need for express planning permission.

5.3 The external facing materials proposed are composite shiplap cladding with a glass fibre flat roof. The existing property has brick elevations with a brown tiled roof. Although the materials proposed on the dormer would differ from the existing dwelling, they are not uncommon for a dormer window. It is not felt that there would be any material harm to visual amenity as a result of these materials.

5.4 The proposal also includes rooflights inserted into the front elevation of the dwelling. It is not felt that these would harm the visual amenity of the dwelling or the surrounding area.

5.5 Overall, it is considered that the proposed alterations would not harm the character or appearance of the area or the subject property and as such is considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to be 'in keeping' with policies CS1 and H4, conforming to the criteria in the adopted Local Plan.

5.6 Residential Amenity

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

5.7 It is noted that a neighbour complained about the original proposal in regards to overlooking and overshadowing concerns. While it is agreed that there was a possibility of overshadowing in the original design, the reduction in size means that it is unlikely that the neighbouring property will be overshadowed.

5.8 In regards to overlooking concerns, the position of the existing garage and the reduction in size of the dormer means that this is not a material concern.

5.9 It has been considered that the proposal would not result in the loss of any private outdoor amenity space and sufficient outdoor space will be retained to the rear of the property and as such would be acceptable. The subject property is located within a built up residential area and given the scale and location of the proposed development will not result in an unacceptable detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.

5.10 Sustainable Transport and Parking Provision

Currently the property has an area of hardstanding to the rear with room for two cars. The original plans indicated that the proposals would add two additional bedrooms, making this a five bedroom house. Objections were raised to the original proposal for transport and parking reasons by Emersons Green Town Council, Sustainable Transport and one local resident.

5.11 Updated plans were received with interior changes, making this a four bedroom dwelling. It is not considered likely that the proposed reduction of bedrooms would be actioned. However, a dormer of this size could be built as permitted development. It is therefore not considered appropriate to refuse this application on the grounds of parking provision, as the same works could be carried out without planning permission.

5.12 Therefore there is no objection to the proposal in relation to highway safety or parking provision.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CONDITIONS

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

Reason

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

CIRCULATED SCHEDULE NO. 17/17 – 27 APRIL 2017

App No.:	PK17/1041/CLP	Applicant:	Mr & Mrs Tiley
Site:	5 Foxcote Kingswood Bristol South Gloucestershire BS15 9TX	Date Reg:	16th March 2017
Proposal:	Application for a certificate of lawfulness for the proposed alteration of existing garage roof and conversion into hobby room.	Parish:	None
Map Ref:	365589 173331	Ward:	Woodstock
Application Category:	Certificate of Lawfulness	Target Date:	8th May 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, 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 roof alterations to a garage structure at 5 Foxcote, Kingswood would be lawful development. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015.

1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (As Amended) 1990 section 192
Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

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

3. RELEVANT PLANNING HISTORY

3.1 PK06/0609/F – Approval – 04/04/2006 – Erection of rear conservatory.

3.2 K2422/1 – Permission not required – 17/07/1987 – Loft conversion.

4. CONSULTATION RESPONSES

4.1 Cllr. Perkins

Requests that the property demonstrates it is capable of providing the same amount of parking as existing.

Other Consultees

None Received

Other Representations

4.3 Local Residents
None Received

4.4 This application is for a certificate of lawfulness and is an evidential test to establish whether the proposed development is lawful according to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1 Class A and there is no consideration of planning merit. If the facts presented indicate the proposal accords with the aforementioned Class, the Local Planning Authority must grant a certificate confirming the proposed development is lawful. Consequently it is not appropriate to consider parking under the policies that comprise the local plan.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully, without the need for planning permission. Accordingly there is not consideration of planning merit, the application is based on the facts presented. This submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

5.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to the householders under Schedule 2, Part 1 Class A of the GPDO (2015).

5.3 The proposed development consists of alterations to the roof of an attached garage to the side of the property and conversion of the space to additional living accommodation. This development would fall within Schedule 2, Part 1 Class A of the GPDO (2015), which allows for the enlargement, improvement or other alterations of dwellinghouse provided it meets the criteria 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);

Not applicable – no additional floor area proposed.

- (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 extension would not exceed the height of the existing dwellinghouse.

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

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

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

The extension does not project beyond a wall which forms the principal elevation nor does it form a side elevation of the original dwellinghouse which fronts a highway.

- (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 development does not extend beyond the rear wall of the original dwellinghouse nor does it exceed 4 metres in height.

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

Not applicable.

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

The alteration will remain as a single storey structure.

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

The extension would be within 2 metres of the boundary, and the height of the eaves is below 3 metres.

- (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;**

The proposal would extend beyond the side elevation but would not exceed 4 metres in height or have more than a single storey.

- (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 appear to 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 plans indicate that the proposal will be finished with materials to match the existing dwelling.

- (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.

6. RECOMMENDATION

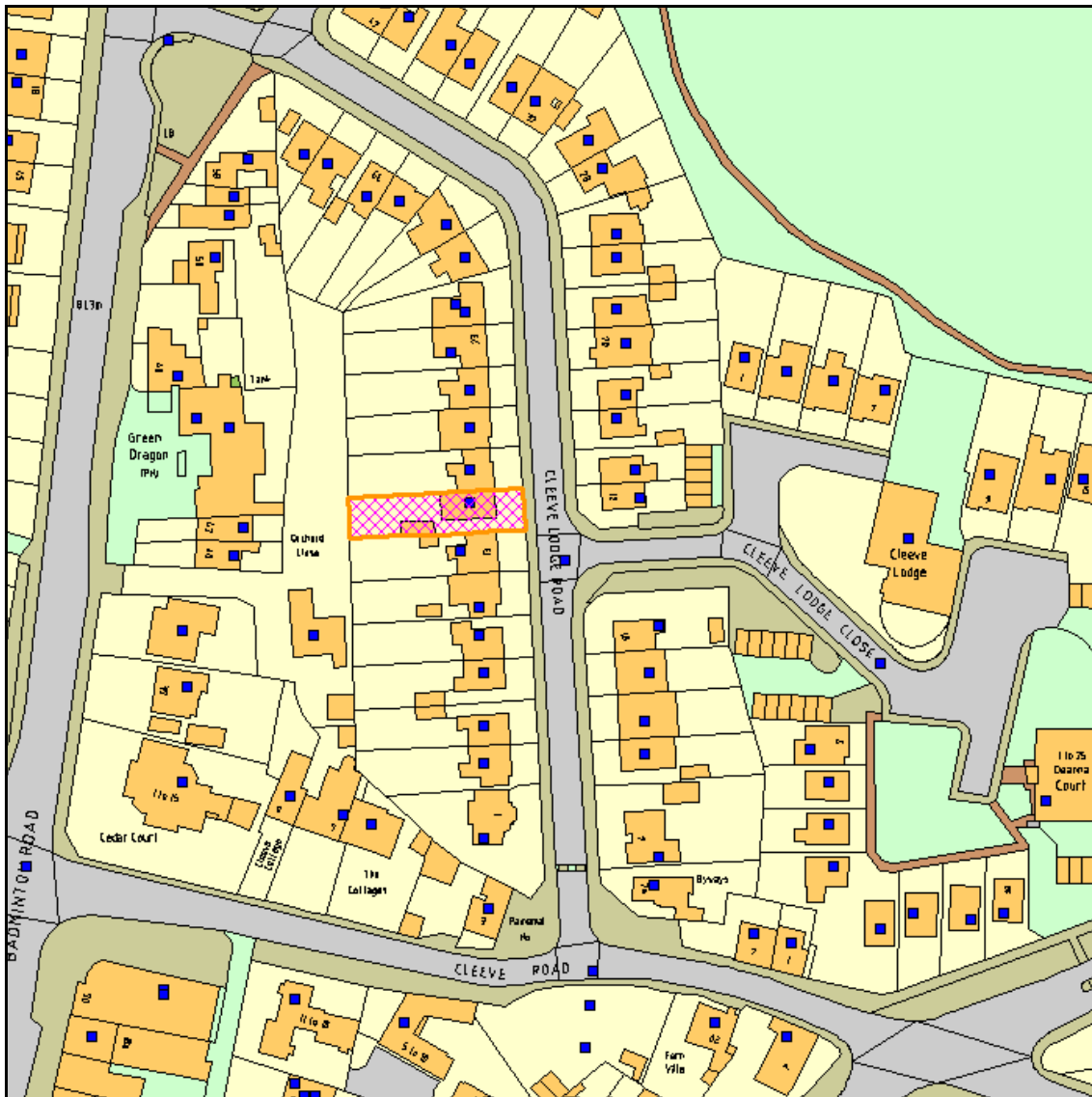
- 6.1 That a certificate of Lawfulness for the proposed development is **granted** for the following reason:

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CIRCULATED SCHEDULE NO. 17/17 – 27 APRIL 2017

App No.:	PK17/1110/CLP	Applicant:	Mr And Mrs Reynolds
Site:	15 Cleeve Lodge Road Downend Bristol South Gloucestershire BS16 6AF	Date Reg:	16th March 2017
Proposal:	The proposed erection of 1no side dormer window and 1no rear dormer window.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365265 176925	Ward:	Downend
Application Category:	Certificate of Lawfulness	Target Date:	8th May 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of 1no side dormer window and 1no rear dormer window at No. 15 Cleeve Lodge Road, Downend, would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/2210/F

Erection of two storey side and single storey rear extension to form additional living accommodation and integral garage.

Approved: 04.08.2016 (does not appear to have been implemented)

4. CONSULTATION RESPONSES

- 4.1 Ward Councillors
No comments received
- 4.2 Downend and Bromley Heath 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 Elevations (Drawing no. 170215-A3)
(Received by Local Authority 13th March 2017).

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015.

- 6.3 The proposed development consists of the installation of a rear and side dormer. This development would fall within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows dormer additions and roof alterations subject to the following:

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

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

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

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

The height of the proposed dormer windows would not exceed the highest part of the roof, and therefore meets this criterion.

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

The proposal involves the installation of a roof light to the front elevation of the dwelling. However this roof light would not extend beyond the plane of the existing roof slope which forms a principal elevation of the dwellinghouse and fronts the highway. Furthermore, the proposed dormer windows would be located to the rear and side of the property, and as such would not extend beyond any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway. As such the proposal meets this criterion.

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

The property is a semi-detached house and the proposal would result in an additional volume of no more than 50 cubic metres (Approximately 36 cubic metres).

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

The proposal would include none of the above.

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

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

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

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

Submitted plans indicate that the proposed dormers will incorporate a render finish to match the external finish of the existing dwelling. Furthermore, a submitted planning statement outlines that the materials used in any exterior work shall be of a similar appearance to those used in the construction of the existing dwelling.

- (b) **the enlargement must be constructed so that –**
- (i) **other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
 - (aa) **the eaves of the original roof are maintained or reinstated' and**

- (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge or the eaves; and
- (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

The rear and side dormers would be approximately 0.2 metres from the outside edge of the eaves of the original roof and the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse.

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

As part of the proposal, a window would be inserted on the south-facing side elevation of the property. However submitted plans indicate that this window will be obscurely glazed and fixed. As such, the proposal meets these criteria.

Roof light to front elevation

The proposal also involves the installation of a roof light to the front elevation of the property. This roof light meets the criteria set out in Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015, and as such constitutes permitted development.

7. RECOMMENDATION

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

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CIRCULATED SCHEDULE NO. 17/17 – 27 APRIL 2017

App No.:	PK17/1314/CLP	Applicant:	Dr Tim Percival
Site:	42 High Street Kingswood Bristol South Gloucestershire BS15 4AJ	Date Reg:	30th March 2017
Proposal:	Application for a Certificate of Lawfulness for a proposed loft conversion with rear dormer windows, front roof lights and Juliet balcony and erection of single storey rear extension	Parish:	None
Map Ref:	365604 173747	Ward:	Woodstock
Application Category:	Certificate of Lawfulness	Target Date:	17th May 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer, front roof lights and a Juliet balcony to facilitate a loft conversion at No. 42 High Street, Kingswood would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class B.

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

3. RELEVANT PLANNING HISTORY

- 3.1 The application site has no planning history.

4. CONSULTATION RESPONSES

Other Representations

4.3 Local Residents

No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Block Plan 01
Existing Floor Plans 01
Existing Elevations 02
Proposed Floor Plans 03
Proposed Elevations 04

All plans received 29 Mar 2017.

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015.

6.3 The proposed development consists of the installation of a rear dormer. This development would fall within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows dormer additions and roof alterations subject to the following:

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

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

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

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

The proposed dormer window would not exceed the highest part of the roof, and therefore meets this criterion.

The proposed roof lights would not exceed the highest part of the roof, and therefore meet this criterion.

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

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

The plans indicate that the roof lights would not extend beyond the plane of the roof slope which forms a principle elevation of the dwellinghouse.

