



**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. 13/17**

**Date to Members: 31/03/2017**

**Member's Deadline: 06/04/2017 (5.00pm)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Dates and Deadlines for Circulated Schedule**  
**During Easter Bank Holiday 2017**

<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline</b>
14/17	9.00 am Thursday 06 April	5.00pm Wednesday 12 April
15/17	09.00am Wednesday 12 April	5.00 pm Thursday 20 April

Please see changed deadlines in **RED**.

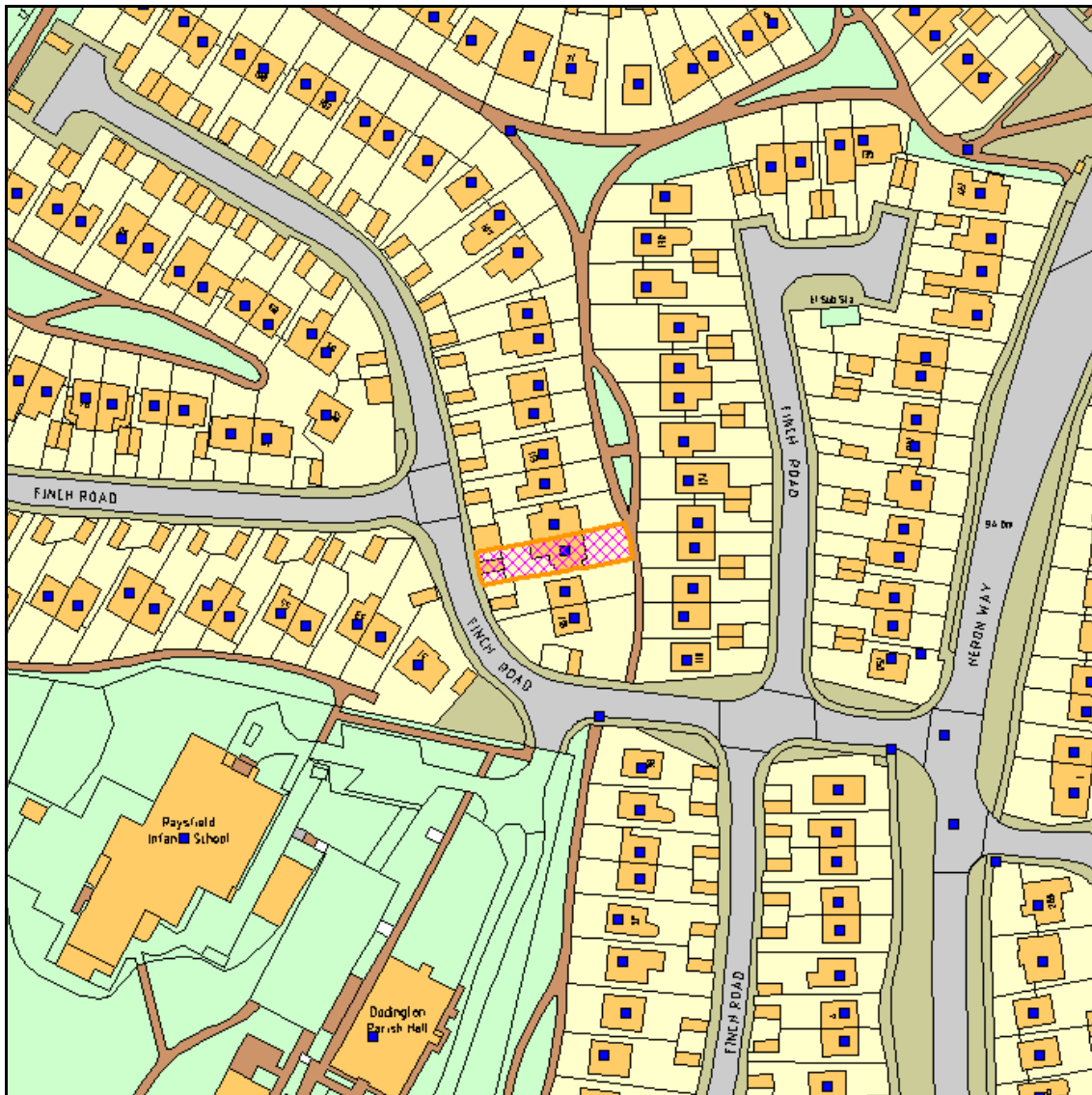
All other dates remain as usual until next Bank Holidays in May.