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

The property is a terrace house and the proposal would result in an additional volume of no more than 40 cubic meters.

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

The proposal would include a Juliet balcony. However, this is not considered a balcony for the purposes of permitted development. The proposal would not consist of or include any of the above features.

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

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

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

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

The submitted plan (Proposed Elevations) indicates that the dormer will be finished in tiles to match existing roof tiles in texture and appearance. As such the proposal is deemed to comply with this condition.

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

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

The rear dormer would be approximately 0.25 metres from the outside edge of the eaves of the original roof and the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse.

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

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

The proposal does not include the insertion of any windows to a side elevation of the dwellinghouse.

7. RECOMMENDATION

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

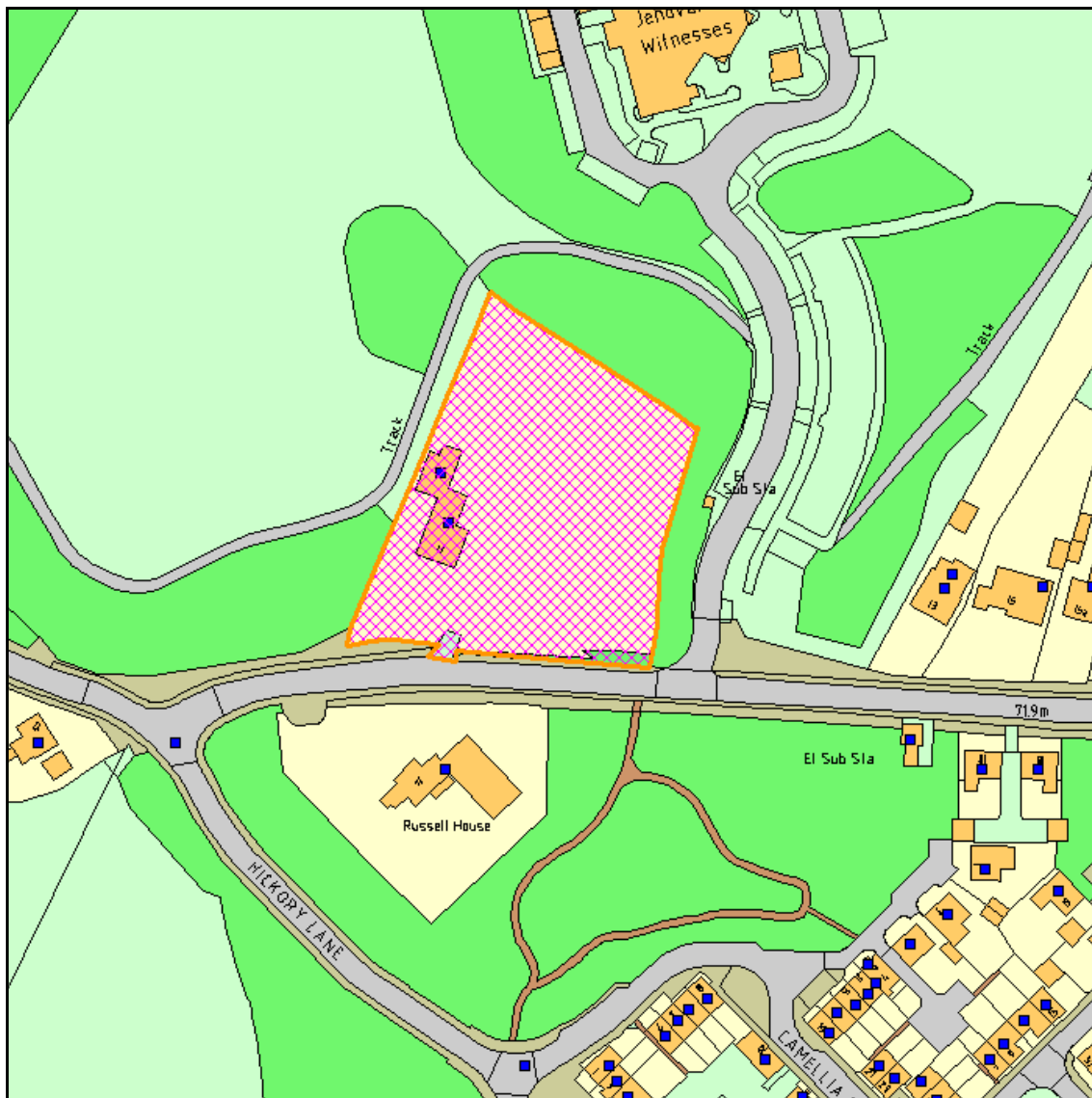
Contact Officer: Owen Hoare
Tel. No. 01454 864245

REASON

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

CIRCULATED SCHEDULE NO. 17/17 – 27 APRIL 2017

App No.:	PT16/3579/O	Applicant:	Mr Michael Royall
Site:	11 Hortham Lane Almondsbury Bristol South Gloucestershire BS32 4JH	Date Reg:	9th June 2016
Proposal:	Demolition of existing buildings and erection of 9no self build dwellings (outline) with access to be determined. All other matters reserved.	Parish:	Almondsbury Parish Council
Map Ref:	361732 184562	Ward:	Almondsbury
Application Category:	Minor	Target Date:	2nd August 2016



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REASON FOR SUBMITTING TO CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure in order to update members on the timeline of events in the six months since the application was approved at the Development Control (West) Committee on 6th October 2016, in accordance with the resolution. Lead members indicated that they would prefer to see an update on the Circulated Schedule in order to determine whether the application should be called back before the Committee. The officer report has been attached as Appendix A and the Committee minutes as Appendix B for information.

1. UPDATE

1.1 The Development Control (West) Committee came to the following resolution on 6th October 2016:

1. That planning permission be granted.
2. That Authority is delegated to officers to advertise the application as a departure from the Development Plan and to notify the Secretary of State in accordance with the Town and Country Planning (England) Direction 2009.
3. That Authority is delegated to officers, in consultation with the Lead Members for Development Control (West) Committee, to prepare conditions and a Section 106 Agreement to secure the following;
 - i. Provision of Affordable Housing
 - ii. A clear definition of self-build to ensure that the properties are truly self-build (as it is this concept that forms the VSC) and are built and retained as such
 - iii. The provision of the access road and communal areas to adoptable standards to agreed trigger points
4. That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.
5. Should the agreement not be completed within 6 months of the date of the committee resolution that the application be returned to the Development Control (West) Committee for determination.
6. That conditions should include the removal of Permitted Development Rights to control/allow an assessment of further development.

1.2 Whilst significant progress has been made on actioning each point within the resolution, as of 24th April 2017 the Section 106 agreement to secure affordable housing and to ensure the properties are truly self-build has not been signed.

1.3 The main reason for the delay is due to the applicant claiming viability issues prevent them from being able to provide affordable housing, and the need to instruct the District Valuer, however this claim has now been withdrawn and an off-site contribution for 3 no. dwellings has been agreed with the applicant.

1.4 Given the progress that has been made on the legal agreement, officers are of the opinion that it would be pragmatic to extend the time allowed on point 5 of the resolution, rather than to return the application to the Development Control (West) Committee.

2. RECOMMENDATION

2.1 That an additional six months should be granted for the applicant to sign the legal agreement.

2.2 Therefore, it is recommended that should the agreement not be completed within one year of the date of the Committee resolution (by 6th October 2017) then the application will be returned to the Development Control (West) Committee for determination.

Appendix A: Committee Report

REASON FOR REPORTING TO THE DEVELOPMENT CONTROL COMMITTEE

This application has been referred to the Development Control (West) Committee by Councillor Keith Burchell so that Members can consider the proposal as it is one of the few self builds in South Gloucestershire. Also, it is sited within the Green Belt, so members will need to see any special circumstances which would permit the development.

Members will recall visiting the site at the Sites Inspection Sub-Committee on Friday 29th July 2016, at which point it was resolved that officers bring forward a full report to the Committee on 8th September 2016, to include the following:

- Report to indicate the total number of properties on the self-build register for South Gloucestershire and an indication of progress made on finding sites for them – have any applications been submitted or approved? (paragraph 5.9)
- Report to cover government position on self-build (5.6-5.9)
- Report to refer to any appeal decisions nationally relating to self-build/Green Belt conflicts (5.36)
- A plan is required to show the position of the Tree Protection Orders recently served at the site in order to confirm whether the access visibility would be affected (received and discussed in paragraphs 5.27-5.28)
- Report to cover whether affordable housing can be achieved on self-build (5.14-5.24)

Members will also recall the Committee taking place on 8th September 2016, and members decided to defer the application to the next Committee on 6th October 2016, in order for the following information to be sought from the applicant:

- The access to be determined at outline stage and added to the description of development (5.5 and 5.28)
- A statement explaining how the development meets the criteria of self-build, and information clarifying how the individual plots will be brought forward (received, and discussed in paragraphs 5.10-5.13)
- A design code indicating materials, style and scale parameters to inform the reserved matters applications (received and discussed in paragraphs 5.25-5.26)

- A statement explaining why affordable housing cannot be provided, include viability information if required (received and discussed in paragraphs 5.14-5.24)
- Further bat surveys to take place as recommended within the Ecological Appraisal (undertaken and discussed in 5.33-5.34)

1. THE PROPOSAL

- 1.1 This application seeks outline planning permission for the demolition of the existing dwelling and the erection of 9 no. dwellings at 11 Hortham Lane. All other matters are reserved.
- 1.2 The applicant has indicated that the dwellings are to be self-build plots.
- 1.3 The application site is located outside of any established settlement and is considered to be within the open countryside. It is also within the Bristol/Bath Green Belt. The site is primarily residential curtilage but the occupier does also operate a small picture framing business from the site, which was given permission in the 1990s.
- 1.4 During the course of the application, it was recommended that the scale, access and layout be agreed at outline stage, as well as a Design Code. Following the first Committee on 8th September, members requested that access is a matter to be determined at outline stage, and the applicant has agreed to add access to the description of development. A period of re-consultation was undertaken for a period of 10 days. A Design Code document has also been provided, however layout, scale, appearance and landscaping remain as reserved matters.
- 1.5 An ecological survey and an arboricultural survey were requested during the course of the application to address concerns raised by the Tree officer and Ecology officer. An additional bat survey was recommended within the Ecological assessment, and this has now been carried out with the results received on 12th September 2016.
- 1.6 Since the previous Committee meeting, the applicant has also provided a statement explaining how the plots will be brought forward as self-build plots, and a statement explaining why they do not consider the development to trigger any affordable housing requirements.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance
Planning (Listed Building and Conservation) Act 1990
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H3 Residential Development in the Countryside
L1 Landscape

L9 Species Protection
T7 Cycle Parking
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS34 Rural Areas

Policies Sites and Places Development Plan Document (June 2016 Draft)
(Emerging Policy)

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP20	Drainage
PSP28	Rural Economy
PSP37	Internal Space Standards for Affordable Housing
PSP42	Custom Build Dwellings (See Appendix A of this report)
PSP43	Private Amenity Standards

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Residential Parking Standards SPD (adopted)
The South Gloucestershire Development in the Green Belt SPD (adopted)
Affordable Housing and Extra Care Housing (Adopted) May 2014
Waste Collection: Guidance for New Developments (Adopted) January 2015

3. RELEVANT PLANNING HISTORY

3.1 There is no recent or relevant planning history at the site.

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

Since the previous Committee, the Parish Council have raised an objection on the following grounds:

- o Overdevelopment in the Green Belt
- o Dangerous access to the proposed houses
- o Bringing additional traffic to the area

4.2 Other Consultees

Tree Officer

Arboricultural information required – TPO served on five trees.

Lead Local Flood Authority

No objection subject to SUDS condition.

Children and Young People

None received.

Sustainable Transport

Position of access is suitable, and adequate visibility splays can be achieved.
No objection subject to conditions

Housing Enabling

35% affordable housing is required.

Landscape Officer

No objection.

Ecology Officer

No ecological objection subject to conditions.

Other Representations

4.3 Local Residents

Eleven letters of support have been received stating the following:

- Single bungalow on site could be replaced by up to 15 houses, so 9 will not cause transport issues, particularly with new traffic lights on A38 junction
- No neighbouring landowners with contiguous borders
- Adequate access to A38
- Hortham is largely under developed
- Critical need for housing in South Gloucestershire, and we don't build enough of this type of housing
- Excellent visibility either way at access
- Self build allows people to realise their dreams
- Site is nowhere near the open countryside
- Self build is cheaper than the open market and there is demand for it
- Good for local traders suppliers builders etc

No additional consultations were received from local residents as a result of the period of re-consultation since the Committee on 8th September 2016.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Five Year Housing Supply

The application site is in the Green Belt and is outside of any established settlement boundary. 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 on to suggest that if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date. South Gloucestershire Council's Authority Monitoring Report 2015 states that the Council could not demonstrate a five year housing land supply, meaning paragraph 49 of the NPPF is engaged. With relevance to this proposal, policies CS5 and CS34 of the adopted Core Strategy are therefore considered not to be up-to-date. Regardless of this, the starting point for any decision-taker is the adopted Development Plan, but the decision-taker is now also required to consider the guidance set out within paragraph 14 of the NPPF. Paragraph 14 states a presumption in favour of sustainable development, and states that proposal 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.