## CIRCULATED SCHEDULE - 31 March 2017

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK17/0269/F</b>	Approve with Conditions	116 Finch Road Chipping Sodbury South Gloucestershire BS37 6JD	Chipping	Dodington Parish Council
2	<b>PK17/0582/F</b>	Approve with Conditions	3 Hesding Close Hanham South Gloucestershire BS15 3LP	Hanham	Hanham Abbots Parish Council
3	<b>PK17/0617/CLP</b>	Approve with Conditions	92 Oakdale Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
4	<b>PK17/0793/CLP</b>	Approve with Conditions	75 Oakdale Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
5	<b>PT16/6887/RVC</b>	Approve with Conditions	Appletrees New Street Charfield Wotton Under Edge South Gloucestershire GL12 8ES	Charfield	Charfield Parish Council
6	<b>PT16/6888/RVC</b>	Approve with Conditions	Appletrees New Street Charfield Wotton Under Edge South Gloucestershire GL12 8ES	Charfield	Charfield Parish Council
7	<b>PT17/0253/F</b>	Approve with Conditions	234 Badminton Road Coalpit Heath South Gloucestershire BS36 2QG	Westerleigh	Westerleigh Parish Council
8	<b>PT17/0384/F</b>	Approve with Conditions	56 Wharfedale Thornbury South Gloucestershire BS35 2DT	Thornbury South And	Thornbury Town Council
9	<b>PT17/0485/FDI</b>	Approve	Land At Morton Way Phase 2 Thornbury South Gloucestershire	Thornbury North	Thornbury Town Council
10	<b>PT17/0634/CLP</b>	Approve with Conditions	5 Crofton Fields Winterbourne South Gloucestershire BS36 1NZ	Winterbourne	Winterbourne Parish Council
11	<b>PT17/0724/F</b>	Approve with Conditions	8 Frome Way Winterbourne South Gloucestershire	Winterbourne	Winterbourne Parish Council

**CIRCULATED SCHEDULE NO. 13/17 – 31 MARCH 2017**

<b>App No.:</b>	PK17/0269/F	<b>Applicant:</b>	Mr Michael Quinlan
<b>Site:</b>	116 Finch Road Chipping Sodbury South Gloucestershire BS37 6JD	<b>Date Reg:</b>	2nd March 2017
<b>Proposal:</b>	Erection of a two storey side extension to provide additional living accommodation.	<b>Parish:</b>	Dodington Parish Council
<b>Map Ref:</b>	372056 181737	<b>Ward:</b>	Chipping Sodbury
<b>Application Category:</b>	Householder	<b>Target Date:</b>	21st April 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 applicant seeks full planning permission for the erection of a two storey side extension.
- 1.2 The application site relates to a property situated on Finch Road, which lies within Chipping Sodbury.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
Planning Practice Guidance

#### 2.2 Development Plans

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

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

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

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

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

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

#### 2.3 Supplementary Planning Guidance

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

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

- 3.1 PK01/2432/F Approved with Conditions 13.09.2001  
Erection of rear conservatory.

## 4. **CONSULTATION RESPONSES**

### 4.1 Dodington Parish Council

This planning application was considered by Members of Dodington Parish Council at the meeting of Finance and General Purposes on 15th March and they had no issues with this proposal.

### Other Consultees

### 4.2 Sustainable Transport

The proposed development will increase the bedrooms to the first floor to four. The Council's residential parking standards state that a dwelling with up to four bedrooms provides a minimum of two parking spaces within its site boundary. It is difficult to ascertain from the block plan submitted how many parking spaces are currently available to the rear of the dwelling. A revised to scale plan clearly showing the existing and proposed parking arrangements needs to be submitted.

### **Other Representations**

### 4.3 Local Residents

Objection due to overshadowing and amenity concerns.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application seeks permission for erection of a two-storey side extension. Saved 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 saved 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 and Visual Amenity

The application site sits within a Radburn style estate in Chipping Sodbury. The proposal seeks the erection of a two storey side extension. There is currently a single-storey wooden structure to the side of the house where the extension would be located.

5.3 The extension would have a width of 2.3 metres and depth spanning the entire property (without projecting forward or to the rear of the existing elevations). The height of the extension would match that of the original property.

5.4 The area in question has a very strong street scene and character, with a clear building line. In this instance given that the property is gable ended to the side it is not considered necessary for the extension to appear subordinate. The setting back of the extension from the main ridge would not serve any purpose and as shown the extension would integrate with the existing dwelling.

The windows are aligned with those of the original property, although the new windows would be irregularly spaced compared to the other buildings in the street.

- 5.5 Overall, it is considered that the proposed extension would not harm the character or appearance of the area and as such it 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 and conforms to the criteria in the adopted Local Plan.

5.6 Residential Amenity

It is considered that sufficient private amenity space would be retained by the property following the erection of the extension. There are no windows in the side elevation, so loss of privacy for those living in 116 Finch Rd is not a concern.

- 5.7 A representation from a local resident was received which objected to the proposal, due to the loss of light and having to open the door onto a brick wall. It is noted that the extension would sit very close to 116 Finch Road. The northern side elevation of 116 Finch Road consists of an obscure glazed window on the second storey, an obscure glazed door to the eastern end of the property and a glass door to the western end of the property. Additionally, the northern side elevation of 116 Finch Road is unlikely to receive a great deal of sunlight at any part of the year due to its position and orientation. It is also not considered that this proposal would overshadow the eastern or western elevations of 116 Finch Road. Any overshadowing effects would therefore not be severe enough to warrant a refusal on these grounds.

- 5.8 Similarly, it is not considered that the negative effects of having to open the front and kitchen doors towards a brick wall would be severe enough to consider refusing this application on these grounds. It is therefore considered that the proposal will not have significant adverse impacts on the residential amenity currently enjoyed by the occupiers of the adjoining properties. Overall, in terms of residential amenity it is considered that the proposal satisfies the criteria set out in policy H4 of the Local Plan.

5.9 Sustainable Transport

The proposed development would result in an extra bedroom, thus creating a four bed property. It is noted that the Council's residential parking standards state that a dwelling with up to four bedrooms provides a minimum of two parking spaces within its site boundary. The dwelling is served by one off-street parking space to the rear which meets South Gloucestershire's parking standards. An original garage sits north of this parking space, although it is relatively small and would not meet the parking standards, measuring only 2.4m across and 5.2m deep. In addition to this, a small area which the applicant considers an off-street parking space is located to the north of the garage; however, this measures 2m across, and therefore does not meet South Gloucestershire's Parking Standards.



5.10 However, as there is no difference between the parking requirements for three and four bed properties within the Residential Parking Standards SPD, and the parking arrangements are not being materially changed, it is not considered that an additional parking space is needed on this property as a result of this proposal.

5.11 Accordingly, there are no concerns in terms of transportation 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 It is recommended that planning permission is **granted** subject to the conditions listed below.

**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. 13/17 – 31 MARCH 2017

<b>App No.:</b>	PK17/0582/F	<b>Applicant:</b>	Mrs Wise
<b>Site:</b>	3 Hesding Close Hanham Bristol South Gloucestershire BS15 3LP	<b>Date Reg:</b>	20th February 2017
<b>Proposal:</b>	Erection of a first floor side extension and single storey rear extension to provide additional living accommodation.	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	364040 171412	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Householder	<b>Target Date:</b>	13th April 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 application is for the erection of a first floor side extension and a single storey rear extension to provide additional living accommodation.
- 1.2 The property is a detached dwelling on a corner plot located in a residential cul-de-sac within Hanham. The main dwelling is finished in brick, painted render and vertical slate with a front facing gabled roof, and it has a single garage attached. The surrounding houses are also post-war suburban residential houses, in mixed styles.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
Planning Policy Guidance 2016

#### **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

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, Including Extensions and New Dwellings

PSP43 Private Amenity Space Standards

#### **2.3 Supplementary Planning Guidance**

Design Checklist SPD (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

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

- 3.1 K879 Approved with conditions 9/4/97  
First floor extension
- 3.2 PK02/0555/F Approved with conditions 9/4/02  
Erection of two storey extension and rear conservatory.