5.2 Accordingly, saved policy H3 of the Local Plan is now considered out of date, as are policies CS5 and CS34 of the Core Strategy for the purposes of housing provision; all of these policies were concerned with the retention of settlement boundaries; generally not supporting residential development outside of settlement boundaries or urban areas. The aspects of policy CS34 that relate to the protection of the Green Belt should still be considered up-to-date.

5.3 *Green Belt*

Paragraph 89 of the NPPF states that, other than the types of development listed as exceptions in that paragraph, the construction of new buildings in the Green Belt is inappropriate. The applicant is claiming that the site previously developed land, which is one of the exceptions listed in paragraph 89 of the NPPF:

'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'

5.4 Firstly, the application site relates to residential curtilage, which according to the definition of previously developed land within the NPPF, cannot be considered to be 'previously developed'. Even if residential curtilage could be described as 'previously developed,' the proposal falls short of the second part of the exception as the replacement of one dwelling with nine dwellings and their associated curtilages would have a greater impact on the openness of the Green Belt than the extant situation.

5.5 The applicant is also claiming that the development meets the exception *'limited infilling in villages.'* The Council's Development in the Green Belt SPD states that infill development is defined as 'development that is small in scale and which fits into an existing built up area in a defined settlement boundary, normally in between existing buildings in a linear formation.'

Whilst it is acknowledged that the settlement boundaries have little weight with regards to the location of residential development, the rest of the description still applies. Given the scale of the development along Hortham Lane, officers are not convinced that nine dwellings can be described as 'limited' in this rural location. Additionally, the development proposed does not sit in between existing buildings, as the religious meeting hall to the north occupies only a very small part of the site, the land to the west and north-west of the development proposed remaining open in character due to the absence of built form. Further to this, and in accordance with Article 5 of the Development Management Procedure Order 2015, officers served notice on the applicant within one month of the application being received, stating that the application ought not to be considered separately from all of the reserved matters, namely access, scale and layout, which officers considered necessary to secure at outline stage. The need for access will be discussed in more detail in the Transport section of this report, however the need for scale and layout are required to fully assess whether any of the exceptions in paragraph 89 of the NPPF are met. Following the previous Committee, the scale and layout of the development have been outlined within the Design Code document, submitted on 22nd September 2016, however they have not been added to the description of development and remain indicative only. The Design Code shows that houses should be no more than two storeys high, and that the indicative circular layout shown should be reflected in any subsequent reserved matters applications. Given the information that is submitted, officers consider it unlikely that any of the exceptions for development within the Green Belt are met due to the number of dwellings proposed and the lack of surrounding built form, and conclude that the proposal represents inappropriate development.

- 5.6 Should members agree with this assessment, the applicant has also submitted a 'without prejudice' case for very special circumstances. The Planning Statement states that:

The Self-build and Custom Housebuilding Act 2015 requires local authorities from the 1st April 2016 to keep a 'self-build register' and to have due regard to the register when undertaking planning functions, which includes decision-taking. South Gloucestershire Council has now opened a self and custom build register.

- 5.7 The self-build register for South Gloucestershire is now open and has been marketed on social media. As of the end of June, there were 141 individuals on the register, and an updated figure has been requested from the Planning Policy team and will be made available to members in the form of an update sheet prior to the Committee meeting. The Planning Statement also states that:

This proposal for the development of up to 9 self-build dwellings will therefore assist in meeting an identified and unmet need for self-build housing in South Gloucestershire. This is supported by paragraphs 50 and paragraph 159 of the NPPF, which requires LPAs should plan to deliver and address the need for a wide choice of high quality homes, which includes planning for people that wish to build their own home.

- 5.8 It is acknowledged that there have been a number of announcements from central government recently with regards to increasing the number of new homes being built, including custom build properties. The Housing and Planning Act 2016 has received royal assent as of 12th May 2016, although some parts, including the part relating to self-build, has not yet become implementable. Furthermore, policy PSP42 of the June submission draft of the Policies Sites and Places document (appendix A of this report) indicates the Council supports self-build dwellings, however this draft plan is just going out for public consultation and therefore carries very limited weight in planning decisions. Both policy PSP42 and the Housing and Planning Act 2016 are material considerations which weigh in favour of the proposal, but carry limited weight compared to the National Planning Policy Framework and the policies within the adopted Development Plan.
- 5.9 Paragraph 88 of the NPPG states that when determining planning applications in the Green Belt, the Council must give *substantial* weight to any harm to the Green Belt, and that Very Special Circumstances will not exist unless the harm caused to the Green Belt by inappropriateness, as well as any other harm, is *clearly* outweighed by other considerations. It is of particular note that the Ministerial Statement (by Nick Boles on the 6th March 2014) has made it very clear that 'unmet housing need is unlikely to outweigh harm to the Green Belt and other harm to constitute very special circumstances justifying inappropriate development'. Looking at approvals in the wider district which are still extant, officers are not aware of any sites providing multiple self-build units which are coming forward. PT16/3565/O at Cleve Park (the junction of Morton Way and Grovesend Road in Thornbury) proposes 14 no. self-build units, however the officer has recently received amendments to this scheme and is yet to reach a recommendation either way. It is worth noting however that applications for 1 no. single dwelling are usually self-build, with the owner building the property and then occupying it, and this type of development is common in South Gloucestershire. Officers give substantial weight to the significant harm caused to the openness of the Green Belt and by development which is inappropriate in principle, and the very special circumstances relating to the need for self-build are not considered to outweigh this harm.
- 5.10 Implementing Self-Build Plots
Queries were raised by members at the Committee on 8th September as to how a multi plot scheme would be brought forward in a cohesive manner when a number of individuals are involved. In order to address this, the applicant has submitted a statement explaining that a Group Custom Build would be the chosen format. In summary, the group would entail nine individuals registering themselves into a self-build housing co-operative in accordance with the Co-operative and Community Benefits Society Act 2014. By being registered in this way, this will allow the Group to act in the same manner as a limited company and to become a developer. It will also enable the group to borrow any finance required to cover land acquisition and development costs. This will also enable the Group to equally finance the construction of shared facilities on the site, such as the access road, lighting, infrastructure etc.

- 5.11 The Group will initially be formed from members of South Gloucestershire's self-build register and it is anticipated that all nine members will be recruited this way. Nine separate reserved matters applications will be submitted at the same time.
- 5.12 One architect will design the whole scheme in accordance with the submitted Design Code, however each house will be individually designed by the individual and they will be able to appoint their own sub-contractors to construct the dwelling or do as much as they are able to themselves depending on their skills. The Group would be managed by an experienced custom build project manager whose primary responsibility would be to ensure that the site is delivered within budget and on time. Freehold possession of each plot will not be passed from the Group to the individual until the infrastructure and dwellings are all complete. It is anticipated by the agent that the build would take 15 months from commencement of development.
- 5.13 The applicant has stated that in order to discourage speculative custom builders who will build a house and immediately sell it for profit, they are willing to accept a 3 year residency condition on the decision notice. Officers are unable to apply this condition however, as it is not considered to meet all of the six tests required for a condition to be acceptable, namely the 'reasonable' test. Genuine custom builders may experience a change in personal circumstances following development and may need to downsize or leave the area, and therefore a residency condition is not acceptable. In addition, the condition is not 'necessary' to make the development acceptable in planning terms, a housing use is either policy compliant or not policy compliant, and the length of occupancy does not impact the acceptability of the scheme as the proposal is for permanent structures.
- 5.14 Affordable Housing
Based on Policy CS18 of the Core Strategy the council will seek to secure 35% on site affordable housing as the rural affordable housing threshold is triggered by this proposal i.e. 5 or more dwellings or land measuring 0.20 hectares. The applicant has, at member's request, submitted a statement outlining their interpretation of affordable housing policy, particularly in the context of the recent Court of Appeal decision to overturn the previously successful challenge made to planning policy changes regarding S106 obligations by West Berkshire DC and Reading DC in 2015. The applicant considers that the Written Ministerial Statement (WMS) dated 28th November 2014 and reinstated by this appeal should be treated as national policy. The WMS document sets out that S106 contributions, including those for affordable housing, should not be sought for small-scale and self-build development of 10 units or less which have a combined floor space of no more than 1000sqm. This advice now forms part of the National Planning Practice Guidance (NPPG).
- 5.15 Notwithstanding the above, the wording of the Court of Appeal decision is such that, although a material consideration, officers consider that the affordable housing policy position remains unchanged due to the weight attached to the Council's adopted Local Plan Policy CS18, which is supported by the robust evidence of the Strategic Housing Market Assessment.

Policy CS18 was initially underpinned by a District-wide viability assessment carried out by an independent district valuer in 2010 and a review and update was published in May 2012, which recommended the continuation of the 35% affordable housing target and the 10 unit/0.33 Ha threshold (urban areas) and the 5 unit/0.2 Ha threshold (rural areas). A further district-wide Community Infrastructure Levy viability assessment was carried out by Adams Integra which also supported the findings of the previous work. In addition, the Wider Bristol Strategic Housing Market Assessment shows an identified local need for affordable housing in the district and the continued use of the 35% target, and was only very recently undertaken in 2015.

5.16 This up-to-date evidence lends sufficient weight to the development plan policies. As such it is considered that the adopted plan policy of CS18 and its associated technical affordable housing need and viability evidence provides greater local relevance than the NPPG and therefore is given precedence in the determination of planning applications. The justification for this approach rests on the Court of Appeal judgement, which restored the NPPG but demonstrated that this did not override local plans but should be regarded as no more than another material consideration, and so officers disagree with the applicant's claim that the Court of Appeal decision is adopted policy. The applicant has listed a number of appeal decisions whereby the Inspector has enforced the over 10 dwellings threshold in rural areas, however only one of these took place since the WMS was reinstated by the Court of Appeal, and related to a proposal for 10 dwellings within the jurisdiction of Melton Borough Council (APP/Y2430/W/15/3133118). On further investigation, it is apparent that the Development Plan for Melton BC consists of a Local Plan adopted in 1999, and informed by a Housing Need Survey which took place in 1994. The local need is therefore considerably out of date and not comparable to the local housing need in South Gloucestershire.

5.17 Appeal reference APP/K3605/W/16/3146699 is also material to this application, and relates to Elmbridge Borough Council whose Local Plan policy requires a contribution towards off-site affordable housing of 20% for applications of between 1 and 4 units. This low threshold was identified as necessary within the East Surrey Strategic Housing Market Assessment in 2008, and as the developer refused to provide any contributions, Elmbridge BC refused the application as it was contrary to their adopted development plan, namely policy CS21 (Elmbridge BC's affordable housing policy). The Inspector stated the following:

"I consider the approach in policy CS21 to be consistent with Paragraphs 47 and 50 of the National Planning Policy Framework, which require local planning authorities to meet the full, objectively assessed needs for market and affordable housing and where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be justified... Whilst there is a presumption that a policy such as the Written Ministerial Statement (28th November 2014) should be followed, especially as it postdates the Core Strategy, it is also important to acknowledge that a policy that is relevant to the matter in hand should not be applied rigidly or exclusively when material considerations may indicate an exception may be necessary.

I therefore share the view of the Council that it is for the decision taker to weigh any conflict between relevant policies in light of material considerations, including local circumstances.'

- 5.18 This decision is very recent, with the appeal being dismissed in August 2016, and concludes that whilst the WMS carries considerable weight, it does not outweigh the Local Plan given the acute and substantial need for affordable housing, which is consistent with the NPPF.
- 5.19 In addition emerging policy PSP42 of the Policies Sites and Places Development Plan Document states that:
- 'Sites for 100% custom-build housing of 5 or more dwellings in rural areas would be expected to deliver affordable units in accordance with Core Strategy policy CS18.'*
- 5.20 South Gloucestershire Council has limited experience with regards to the provision of affordable housing through self-build, and it was requested that the applicant indicate how this will be brought forward as part of the scheme. They have confirmed in writing that they do not intend to provide any affordable housing, and so this information has not been submitted. Viability information was also requested to demonstrate that, due to the nature of self-build, affordable housing would make the scheme unviable for the individuals, however no viability information has been received to date.
- 5.21 Housing Enabling has confirmed that self-build development is not considered affordable housing as defined by the National Planning Policy Framework. A point of interest has been noted within the WMS, a copy of which has been submitted by the applicant, and it is that community let custom-build projects are able to apply for grants under the Affordable Housing Guarantee programme, which supports projects such as the development proposed here to deliver new-build affordable housing on schemes. This is further evidence that the government does not consider self-build schemes to constitute a type of affordable housing.
- 5.22 The applicant states within their affordable housing statement that emerging policy PSP42 has no weight as it is no longer compliant with national policy following the Court of Appeal decision discussed above, and therefore will be subject to change prior to examination. Officers do not agree with this conclusion as PSP42 is consistent with the national policy within the NPPF and the identified local need within policy CS18, and the Court of Appeal is only a material consideration, which does not outweigh adopted policy. The Council does acknowledge that only limited weight can be applied to policy PSP42 as it is only emerging, however as it is consistent with policy it is unlikely to change significantly prior to adoption.
- 5.23 In conclusion, Policy CS18 is not replaced, as it is still part of the Adopted Development Plan for South Gloucestershire and continues to have weight in decision making upon planning applications, in accordance with Section 38(6) of the Planning & Compulsory Purchase Act 2004.