## 4. **CONSULTATION RESPONSES**

- 4.1 Hanham Parish Council  
Objection due to overdevelopment with concerns over parking.

### Sustainable Transportation

The proposed development will increase the bedrooms within the dwelling to four. The Council's residential parking standards state that a dwelling with up to four bedrooms provide a minimum of two parking spaces within its site boundary. Each space needs to measure a minimum of 2.4m by 4.8m, although 5.3m would be allowed if directly in front of the dwelling. No detail of parking and access has been submitted.

### **Other Representations**

- 4.2 Local Residents  
No comments received

## 5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
The application seeks permission for erection of a first floor side extension and a single storey rear extension to provide additional living accommodation. Saved 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 saved 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  
The proposed side extension would sit atop the existing garage, projecting from the west side of the property. It would be finished in the same materials as the existing dwelling and would be the same height as the existing gabled roof. The proposed roof would be set approximately 60cm back from the existing ridge which runs east to west, and the front wall would be set back approximately 60cm from the existing principal elevation. The 60cm gap in front of the extension would be filled by a lean-to style roof. This would ensure that the extension is subservient to the existing dwelling.
- 5.3 It is noted that the parish council object due to concerns regarding overdevelopment. By virtue of its location above the garage, the extension would be visible from the highway. However, the property is on the corner plot within a cul-de-sac, and does not hold a prominent position within the surrounding area. It is considered that the siting of the first-floor extension reduces possible impacts on the character and distinctiveness of the surrounding area. It is not considered that this proposal would constitute overdevelopment of the site.

- 5.4 The proposed single-storey rear extension extends roughly 6.5m from the rear of the house, and measures 5.1m in width. The height to the eaves measures 2.4 metres, and the ridge height measures 4.5 metres. It would have a gabled roof and be finished in a similar style to the existing dwelling.
- 5.5 Overall, it is considered that the proposed extensions would not harm the character or appearance of the area and as such they are 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 and conforms to the criteria in the adopted Local Plan.
- 5.6 Residential Amenity  
The application site is a corner plot within a cul-de-sac. The length, size, location and orientation of the proposals are not considered to give rise to any significant or material overbearing impact on adjacent properties. It is noted that the neighbouring property has an obscured glass window on its east side elevation. However, this serves a non-habitable room, and therefore, residential amenity is unlikely to be negatively effected by the proposal in regards to overshadowing.
- 5.7 Further to this sufficient garden space remains to serve the property to the rear and side.
- 5.8 Transportation  
It is noted that Hanham Parish Council raised concerns over parking in relation to this development. Sustainable Transport stated that the proposed development would increase the bedrooms within the dwelling to four. According to the South Gloucestershire Residential Parking Standards SPD, a dwelling with four bedrooms must provide a minimum of two off-street parking spaces. Upon visiting the site, it was observed that there is a large driveway with space for at least two cars. On this basis, it is considered that the residential parking standards are satisfied. A condition will be applied to this consent to secure the ongoing provision of two parking spaces to this dwelling.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposals are of an appropriate standard in design and are not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Adequate parking can be provided on the site. As such the proposal accords with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

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

## **7. RECOMMENDATION**

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

**Contact Officer: 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).

2. A minimum of two off-street parking spaces shall be retained at all times within the site.

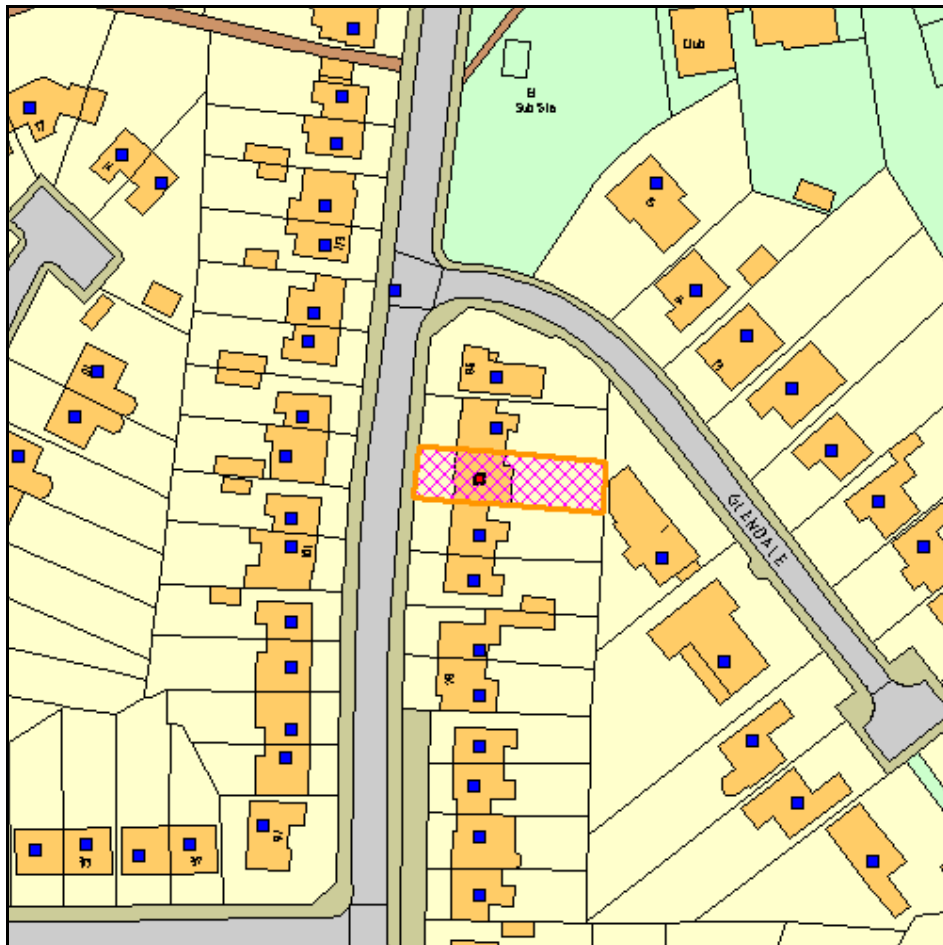
Reason

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

CIRCULATED SCHEDULE NO. 13/17 – 31 MARCH 2017

<b>App No.:</b>	PK17/0617/CLP	<b>Applicant:</b>	Mrs A Thickett
<b>Site:</b>	92 Oakdale Road Downend Bristol South Gloucestershire BS16 6EG	<b>Date Reg:</b>	17th February 2017
<b>Proposal:</b>	The proposed erection of a single storey rear extension	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365058 177817	<b>Ward:</b>	Downend
<b>Application Category:</b>		<b>Target Date:</b>	12th April 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 single storey rear extension to 92 Oakdale 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.
- 1.3 Revised plans were received by the Local Authority on 27<sup>th</sup> February 2017. The revised plans involved alterations to the project title indicated on the plans, as well as alterations to the labelling of drawings. Further revised plans were received by the Local Authority on 6<sup>th</sup> March 2017. These plans involved the alteration of the proposed roof from a flat roof to a pitched roof.

### **2. POLICY CONTEXT**

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

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

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

- 3.1 The application site has no planning history

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
Objection on the following grounds: Drawings submitted are incorrectly labelled – ground floor plans on both drawings are shown as existing – no proposed ground floor shown.