Therefore, policy requirements indicate that three dwellings out of the nine proposed are sought for affordable housing provision, as the adopted policy clearly outweighs the material consideration within the NPPG. No such provision has been made for any affordable units within the application, and therefore the development is contrary to policy CS18 and should be refused on this basis.

5.24 As advised above the Council has limited experience with securing affordable housing through self-build schemes but if the applicant agrees to an affordable housing contribution in principle, further discussions would take place with the applicant about how those homes would be delivered, and the type of units that would be required. Officers have requested that the applicant engages in this negotiation during the course of the application, but they have declined to do so.

5.25 Design and Visual Amenity

Policy CS1 of the Core Strategy defines the Council's design policy. This policy requires development to reach the 'highest possible' standards of site planning and design. This application is for outline planning permission, with only the principle of 9 no. residential units being assessed, along with access which has now been fixed by the applicant. The applicant was also asked to submit a Design Code in order to inform the reserved matters application, which is particularly important in this instance as the reserved matters applications are likely to come forward individually due to the self-build nature of the proposal, and this was received on 22nd September 2016.

5.26 The Design Code shows an indicative circular layout to create an enclosed street scene, and scale parameters have been shown as no more than two storeys. All dwellings are to be detached with adjacent or integrated garages. The material palette indicated is varied, with a mix of brick, render or timber cladding, however the finishes and colour of these materials could be controlled with conditions at reserved matter stage to ensure they blend together effectively. The dwellings will all have a gable roofline and will be a traditional clay, a clay style composite or slate, which would be acceptable. Subject to the submission of the reserved matters applications showing a detailed and consistent design, the development is acceptable in terms of policy CS1.

5.27 Access, Transport and Parking

An access plan has now been submitted and the Transport officer is satisfied that adequate parking for each unit and adequate visibility splays could be achieved from alterations to the existing access and reserved matters stage. As members will recall from the previous meeting, the Council's Tree Officer came to the decision to serve a Tree Protection Order on many trees at the site, which may affect the visibility splay. Notice was served on the applicant in accordance with Article 5 of the Development Management Procedure Order to fix the location of the access in order to ascertain whether the trees served with TPOs would be affected. Now that the position of the access has been fixed, the site plan submitted shows the location of the TPO trees and the Tree Officer considers that this adequately represents a Tree Constraints Plan. It shows that none of the significant trees on site will be affected by the access, nor the applicant's ability to provide a visibility splay.

- 5.28 Notice was also served to provide the access due to the self-build nature of the development. Policy PSP42 states that the Council is aware of instances nationally whereby custom-build sites have been left in a poor condition with incomplete highways and communal areas, due to the reserved matters being submitted on a plot by plot basis. In the event that the application is approved, a S106 agreement will be required to ensure the provision of necessary infrastructure in accordance with the document prepared by the applicant which details the method the development will be brought forward, as is required by emerging policy PSP42. Such an agreement has not been negotiated by officers due to the insurmountable Green Belt and affordable housing objections, and so the lack of such a legal agreement will form an additional refusal reason.
- 5.29 Residential Amenity
Development should not be permitted that has an adverse impact on residential amenity. Layout, design and scale are reserved matters, however it is feasible for 9 no. dwellings to be located on land of this size without harming residential amenities of any surrounding plots, and adequate gardens can be provided for the proposed units, with the Design Code indicating that gardens will be at least 100 square metres in area. The development is acceptable in terms of policy H4 of the Local Plan (adopted) January 2006.
- 5.30 Landscape and Vegetation
Existing landscape attributes should be conserved and where possible enhanced. An Arboricultural Method Statement and Tree Protection Plan has been recommended by the Tree Officer to support the Tree Constraints Plan already submitted, and following an officer site visit, a decision has been taken to serve a Tree Protection Order on a number of trees at the site (SGTPO 0925). At the Site Inspection Sub-Committee, members requested confirmation on a plan as to which trees had been identified for protection. Members are referred to the plan at the end of the Arboricultural report; tree references T757, 750, 749, 746 and 753 have been served Tree Protection Orders.
- 5.31 As layout is a reserved matter, it is not possible to assess the impact the development would have on the health of these trees and whether any would require felling to facilitate development, however the indicative layout plan which also shows the access is adequate to confirm that nine dwellings could be accommodated within the site without the need to fell any protected trees. It is therefore feasible that development could be granted without an objection from the Tree Officer, however the reserved matters application will need to be supported by the Arboricultural Method Statement and Tree Protection Plan previously requested.
- 5.32 Within the Design Code submitted, the applicant has stated that they are willing to provide additional landscaping to the front of the dwellings to create a high quality street scene, and this can be secured with a landscaping scheme as part of the reserved matters application.

5.33 Environment and Ecology

Development should not have a direct or indirect adverse effect on protected species. Any impact should be avoided and suitably mitigated in order to be acceptable. An ecological appraisal has been provided which recommends additional bat surveys to be carried out, and since the previous Committee the following surveys have been undertaken: a building inspection, emergence survey, activity survey and remote detector survey.

5.34 The building inspection identified bat droppings within the roof void above the workshop with several access points above the wall-tops. No bats were observed emerging from the building during the emergence survey, however the remote detector left in the roof void did record low numbers of calls from brown long-eared bats at midnight on three of the seven nights the detector was in place, indicating a night roost used for low numbers of brown long-eared bats. The activity survey recorded common pipistrelle, noctule and serotine. The majority of bat foraging occurred within the wooded area to the south-east of the site. The presence of a bat roost will require a European Protected Species licence prior to works commencing as detailed in the Phase 2 Bat Survey Report (JL Ecology, September 2016) before the development can commence. Provided that all the mitigation measures detailed within the Mitigation chapter of the phase 2 report are carried out, which can be ensured by means of a condition on the decision notice, then the Ecology officer withdraws his objection. In order to seek ecological gain from the development, a dedicated roof void for bats as well as the provision of bat boxes throughout the site will be conditioned also, in accordance with policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.35 An indicative drainage plan has been submitted, however as this is indicative only a condition on the decision notice to ensure that a Sustainable Urban Drainage System is agreed is necessary in the event the application is approved.

5.36 Other Relevant Appeal Decisions

Following the Sites Inspection Sub-Committee, members requested whether there were any similar appeal decisions for self-build development in the Green Belt. There have been two appeal decisions in England since the adoption of the NPPF relating to development on Green Belt land which specifically identifies as self-build. Both were dismissed. One in Chester was proposed on previously developed land, and it was dismissed due to the number of units proposed having an increased impact on the openness of the Green Belt which was not outweighed by the provision of self-build units (APP/A0665/A/14/2218603), which the Inspector considered to be a very limited positive consideration in comparison to the substantial harm caused. It is also worth noting that the LPA for this example cannot identify a five year housing land supply, similar to South Gloucestershire Council. The second decision was in North Hertfordshire as recently as May 2016 (APP/X1925/W/15/3139095) and related to only a single dwelling. A point of interest in this appeal decision is that the Inspector confirmed that self-build cannot be considered a type of affordable housing.

5.37 Planning Balance

South Gloucestershire Council currently cannot provide a five year housing land supply, and paragraph 49 of the NPPF is engaged. When considering the planning balance, the harm caused by the development must be weighed against the benefits of the scheme. The weight which can be afforded to harm to the Green Belt is clarified within the NPPG, which states Local Planning Authorities must give substantial weight to it. Furthermore, and with regards to the Green Belt in particular, paragraph 88 of the NPPG states that for very special circumstances to exist, the inappropriateness of the development within the Green Belt outlined in the Green Belt section of this report must be *clearly* outweighed by other considerations, and given the substantial weight that can be afforded to harm to the Green Belt, coupled by the lack of affordable housing provision, the harm is not clearly outweighed by the provision of 9 no. residential self-build units, despite the demand identified by the register. On balance, the harm outweighs the benefits and therefore it is recommended that the application is refused.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission is **REFUSED** for the reason(s) on the decision notice.

POLICY PSP42 - CUSTOM BUILD DWELLINGS

When considering such proposal(s) for self and custom build dwellings the Council will take a positive approach. With particular respect to self and custom build schemes of more than 10 dwellings in urban areas and 5 dwellings in rural areas, the Council will work pro-actively with applicants to find solutions to enable the viable delivery of custom build housing. In doing so the Council will maintain a register for prospective self and custom house builders and have regard to the register in its decision making, plan making, housing and regeneration functions. The Council will also:

1. seek to bring forward land for custom build dwellings through the review of the Local Plan (to be completed in 2018);
2. investigate opportunities for custom build dwellings on Council owned land as and when it becomes available for redevelopment / disposal;

3. encourage developers to provide serviced custom build plots on residential development sites of over 10 dwellings;
4. require developers to supply at least 5% of the total dwellings on residential and mixed-use sites of over 100 dwellings, as serviced plots 'and/or shell homes' for sale to self and custom builders;
5. require the developer to investigate whether it is viable to provide self and custom build plots on sites where the Council has agreed it is unviable to provide policy compliant S106 contributions (including affordable housing) if the affordable housing is consequently reduced to below 35% of the total dwellings and subsidy is not available to return the affordable housing to 35% of the total dwellings. The number of self and custom build plots (to be investigated) should be up to the equivalent in number of the difference in provision of affordable housing being provided and the 35% target affordable housing amount;
6. in respect of Core Strategy Policy CS13 – Non-Safeguarded Economic Development Sites, will prioritise the provision of self and custom build dwellings, ahead of mainstream developer models of housing delivery;
7. in respect of Core Strategy Policy CS19 – Rural Housing Exception Sites, require providers to investigate the provision of self and custom build housing as all and or part of the market housing allowance;
8. encourage local communities to provide land for self and custom builders through Neighbourhood Planning; and
9. where custom build plots are provided under criteria 2, 4 & 5 of the policy, will expect dwellings to be no larger than 108sqm (gross internal floorspace).

8.46 "Self-build" is the practice of creating an individual home for yourself. The self-builder's input into this process may vary from undertaking the actual building work to contracting out all the work to an architect or building package company, or contracting the development of the shell of a building and completing the internal building work themselves. Consequently, it is now also commonly termed "Custom Build" housing, i.e. the home is custom built to the individual's specification, as opposed to being designed and built by a construction company to a standard specification for sale. Custom-build housing can be built or commissioned by individuals (or groups of individuals) for their own occupation (see Glossary for the legislative and Custom & Self Build Toolkit's definitions). The Council considers that self-build has a number of advantages over mainstream developer models of delivery. These potentially include:

- lower development costs;
- increased housing choice;
- custom-builders are more likely to be innovative and use green technology;
- improved build quality;

- custom-builders are more likely to use local suppliers and trades people; and
 - enhanced diversity of supply.
- 8.47 There are, however, a number of challenges facing self-builders, including access to land and finance, planning & other regulatory requirements & provision of infrastructure.
- 8.48 Self and custom house-builders in recent times have predominantly been wealthier older people (the grand designers) and no doubt opportunities for this group will continue to be available. The Council, however, wishes to increase opportunity for low and middle income groups (and downsizers) to build their own homes. Criteria 10 proposes a target size for custom-build dwellings that may be delivered through routes 2, 4 & 5, 6 & 7 in order to hold down the size and thereby value of plots of land, to make them more affordable for middle income earners. The proposed size is equivalent to a 6 person 3 storey 3 bed or 6 person 2 storey 4 bed dwelling as prescribed in the Nationally Described Space Standards (NDSS).
- 8.49 The policy therefore sets out the Council's approach to the delivery of custom-build dwellings in advance of review of the Core Strategy, which is to be completed in 2018. Legislation, Government policy and industry practice is expected to develop further over the next few years. It is expected therefore that the above policy and Council actions will also need to be revised in respect of the custom-build agenda.
- 8.50 It is expected (but not required) that sites of more than 1 custom-build plot will generally be brought forward by way of an outline planning permission followed by full details (reserved matters) for individual plots. Depending on the nature of the site and its context, the Council may therefore require that layout, scale and appearance parameters are agreed at the outline stage or by way of condition prior to site commencement to inform future reserved matters. Depending on the scale, sensitivity and complexity of a site a design code may be appropriate.
- 8.51 The Council is also aware of instances where custom-build sites have been left in a poor condition with incomplete highways and communal areas. The Council will also therefore, where appropriate, require applicants to enter into a S106 legal agreement to ensure the principal access road and communal areas, plus any other mitigation, as may be appropriate, is delivered to adoptable standards by an agreed trigger, during the build out of the site.
- 8.52 Sites for 100% custom-build housing of 5 and more dwellings in rural areas or 10 and more dwellings in the urban areas, would be expected to deliver affordable units in accordance with Core Strategy Policy CS18. The Council would welcome affordable self-build units, however it recognises the challenges that this creates and will therefore welcome the affordable dwellings to be delivered via a Registered Social Landlord and contractor in the usual way.

- 8.53 Part 5 of the policy seeks the provision of self and custom-build plots on house builder lead schemes of over 100 units. Like affordable housing, such plots may also be exempt from any prospective CIL charge. Developers should consider delivery models (see para 8.53 below) and site management issues carefully at the outset. In respect of 'shell homes' they will be expected to be offered at a point prior to 2nd fix. Developers may offer options and packages to completion but purchasers should not be tied into the use of such services as a condition of sale. Options that offer prospective purchasers involvement in customizing external appearance (where appropriate), internal arrangements and sustainability credentials are also encouraged. The affordable housing requirement (Core Strategy Policy CS18) should be calculated on 100% of the unit numbers, including the self-build element.
- 8.54 Part 6 of the policy seeks the provision of custom build plots where planning applications and permissions are revised as a consequence of viability issues, if the affordable housing is consequently reduced to below 35% of the total dwellings and subsidy is not available to return the affordable housing to 35% of the total dwellings. The Council will in those cases require the developer to investigate whether it is viable to provide custom build plots up to the equivalent in number of the difference in provision of affordable housing being provided and the 35% target affordable housing amount. The Council will take account of any potential further negative impact on viability and other S106 obligations in deciding if and how many custom-build plots should be provided.
- 8.55 Parts 7 & 8 promote custom-build dwellings on non-safeguarded employment sites and as the market element on rural housing exception sites where practical and viable.

Delivery

- 8.56 The Council recognises the emergence of a variety of business models, including self-finish options and for persons to attempt to circumvent the aspirations of this policy. Therefore, applications for custom-build sites over 10 dwellings in urban areas and 5 dwellings in rural areas, under the terms of this policy, should be accompanied by a statement setting out how the proposed dwellings will be brought forward and how the proposed model fulfils the aspirations of the Government and this policy. Any such schemes that are permitted may be required to enter into a condition and or S106 agreement that requires the plots are sold for the purposes of custom-build, in accordance with the proposed business model, (as set out in the supporting statement) where acceptable.
- 8.57 The Government has also set out legislation that exempts Self-Build Homes from the Community Infrastructure Levy. In order to benefit from this exemption, self-builders must provide a self-build exemption claim (prior to commencement of development) and additional supporting evidence within 6 months of completion of the dwelling. This evidence must comprise:
- Proof of date of completion – a copy of the building completion or compliance certificate issued by building control
 - Proof of ownership – a copy of the title deeds

- Proof of occupation of the dwelling, as the applicant's principal residence – a Council Tax certificate and two further proofs e.g. utility bill or bank statement etc.

8.58 In addition, applicants must also provide a copy of one of the following:

- Proof of an approved self-build mortgage
- An approved VAT refund (refunds for DIY house-builders), or
- A specialist Self-Build Warranty

8.59 If such evidence is not provided the full CIL levy will become payable. It should be noted that self-finish options may not be applicable for CIL exemption.

8.60 The policy will be reviewed, further to emerging Government policy, via the review of the Core strategy (to be completed in 2018).

Appendix B – Committee Minutes

91 PT16/3579/O - 11 HORTHAM LANE, ALMONDSBURY (Agenda Item 14)

Mike Royall, applicant spoke in support of the application and made the following points:

- Issues concerning the provision of an access have been addressed
- A bat survey has been carried out
- With regard the provision of affordable housing, it was suggested that 3 of the units would be sold at 80% of their market value
- This application would form an important case study
- A condition could be imposed to prevent any of the units being sold for at least three years
- There are up to 500 people on the self-build register for South Gloucestershire
- The demand for self-build sites within South Gloucestershire far outweighs the supply of land for self-build
- The site is in a sustainable location
- The development will not be detrimental to the amenity of neighbouring residents
- There are no objections from local residents and 11 statements submitted in support
- The sites lies within an established residential area and will not encroach into the countryside or constitute urban sprawl.
-

The Principal Planning Officer updated Members on the following issues:

Self-Build Register

There are currently 351 applications on the self-build register. Of these, 186 individuals are interested in a rural location, such as Hortham Lane. It is worth noting that 84% of those on the self-build register have also registered their interest in other areas, and 56% do not live in the area currently.

Correction to the Committee Report

It was noted that the date of the previous Committee is cited incorrectly within the Officer report; where the report refers to the previous committee taking place on 8th September 2016, it should actually read 11th August 2016.

The Highway Officer confirmed that an access plan had now been submitted and that officers were satisfied that adequate parking for each unit and adequate visibility splays could be achieved from alterations to the existing access and reserved matters stage.

Councillor Roger Avenin commented that the demand for self-build sites within South Gloucestershire far outweighs the supply of land for self-build.

Councillor Pat Hockey highlighted the work of the self-build working group and considered that the adoption of this site for a pilot self-build project would allow the Council to formulate future policy on custom built/self-build schemes and that this outweighed the harm caused to the Green Belt.

In response to issues raised, the Principal Planning Officer made the following points:

- Almondsbury Parish Council have raised an objection on the following grounds:
 - Overdevelopment in the Green Belt
 - Dangerous access to the proposed houses
 - Bringing additional traffic to the area
 - The site is located within the Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. It would also represent encroachment into the countryside, which is one of the purposes of including land within the Green Belt as identified in the NPPF. In addition, it was considered that the applicant had not demonstrated that very special circumstances applied, such that the normal presumption against development in the Green Belt should be overridden
 - The Ministerial Statement on the 6th March 2014 has made it very clear that 'unmet housing need is unlikely to outweigh harm to the Green Belt and other harm to constitute very special circumstances justifying inappropriate development'
 - The application site relates to residential curtilage, which according to the definition of previously developed land within the NPPF, cannot be considered to be 'previously developed'
 - A sequential test has not been carried out to demonstrate that no alternative sites are available
 - If affordable housing is not provided within the site an off-site contribution towards affordable housing provision in the district could be negotiated and secured through a Section 106 Agreement

Councillor Pat Hockey moved

1. That planning permission be granted.
2. That Authority is delegated to officers to advertise the application as a departure from the Development Plan and to notify the Secretary of State in accordance with the Town and Country Planning (England) Direction 2009.
3. That Authority is delegated to officers, in consultation with the Lead Members for Development Control (West) Committee, to prepare conditions and a Section 106 Agreement to secure the following;
 - i. Provision of Affordable Housing
 - ii. A clear definition of self-build to ensure that the properties are truly self-build (as it is this concept that forms the VSC) and are built and retained as such
 - iii. The provision of the access road and communal areas to adoptable standards to agreed trigger points
4. That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.
5. Should the agreement not be completed within 6 months of the date of the committee resolution that the application be returned to the Development Control (West) Committee for determination.
6. That conditions should include the removal of Permitted Development Rights to control/allow an assessment of further development.

The motion was seconded by Councillor Dave Hockey. Councillor Keith Burchell expressed concern that approval for a scheme in this location would have implications for future Green Belt development.

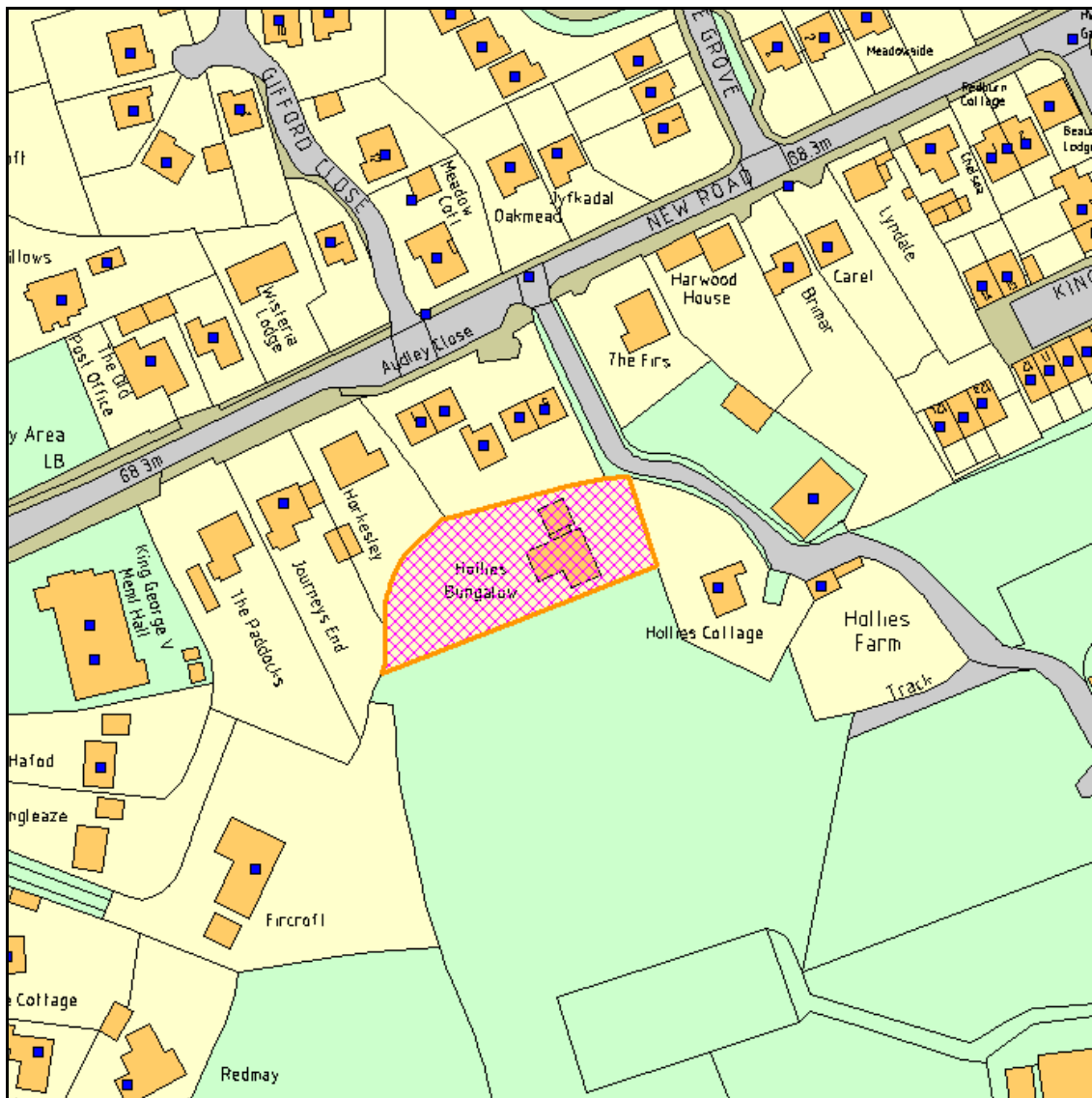
On being put to a vote Councillor Pat Hockey's motion was CARRIED (8:4:1) and

RESOLVED

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CIRCULATED SCHEDULE NO. 17/17 – 27 APRIL 2017

App No.:	PT17/0091/F	Applicant:	Mr D Powell
Site:	Hollies Bungalow New Road Rangeworthy Bristol South Gloucestershire BS37 7QH	Date Reg:	17th February 2017
Proposal:	Erection of pitched roof over existing flat roof to facilitate conversion of garage to residential annexe.	Parish:	Rangeworthy Parish Council
Map Ref:	369283 185772	Ward:	Ladden Brook
Application Category:	Householder	Target Date:	12th April 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulate Schedule due to the receipt of a letter of objection from local residents contrary to officers' recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a pitched roof over the existing flat roof garage to facilitate a conversion of the resulting garage to a residential annexe at Holly Bungalow, New Road, Rangeworthy.
- 1.2 The host building is a two storey detached dwelling just outside the settlement boundary of Rangeworthy, setting back from the residential road of New Road. During the course of the application, the agent confirmed that the property is known as 'Hollies Bungalow'.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Practice Guidance
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Policy For New Development

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
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) August 2007
Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 N440/2 Erection of extension to dwelling to provide double garage with bedroom, office / study bedroom and bathroom over. Refused 12.2.1976
- 3.2 PT13/0976/F Raising of roofline to facilitate the erection of a first floor level, and erection of a double storey rear extension to create additional living accommodation. Approved 30.05.2013

4. CONSULTATION RESPONSES

4.1 Rangeworthy Parish Council
No objection.

4.2 Sustainable Transport
No objection.

Other Representations

4.3 Local Residents

A letter of objection has been received and the residents' concerns are summarised as follows (full comments are available from the Council website)

- Overlooking
- The owner of the property has started the extension on their bungalow two years ago, but this has never been completed yet. Therefore, the inconvenience of scaffolding going up in my garden could be a very long time.
- Noise and mess during the construction

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the conversion of the existing garage into an annexe ancillary to the main dwellinghouse.