#### **Other Representations**

- 4.2 Local Residents  
A total of 6 objection comments were submitted by local residents. The main concerns raised are outlined below:



- The architects drawing title states "proposed new clubhouse at 92 Oakdale road and the plans show a "ping pong suite" - This implies a change of use from a residential property to a commercial property.
- Does the term "clubhouse" imply that the general public will be using it? with inevitable noise and parking issues.(and change of use).
- I see no reason why the extension cannot have a pitched roof, albeit with a slight reduction in pitch if necessary. The existing side and rear extensions have pitched roofs.
- The proposed new flat roof will have a visual impact and a significant loss of daylight and direct sunlight from our dining room.

Following the submission of revised plans, one comment of support, clarifying the proposal was submitted on behalf of the applicant. Two further comments of support; superseding previous objection comments, were also submitted.

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

5.1 Site Location Plan (Drawing No. ph3\_016\_016\_001 REV A).  
(Received by Local Authority 27<sup>th</sup> February 2017)

Existing & Proposed Plans & Elevations (Drawing No. ph3\_016\_016\_103 REV D).  
(Received by Local Authority 6<sup>th</sup> 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 in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO (2015).

6.3 The proposed development consists of a single story extension to the rear of property. This development would fall within Schedule 2, Part 1, Class A, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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

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

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

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

The total area of ground covered by buildings (other than the original dwellinghouse) would be less than 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 rear extension would not exceed the height of the roof 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 of 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 extend beyond a wall which fronts a highway or forms the principal elevation of the original dwellinghouse.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**  
**(ii) exceed 4 metres in height;**

The proposal does not extend beyond the rear wall of the original dwellinghouse by more than 4 metres, or 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 extension would be 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, however the eaves would not exceed 3 metres in height.

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

The proposal does not extend beyond a side wall of the original dwellinghouse.

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

The proposal does not include any of the above.

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

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

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

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

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

Following correspondence with the agent, it has been confirmed that the existing building is finished in render with a tiled roof, and that the proposed extension will also be rendered with a tiled roof to match existing. As such, the proposal meets this criterion.

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

Not applicable.

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

Not applicable.

**6.4 Objection comments**

With regard to the project title of 'clubhouse', following correspondence with the agent, it was confirmed that was due to an administrative error, and was in no way related to the proposed extension. Revised plans were submitted, altering the title from 'clubhouse' to 'extension'. It has been confirmed that the application does not relate to a commercial clubhouse, and therefore any certificate granted will in no way relate to the lawfulness of a commercial clubhouse at the site.

With regard to the incorrect labelling of floor plans, following correspondence with the agent it was confirmed that the top drawing should be labelled proposed and the bottom drawing existing. It was deemed that this provided sufficient information in order to assess the application, and that the submission of further revised plans was not necessary.

With regard to objections to the roof of the proposal, the planning merits of the proposal are not assessed as part of an application for a Certificate of Lawfulness. The decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

## **7. RECOMMENDATION**

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

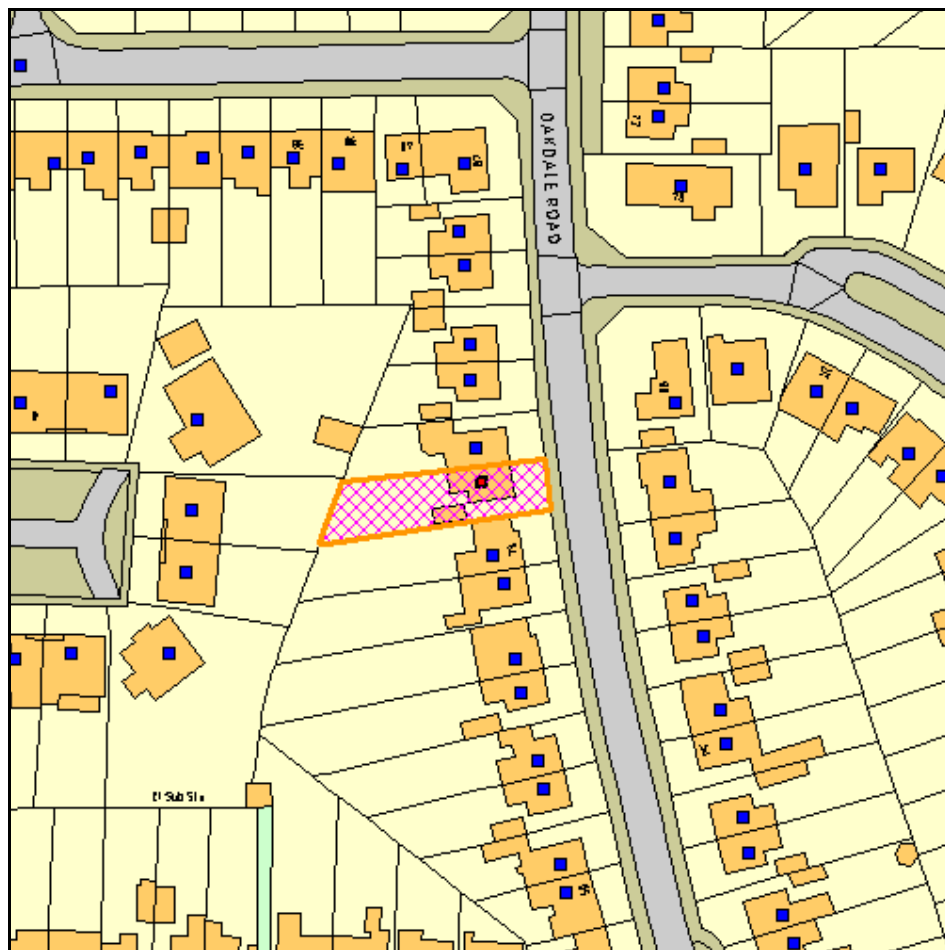
**Contact Officer: Patrick Jackson**  
**Tel. No. 01454 863034**

## **CONDITIONS**

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

**CIRCULATED SCHEDULE NO. 13/17 – 31 MARCH 2017**

<b>App No.:</b>	PK17/0793/CLP	<b>Applicant:</b>	Mr And Mrs Pearce
<b>Site:</b>	75 Oakdale Road Downend Bristol South Gloucestershire BS16 6EA	<b>Date Reg:</b>	1st March 2017
<b>Proposal:</b>	Application for the certificate of lawfulness proposed erection of 1no side dormer and 1no rear dormer window to facilitate loft conversion. erection of flue.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365027 177663	<b>Ward:</b>	Downend
<b>Application Category:</b>		<b>Target Date:</b>	21st April 2017



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 100023410, 2008. N.T.S. PK17/0793/CLP

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

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

### **1. THE PROPOSAL**

1.1 The applicant is seeking a formal decision as to whether the following proposed development would be lawful at No. 75 Oakdale Road in Downend.

- Installation of 1no. side and rear dormer
- Installation of 3no. rooflights on the front roof elevation;
- Installation of 1no. flue

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**

The Town and Country Planning Act 1990

The Town and Country Planning (Development Management Procedure) (England) Order 2015

Town and Country Planning (General Permitted Development) (England) Order (GDPO) 2015, Schedule 2, Part 1, Classes B, C, and G

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 proposal 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 No planning history

### **4. CONSULTATION RESPONSES**

4.1 Downend and Bromley Heath Parish Council  
No Objection

#### **Other Representations**

4.2 Local Residents  
No Comments Received

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

- 5.1 Site Location Plan; Combined Plan (170206-A3), Correspondence Sheet – all plans received on 24/02/2017.

## 6. **ANALYSIS OF PROPOSAL**

### 6.1 Principle of Development

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

- 6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Classes B, C, and G of the GPDO (2015).

- 6.3 The proposed side and rear dormer will be considered under Class B, the rooflights under Class C and the flue under Class G. Each of these proposals will be considered as such throughout the remaining report.

### **B. Additions etc to the roof of a dwellinghouse (proposed rear and side dormer).**

#### **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 (change of uses);**

The use of the building as a dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule.

- (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 works do not exceed the maximum height of the existing roof.

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

The proposed dormer would not extend beyond the plane of the existing roof slope which forms the principal elevation and fronts a highway.



**(d) The cubic content of the resulting roof space would 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 house is semi-detached and the cubic content of the resulting roof space would not exceed 50 cubic metres. The cubic content of the proposed dormer would be approximately 48.96 cubic metres.