5.2 Proposed Annexe

Prior to assessing whether the principle of the development is acceptable, officers firstly assess whether the proposal is actually an annexe or not. An annexe should function in an ancillary manner to the main dwellinghouse, meaning an annexe would operate within the same planning unit as the host dwelling. Therefore, an annexe and the main dwelling should share services, accesses and facilities – the annexe should operate as an extension to the main dwelling.

5.3 The submitted plans shows the residential annexe would only have a bedroom, a living room and a bathroom, no separate kitchen is shown, but this might be incorporated as part of the main living area. However the building is physically linked to the main house and would share garden space and parking areas. Hence, officers are satisfied that the resulting building, on the balance of probability, would function as a residential annexe to the host dwelling as a matter of fact and degree.

5.4 Officers are also aware that should planning permission be granted, the use of the annexe could be conditioned to be ancillary to the main dwellinghouse, such a condition will be considered throughout the remaining report.

5.5 Principle of Development

Although the application site is situated outside the settlement boundary of Rangeworthy, the proposal relates to an extension to an existing dwelling, therefore adopted Policies CS1 of the South Gloucestershire Core Strategy

(adopted December 2013) and Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) would be the most relevant.

- 5.6 Both policies are supportive providing development within the curtilage of existing dwellings provided that the design is acceptable, that there is safe and adequate parking, and also providing the development would have no unacceptable impact upon the residential amenity of the locality. The proposal shall be determined against the analysis below.
- 5.7 Design
The proposal is to erect a pitched roof above the existing garage to facilitate a conversion for a residential annexe. The host dwelling is a two-storey structure with a gable roof. Although the proposed roof structure would be fully hipped, which would be different from the roof form of the host dwelling, it is considered that the proposal would improve the appearance of the garage and be more in keeping with the character of the host dwelling. In addition, the new roof would be constructed with concrete interlocking tiles to match the existing roof tiles, hence it would help to integrate the new roof structure with the host dwelling. Therefore there is no objection from design perspective as the proposal would comply with Policy CS1 of the adopted Core Strategy.
- 5.8 Residential Amenity
Saved policy H4 of the adopted Local Plan aims to ensure that residential development does not prejudice the residential amenity of any neighbouring occupiers. The nearest residential properties to the proposed development would be those properties in Audley Close, which lies to the north of the site. Concerns are raised regarding the loss of privacy upon the neighbouring garden, the inconvenience and disturbance during the construction period.
- 5.9 The proposed development is for a construction of a fully hipped roof above the existing garage. No windows or rooflights are proposed on the north elevation, as such, there would not be any unreasonable overlooking impact upon these neighbouring properties. Although the proposal would raise the overall height of the building from 3 metres to 4.8 metres, the roof would be fully hipped. As such, the overbearing impact would not be so significant to be detrimental to the living conditions of nearby residents.
- 5.10 Officers note that the existing garage door would be replaced with a window to match the existing window on the east elevation. Given it would be overlooking its own hard-standing area, there is no issues in terms of overlooking or overbearing impact.
- 5.11 Regarding the amenity for the future residents of the proposed annex, the site currently benefits a reasonable sized outdoor amenity space and the proposal would not result in any loss of the existing amenity area. Hence, there is no adverse impact upon the occupiers of the host dwelling and the annexe.
- 5.12 Regarding the noise and disturbance during the construction period, given the proximity to the nearby dwellings, officers consider that it would be necessary to impose a condition to restrict the construction hours in order to minimise the

potential impact upon the neighbouring residents. As such, the proposal is considered to accord with saved policy H4 of the adopted Local Plan 2006.

5.13 Transport

The host dwelling is a detached six bed dwellinghouse locating off New Road. The current minimum adopted spaces required to serve such a property is 3 spaces. The applicant seeks to convert the existing garage to a residential annexe. Although the existing garage would be lost as a result of the proposal, the Highway Officer considers that adequate off street parking can still be provided on the existing hardstanding area to the front of the dwelling. Subject to the existing off street parking being retained and the proposed annexe remaining ancillary to Hollies Bungalow, there are no transportation objections as the proposal would comply with Policy CS8 of the adopted Core Strategy, saved Policy T12 of the adopted Local Plan and the Council's Residential Parking Standards (Adopted December 2016).

5.14 Other matters

The concerns are raised regarding the delay in completing the previous development. As this would be subject to enforcement investigation, therefore it is not a reason to resist the proposed development.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

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

Reason

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

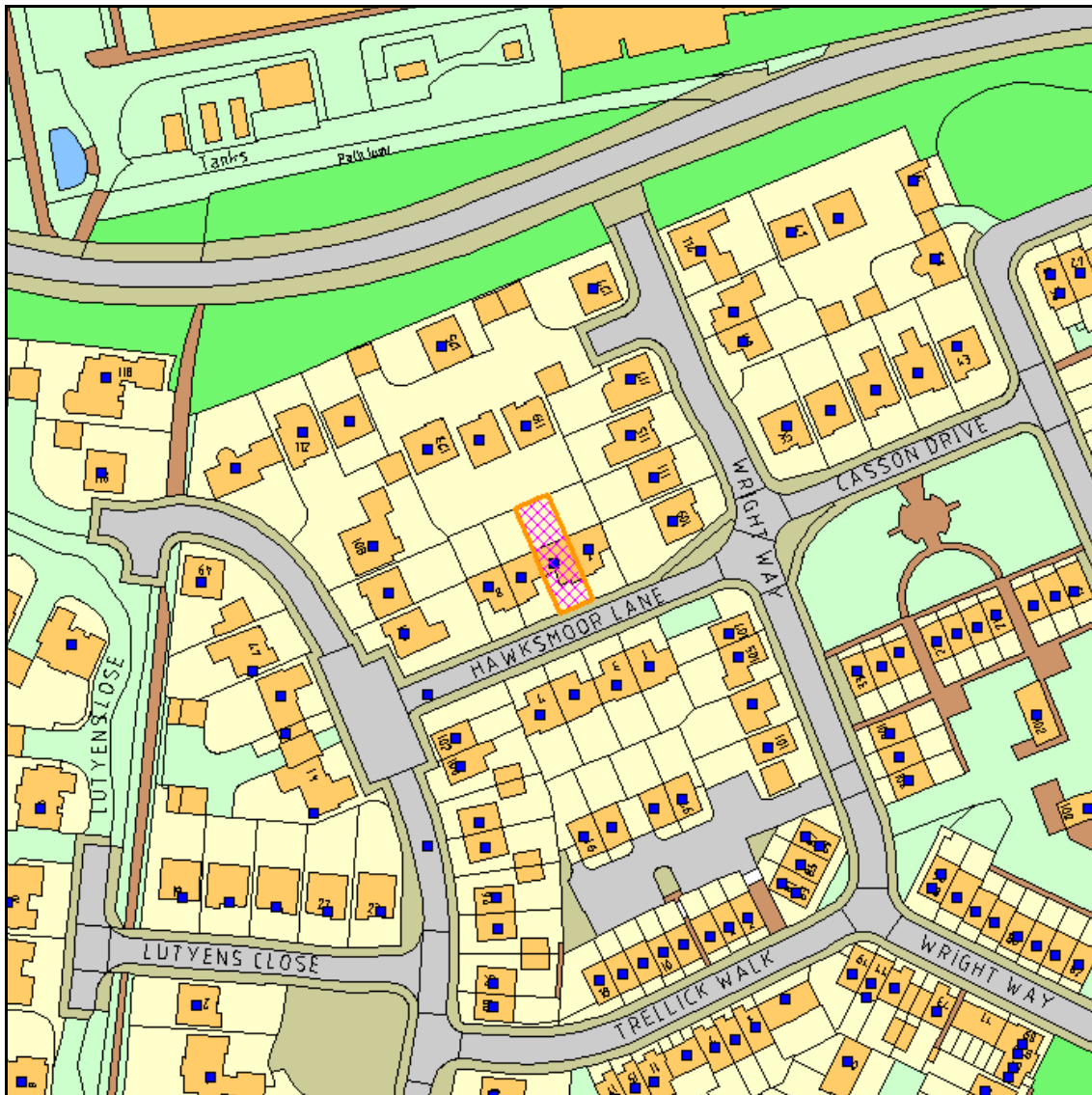
4. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Hollies Bungalow. For the avoidance of doubt the annexe subject to this decision notice shall not be occupied as a self-contained dwellinghouse.

Reason

To enable the Local Planning Authority to make further assessments with regard to residential amenity; highway safety and the Conservation Area; and to accord with the provisions of Policy CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; Saved Policy H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, the South Gloucestershire Residential Parking Standards (Adopted December 2013).

CIRCULATED SCHEDULE NO. 17/17 – 27 APRIL 2017

App No.:	PT17/0703/PDR	Applicant:	Ms Sophie Chalmers
Site:	4 Hawksmoor Lane Stoke Gifford South Gloucestershire BS16 1WS	Date Reg:	22nd February 2017
Proposal:	Conversion of garage to form additional primary living accommodation.	Parish:	Stoke Gifford Parish Council
Map Ref:	362104 177642	Ward:	Frenchay And Stoke Park
Application Category:	Householder	Target Date:	18th April 2017



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REASONS FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the conversion of a garage to form additional primary living accommodation at no. 4 Hawksmoor Lane, Stoke Gifford.
- 1.2 The application site consists of a modern property set within a small terrace row. The property sits within a modestly sized plot, and is situated within the built-up residential area of Stoke Park. The subject property is a 4 bedroom property and is currently in use as a house in multiple occupation (HMO). As such the property can be considered as being in Class C4 of the Use Classes Order.
- 1.3 No external alterations to the property are proposed as part of the development. Furthermore, the conversion of the garage would result in the number of bedrooms at the HMO increasing from 4 to 5. As such, the property would remain within the C4 Use Class. As such, the proposed works would ordinarily be permitted without the need to apply for planning permission. However the conversion of the garage was restricted by condition attached to planning application ref. P99/1353. A Certificate of Lawfulness for the conversion of the garage was refused by the Local Authority on the basis of this condition. This is covered in greater detail in section 3 of this report.
- 1.4 Revised plans were requested and received by the Local Authority on 12th April 2017. These plans indicated the provision of two bicycle storage units to the front of the existing garage.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation

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

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

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

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

3. RELEVANT PLANNING HISTORY

3.1 PT16/6736/CLP

Application for a Certificate of Lawfulness for the conversion of existing garage to a bedroom (no external alterations).

Refused: 25.01.2017

3.2 P99/1353

Erection of 85 dwellings with associated works and public open space. (approval of reserved matters)

Approved: 30.09.1999

Condition 2 attached to this decision restricted the use of the garages permitted.

- (2) The garages hereby permitted shall be used for the garaging of private motor vehicles and for other uses incidental to the enjoyment of the dwellinghouses only and shall not be used for any business or commercial purposes.**

The reason given for this condition on the decision notice was to safeguard the residential character of the area and to protect the amenities of the nearby dwellings. It is further noted that condition 3 of P99/1353 required the garages to be provided prior

to occupation in order to ensure there was adequate off street parking provision provided.

3.3 P97/2145

Demolition of hospital buildings and redevelopment of the site for housing (outline).

Approved: 03.03.1999

4. **CONSULTATION RESPONSES**

4.1 Parish Council

Objection – Conversion of the garage, plus other works reportedly increasing the capacity of this property to a 6 Bed HMO is regarded as overdevelopment. Not least because the property is situated in the only road in the Stoke Park development which is subject to very limited parking provision covered by a Resident's Parking Scheme. One parking space is totally insufficient for a 6-bed HMO, especially when that property is dependent on cars for transport there being no garage space for cycle or bin storage. Council believe that conversion of the garage at this property will adversely affect the residential amenity of neighbours.

4.2 Other Consultees

Sustainable Transport

Original Comments

The applicant seeks to convert the existing garage to create a fifth bedroom. The dwelling is multiple occupancy with 4 existing bedrooms.

The existing garage is substandard in size and does not comply with SGC minimum parking standards. As such the existing garage cannot be counted as a parking space. Permitted Development rights were removed under Condition 1 of the Reserved Matters relating to planning application P99/1353, however it is noted that parking provision was not a factor in the condition. Given the substandard dimensions of the existing garage, the proposals would not result in loss of parking. There are no transportation objections.

Updated Comments

Our comments remain unchanged, however please can the applicant provide a scale plan showing the proposed cycle rack which needs to be secure, undercover and ensures the bikes cannot be seen from the road.

Archaeology

No objection

Other Representations

4.3 Local Residents

6 comments of objection were submitted by local residents. The main concerns raised are summarised below:

- Proper drawings have not been furnished for the application.
- Said conversion has already been carried out.
- Kitchen already used as bedroom – converted garage would form 6th bedroom at property.
- Residents have been told that property would not be let to students.
- Bad experience of students living in area – too much noise at weekends and night time.
- Health of residents has been affected by continued lack of sleep caused by noise and lack of due diligence from students in area. Many residents seeking to petition against student letting within Stoke Park – Requesting Article 4 Direction in this respect.
- Proposal would create additional need for parking in area. Parking scheme along Hawksmoor Lane allows 2 permits per property. Each student could potentially have own vehicle – unacceptable impacts on standard of living for local residents.
- Existing problems accessing some properties due to on-street parking. Unable to park on other streets due to restricted parking scheme.
- Parking provision sufficient for family of 4, not 6 students.
- Bike sheds will look unsightly, and will make gas meter and electric board inaccessible. Capacity for 8 bikes is overkill.
- Plan date is January 2017 which is wrong.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application seeks permission for the conversion of an existing garage in to an additional bedroom. Policy H4 of the Local Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. Therefore the proposal is acceptable in principle, but must be assessed against further criteria. However in this case, as no external alterations other than the provision of bicycle storage units are proposed, the most pertinent issue is deemed to be the impact that the provision of additional primary living accommodation at the

property may have on parking provision and highway safety in the immediate locality.

5.2 Parking Provision and Highway Safety

Emerging Policy PSP16 of the South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016 outlines that a minimum of 0.5 car parking spaces per bedroom should be provided at houses in multiple occupation (HMOs). However this policy currently holds limited weight, and may be subject to future modification. As such, the parking requirements for HMOs as set out in the South Gloucestershire Residential Parking Standards SPD will form the main basis of this transport assessment. The SPD outlines that HMOs with 3 or 4 bedrooms should provide a minimum of 2 parking spaces, and that HMOs with 5+ bedrooms should provide a minimum of 3 parking spaces. The SPD also outlines that in order to count towards parking provision, an external space must measure a minimum of 2.4m x 4.8m. The SPD also outlines that in order for a single garage to count towards parking provision, it must have minimum internal dimensions of 3m x 6m.

5.3 Following correspondence with the agent, it has been confirmed that the length of the existing driveway is 8.4m. As such the driveway can only be considered to provide one space towards overall parking provision at the site. Following correspondence with the agent it has also been confirmed that the existing property is a 4-bed property, and that the converted garage will form a 5th bedroom. However as the garage is of a substandard size, the conversion of the garage itself will not result in the loss of a parking space at the site.

5.4 As such, the current provision of parking at the site is substandard by a total of 1 space, and following the creation of a 5th bedroom at the property, the provision would be substandard by a total of 2 spaces. As such it is acknowledged that both the existing and proposed parking arrangements at the site do not meet the parking standards outlined above. Whilst the failure of the proposal to meet residential parking standards is given significant weight, this factor alone is not considered to substantiate a reason for refusal. The actual impacts of the increased competition for on-street parking caused by the additional living accommodation at the property will therefore be assessed. It should be noted that paragraph 32 of the National Planning Policy Framework 2012 (NPPF) outlines that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5.5 On balance, it is recognised that the creation of an additional bedroom, coupled with the substandard parking provision at the site, would likely result in some increased competition for on-street parking. However due to restrictions to parking at Hawksmoor Lane caused by a Resident's Parking Scheme, it is unlikely that the development would impact upon on-street parking in the immediate vicinity of the subject property. It is more likely that on-street parking would need to be sought elsewhere where such restrictions do not apply. Whilst this is not considered an ideal situation, it is not considered that the potential impacts of the increased competition for on-street parking brought about by the creation of a 5th bedroom at the property would be severe.

- 5.6 The provision of 2 bicycle storage units with the capacity to hold 8 bicycles within the curtilage of the property is also deemed to mitigate the loss of storage space provided by the existing garage. Furthermore, it is considered that the provision of bicycle storage will help to promote the use of bicycles as a means of transport, as opposed to the use of a vehicle, thus reducing the potential for increased on-street parking in the area. However for the avoidance of doubt, a condition will be attached to any decision, securing the proposed of bicycle storage facilities.
- 5.7 Account has also been taken of comments made within a submitted planning statement outlining that the property is currently let to students. Given the proximity of the site to UWE Frenchay Campus, it is considered that the requirement for students to own and use vehicles at this location is reduced. Overall, whilst it is accepted that the creation of an additional bedroom at the property would aggravate the existing undersupply of on-site parking, it is not deemed that the cumulative residual impacts of this would be so severe as to substantiate a reason for refusal.
- 5.8 Residential Amenity
Policy H4 of the Local Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space.
- 5.9 No external alterations to the host dwelling are proposed as part of the development. As such it is not considered that the proposal would impinge upon the residential amenity currently enjoyed by the occupiers of neighbouring properties through and increased sense of overbearing or overshadowing. It has been confirmed by the agent that the existing door providing access between the existing garage and the rear garden of the property has a window built in to it. It has been confirmed that this window would provide the only outlook from the proposed bedroom. As such it is not considered that the conversion of the proposed garage would have the potential to impact privacy at neighbouring properties through an increased sense of overlooking.
- 5.10 In addition to the above, the proposed conversion of the garage would not result in the loss of any outdoor private amenity space at the site. Overall, with regard to impacts upon residential amenity, the proposal is considered to satisfy criteria set out in policy H4 of the Local Plan.
- 5.11 Design and Visual Amenity
Policy CS1 of the Core Strategy and policy H4 of the Local Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

- 5.12 No external alterations to the main dwelling are proposed as part of the development. The only external alteration would be the provision of two bicycle storage units to the front of the property. The colour of the storage units would be similar to that of the existing garage door. Overall it is not considered that the provision of bicycle storage units would significantly impact upon the streetscene or character and distinctiveness of the immediate surrounding area. On balance, the proposal is considered to comply with design criteria set out in policy CS1 of the Core Strategy and H4 of the Local Plan.
- 5.13 Objection Comments
Stoke Gifford Parish Council
It is considered that parish council concerns relating to the potential implications of the proposal on parking in the area are sufficiently addressed in paragraphs 5.5 - 5.7 of this report. In addition to this, due to the reasons outlined in paragraph 5.9 of this report, it is not considered that the proposal would significantly impact upon the residential amenity of neighbouring residents.
- Local Residents*
- 5.14 The concerns raised by local residents will be addressed in the same order in which they are listed in paragraph 4.3 of this report.
- 5.15 It is considered that the plans provided are of sufficient detail as to allow for the application to be assessed by an officer.
- 5.16 With regard to the works having already been carried out, and the converted garage providing a sixth bedroom at the property, the information submitted by the applicant/agent is assumed to be correct. As part of the application form, it is indicated that the works have not been started prior to the granting of planning permission. Furthermore, it has been confirmed in writing by the agent that the conversion of the garage would facilitate the creation of a 5th bedroom at the property and not a 6th. Notwithstanding this, a 6-bed HMO would still fall within Use Class C4 of the Use Classes Order, and as such there would be no material change of were the property converted from a 4-bed HMO to a 6-bed.
- 5.17 In relation to potential increase in noise levels at the property, it is not considered that providing accommodation for 1 additional resident would likely result in a significant increase in noise levels at the property. Furthermore the property is located in a built-up residential area where some noise from residents (in rear gardens etc.) is to be expected. However were the noise created by residents of the property to reach a level that could be considered anti-social, this is an issue which would be need to be addressed through Environmental Health legislation. As this is an issue covered under separate legislation, it is considered to hold limited weight within the assessment of this planning application.
- 5.18 With regard to the potential restriction of the letting of properties to students in the area, it is not considered that this planning application for the conversion of a garage is necessarily the correct platform for addressing such an issue.

This is considered to constitute a broader issue that needs to be considered on a wider scale for the whole of the Stoke Park development (ie. potential Article 4 Direction).

- 5.19 It is considered that concerns raised by residents relating to the implications of the proposal on parking in the area are sufficiently addressed in paragraphs 5.5 - 5.7 of this report.
- 5.20 As is outlined in the report, whilst the proposed bike sheds would be visible from public areas, they are considered to be an appropriate addition, and it is not considered that their presence would significantly impact upon the streetscene of character of the area/host dwelling. Any potential blocking of electric board or gas meter is considered to be a minor issue that will need to be overcome by the applicant. Furthermore, the provision of 2 bike sheds, each with the capacity to hold roughly 4 bikes, is considered appropriate for what would, according to submitted information, become a 5 bed HMO.
- 5.21 It is noted that the plan date for the revised plan may not have been changed from that of the original plan. However it is not considered that this impacts upon officer's capacity to assess the revised plan.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

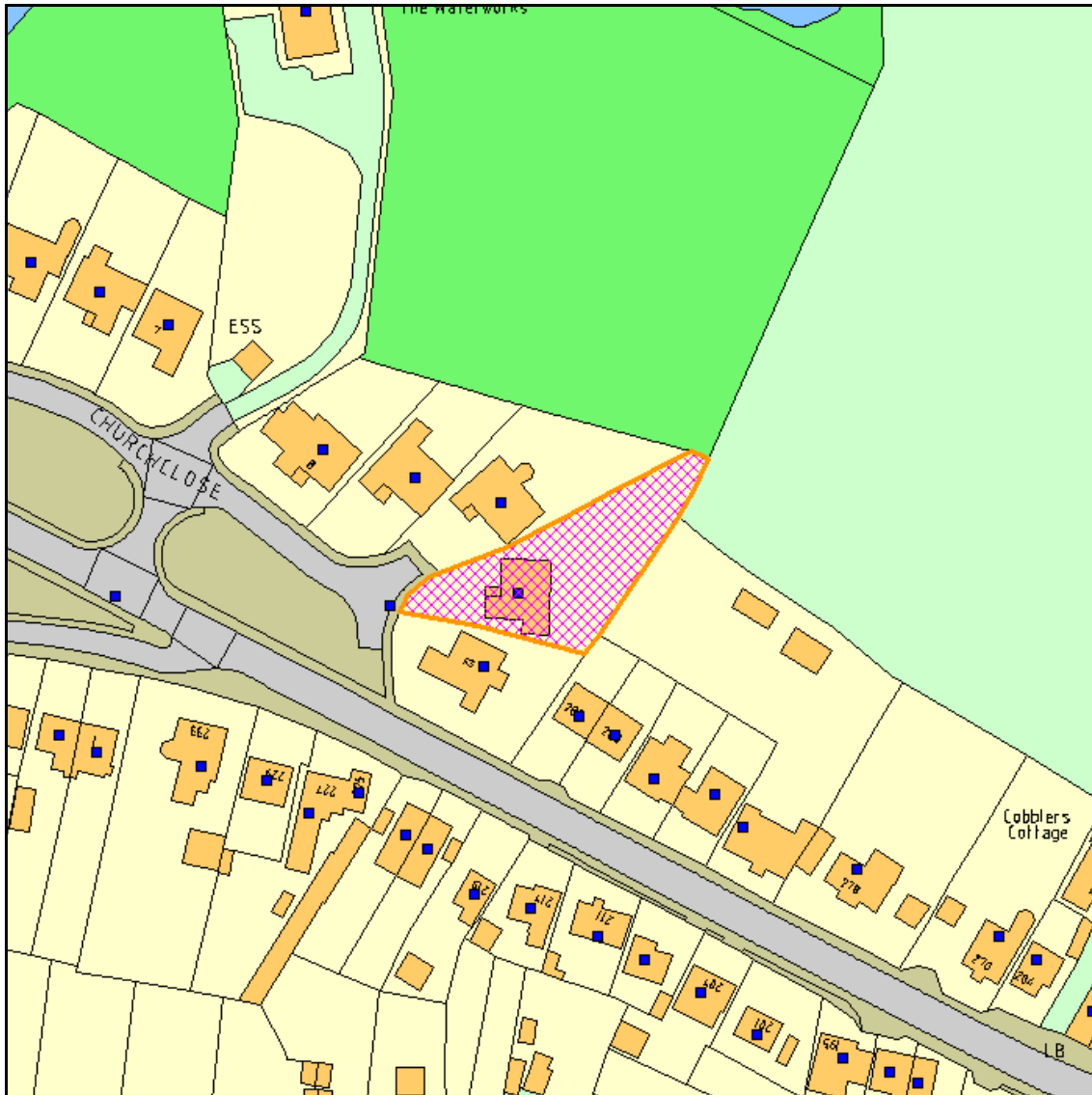
2. The bicycle storage units as indicated on specification (Bike Storage 002), and shown on the plan (3660.01A) hereby approved shall be provided before the converted garage is first occupied, and thereafter retained for that purpose.

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.

CIRCULATED SCHEDULE NO. 17/17 – 27 APRIL 2017

App No.:	PT17/1006/F	Applicant:	Mr And Mrs Morton
Site:	11 Church Close Frampton Cotterell South Gloucestershire BS36 2BB	Date Reg:	13th March 2017
Proposal:	Erection of single storey rear extension to provide additional living accommodation and 1no rear dormer window and alterations to roofline to facilitate loft conversion.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366985 181841	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	3rd May 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as a representation has been made by a local resident, which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a single storey rear extension, alterations to the roofline and 1 rear dormer to form additional living accommodation.
- 1.2 The application relates to a detached situated within a residential area of Frampton Cotterell. A Site of Nature Conservation/Tree Preservation Order (TPO) area lies adjacent to the north and the Bristol/Bath Green Belt borders the site to the north and east.
- 1.3 During the course of the application a bat survey has been submitted following comments from the Council Ecologist.

2. POLICY CONTEXT

2.1 National Guidance

NPPF National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation
L9 Protected Species
L1 Landscape Protection and Enhancement

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP8 Residential Amenity
PSP16 Parking Standards
PSP19 Wider Biodiversity
PSP38 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

Design Checklist Supplementary Planning Document (SPD) (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 N2396 Approved with conditions 15/04/1976
Erection of 12 detached bungalows and garages. Construction of new service road. (In accordance with revised plans received by the Council on 13th April, 1976). (Details following outline). To be read in conjunction with planning permission Ref. No. P2147/1.

4. **CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council
No objection.

- 4.2 Other Consultees

Tree Officer

No objection; condition recommended.

Archaeology Officer

No objection.

Ecology Officer

Update:

No objection; condition and informatives recommended.

Other Representations

- 4.3 Local Residents

1 letter has been received from a local resident. The comments are summarised as follows:

- Rear dormer will overlook 288 Church Road.
- Scale of development will affect neighbouring property values.
- Conservatory roof could be used as a sun terrace.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development

The application seeks permission for the erection of a single storey rear extension, alterations to the roofline and 1 rear dormer to form additional living accommodation. Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highway safety and design.

- 5.2 Residential Amenity

The application relates to a detached bungalow situated at the end of the Church Close cul de sac, Frampton Cotterell. It is sited between nos. 10 and 12, which are situated either side. Both nos. 288 and 280 Church Road abut the eastern boundary.

- 5.3 The proposal is to raise the roofline by 0.4m and install a rear dormer window. The development also includes the erection of a flat roofed extension with lantern to the east elevation.
- 5.4 Nos. 10 and 12 are situated adequate distances from the proposals to ensure that their amenity is not adversely affected. In terms of privacy concern has been raised that the rear dormer would overlook no. 288 to the east. Both a Juliet balcony and a fixed full height bathroom window would face this neighbour at an angle and no. 280 directly opposite. It is considered that a condition to secure obscure glazing in the bathroom opening would satisfactorily overcome any concerns in respect regarding this window. Turning to the Juliet balcony, when assessing amenity, such openings are considered more like a window rather than a traditional balcony that permits external access. It is noted that the balcony would look towards the back of no. 280 and would have a view over the rear garden of no. 288 at an angle. It is not however considered that these views would be detrimental to mutual privacy as there would be no direct line of vision between habitable windows. The area is established residential in nature and as such some limited overlooking of rear gardens is not unusual, plus the Officer is mindful of the fallback position available with permitted development rights.
- 5.5 Another comment has also raised concerns that the conservatory roof could be used as a terrace. Behind the parapet, the roof itself has an area of approximately 26sqm, but a 15 sqm lantern light is to be installed leaving a 0.6m strip all around. The Officer does not consider this strip wide enough for terrace use. Overall the development is considered acceptable.
- 5.6 Design
The application site consists of a detached bungalow finished in stone and render with white UPVC windows. The dwelling is characteristic of this found in the immediate area and similar to the other dwellings on this part of the cul de sac. The proposed extensions are mostly retained to the rear, apart from the minor roofline alteration and skylights. Both are considered acceptable in the context of the site. The plans also indicate that materials would match the existing. Overall there are no concerns in terms of visual amenity or design.
- 5.7 Highway Safety
The dwelling is served by a garage and hardstanding area capable of accommodating at least two parking spaces which is in accordance with the Council's minimum standards. There are therefore no concerns in terms of parking provision or highway safety.
- 5.8 Ecology
The application is now supported by a bat survey (Clarkson and Woods Ecological Consultants, dated 10th Apr 2017). The building itself is a modern bungalow. The exterior walls are of block construction and rendered, with some stone cladding to the front. The roof is tiled in plain clay tiles, with a small amount of lead flashing around the chimney. Most of the fascias and soffits are of UPVC construction, with some sections of board, with no gaps at the joins with the walls. The internal roof void is of a performed truss construction, lined with bitumen felt.

- 5.9 The report confirms that no evidence of roosting bats was discovered within the loft void, either current or historic, and no potential bat entry points were noted. There is very little opportunity of use of the building by bats due to the sealed construction of the fascias and soffits. The building itself has been found to have a negligible value for roosting bats and no further surveys are considered necessary. Furthermore, no evidence of nesting birds was discovered during the survey.
- 5.10 In light of the findings there are no ecological constraints to granting planning permission provided a condition is attached to the decision notice securing the fitting of bat and bird boxes on site, in accordance with the recommendations contain within the bat survey. Other advisory informatives relating to bats and birds will also be attached.
- 5.11 Trees
A TPO woodland forms part of the rear garden boundary to the property. There is plenty of room to build the proposed development without causing harm to the trees, but for the absence of doubt, it is considered reasonable and necessary to condition the erection of a fencing barrier to prevent access to the root protection areas of the trees.
- 5.12 Other Matters
Any impact on the value of nearby properties is something that falls outside the remit of a planning application and can therefore not be taken into consideration here.

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

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

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

Reason

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

3. Prior to the commencement of development, the type and location of the bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The details shall be based on recommendations provided in section 5.3 of the Roof Inspection For Bats Report (Clarkson and Woods Ecological Consultants, dated 10 April 2017). Development shall thereafter be carried out in accordance with the approved details.

Reason

Details are required prior to commencement to ensure the works are carried out in an appropriate manner, in the interests of safeguarding protected species, and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and saved policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

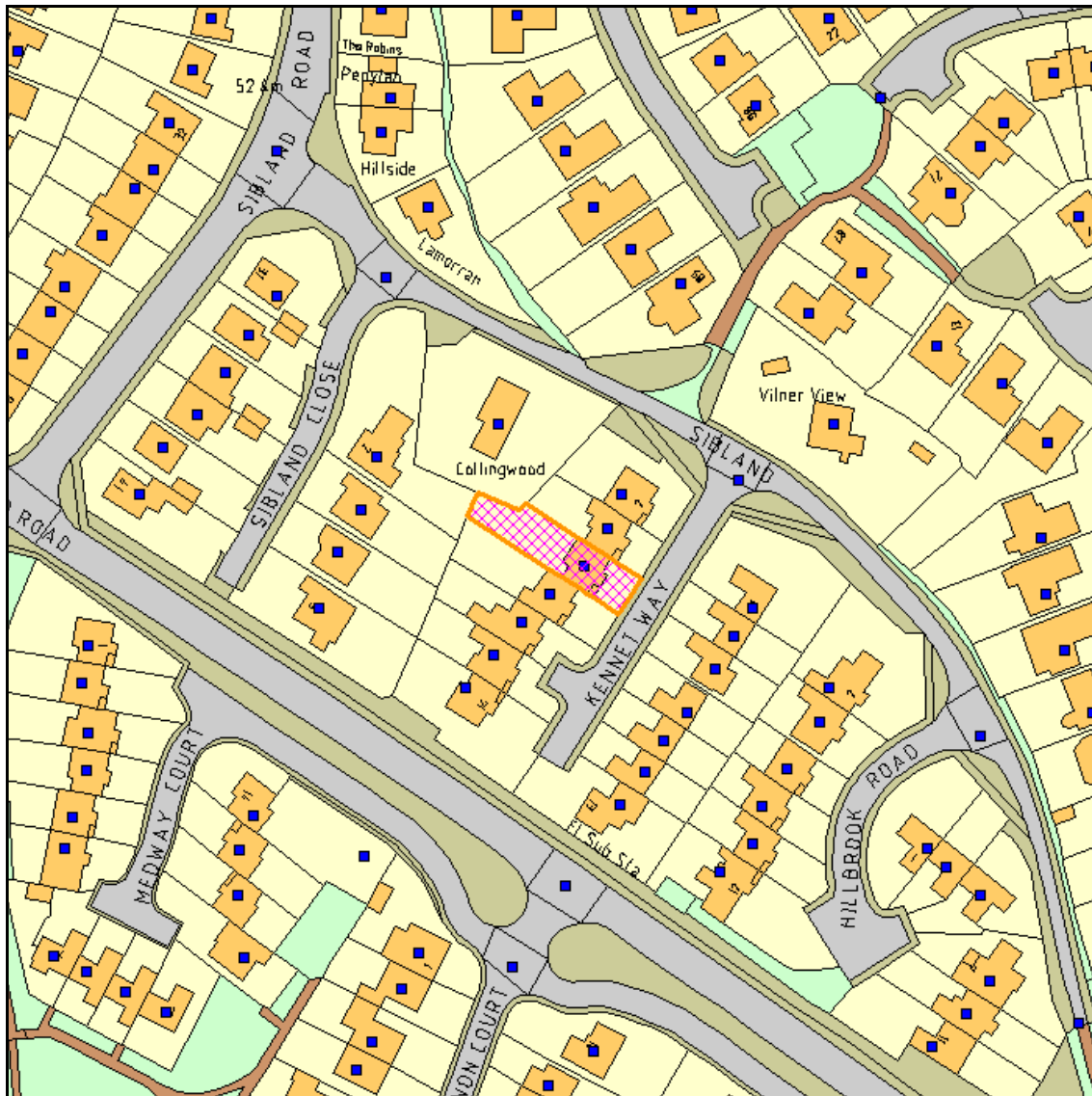
4. Prior to the commencement of development, a tree protection plan, in accordance with BS:5837:2012, should be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the trees, and to accord with saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. Details are required prior to commencement to ensure that there is no access to the root protection areas of the trees during construction.

CIRCULATED SCHEDULE NO. 17/17 – 27 APRIL 2017

App No.:	PT17/1109/CLP	Applicant:	Mr Sutton
Site:	6 Kennet Way Thornbury Bristol South Gloucestershire BS35 2EY	Date Reg:	16th March 2017
Proposal:	Application for a Certificate of Lawfulness for a proposed Erection of a single storey rear extension.	Parish:	Thornbury Town Council
Map Ref:	364775 189772	Ward:	Thornbury South And Alveston
Application Category:	Certificate of Lawfulness	Target Date:	8th May 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The applicant is seeking a formal decision as to whether the proposed rear extension at 6 Kennet Way, Thornbury would be lawful development. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015.

1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (As Amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

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

3. RELEVANT PLANNING HISTORY

No Relevant Planning History

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council
No Comment Received

4.2 Other Consultees
None Received

Other Representations

4.3 Local Residents
No Comments Received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully, without the need for planning permission. Accordingly there is not consideration of planning merit, the application is based on the facts presented. This submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

5.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to the householders under Schedule 2, Part 1 Class A of the GPDO (2015).

5.3 The proposed development consists of a single storey rear extension. This development would fall within Schedule 2, Part 1 Class A of the GPDO (2015), which allows for the enlargement, improvement or other alterations of dwellinghouse provided it meets the criteria 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 proposal would not exceed 50% of the total area of the curtilage.

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

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

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

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

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

The extension would project from the rear elevation.

- (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 extend beyond the rear elevation and would not exceed 3 metres in depth.

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

Not applicable.

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

The extension will be a single storey.

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

The extension would be within 2 metres of the boundary, and the height of the eaves is below 3 metres.

- (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;

The proposal would extend beyond the rear elevation.

- (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 plans indicate that the proposal will be finished with materials to match the existing dwelling.

- (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.

6. RECOMMENDATION

- 6.1 That a certificate of Lawfulness for Proposed Development is granted for the following reason:

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

Contact Officer: Hanni Osman
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