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

**(i) The construction or provision of a veranda, balcony or raised platform, or**

The proposed works would not involve the construction of a veranda, balcony or raised platform.

**(ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe;**

The proposal includes the installation of a flue, but this will be considered against Schedule 2, Part 1, Class G of the GDPO 2015.

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

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

### **Conditions**

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

–

**(a) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.**

The plans demonstrate that the materials used to construct the extension will match the existing dwellinghouse.

**(b) The enlargement must be constructed so that –**

**i. Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension-**

**(aa) the eaves of the original roof are maintained or reinstated; and**

**(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measures along the roof slope from outside the edge of the eaves; and**

The proposed dormer would leave the original eaves of the dwellinghouse unaffected. The edge of the proposed dormer closest to the eaves is set back by approximately 0.5 metres from the existing eaves.

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

The proposal does not extend beyond the outside face of any external wall of the original dwellinghouse.

- (c) **Any window inserted on a wall or roof slope forming the side elevation of a dwellinghouse shall 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.**

There are no windows proposed for a wall or roof slope forming a side elevation.

#### **C. Other alterations to the roof of a dwellinghouse (proposed rooflights)**

##### **C.1 Development is not permitted by Class C 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 (change of uses);**

The use of the building as a dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule.

- (b) **The alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measure from the perpendicular with the external surface of the original roof**

The windows on the front elevation of the roof slope will not protrude more than 150mm from the roofline.

- (c) **It would result in the highest part of the alteration being higher than the highest part of the roof; or**

The proposal does not exceed the highest part of the original roofline at any point, and therefore meets this criterion.

- (d) **It would consist of or include-**

- (i) **The installation, alteration or replacement of a chimney, flue or soil and vent pipe;**

**(ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

The proposal includes the installation of a flue, but this will be considered against Schedule 2, Part 1, Class G of the GDPO 2015.

**C.2 Development is permitted by Class C subject to the condition that any windows on the roof slope forming the side elevation of the dwellinghouse shall be –**

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

There are no windows proposed on the roof slope forming the side elevation.

**G. Chimneys, flues etc on a dwellinghouse (flue)**

**G.1 Development is not permitted by Class G 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 (change of use)**

The use of the building as a dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule.

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

The height of the chimneys and soil and vent pipe would not exceed the highest part of the roof by 1 metre or more.

- (c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which –**

- (i) fronts a highway, and**
- (ii) forms either the principal elevation or a side elevation of the dwellinghouse.**

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

**7. RECOMMENDATION**

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

Evidence has been provided to demonstrate that on the balance of probabilities the proposed extensions would fall within the permitted rights afforded to

householders under Schedule 2, Part 1, Classes B, C, and G of the Town and Country Planning (General Permitted Development) (England) Order 2015.

**Contact Officer: Owen Hoare**  
**Tel. No. 01454 864245**

**CIRCULATED SCHEDULE NO. 13/17 – 31 MARCH 2017**

<b>App No.:</b>	PT16/6887/RVC	<b>Applicant:</b>	Mrs Keet
<b>Site:</b>	Appletrees New Street Charfield Wotton Under Edge South Gloucestershire GL12 8ES	<b>Date Reg:</b>	11th January 2017
<b>Proposal:</b>	Removal of condition 3 attached to planning permission PT02/1115/RVC to make the use of the site non-personal.	<b>Parish:</b>	Charfield Parish Council
<b>Map Ref:</b>	372087 192758	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th March 2017



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 100023410, 2008. **N.T.S.** **PT16/6887/RVC**

## **REASONS FOR REFERRING TO CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule following the receipt of objections from Charfield Parish Council and local residents; the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

1.1 This application relates to an existing Gypsy & Traveller Site known as 'Appletrees' and located in open countryside on the northern edge of Charfield. The site comprises a triangular plot (approx. 0.1ha) to the West of New Street and immediately East of the embankment to the main Bristol to Gloucester railway line. The nearest residential dwellings lie some 40m to the South-East in the cul-de-sac of Farm Lees; open farmland lies to the North. There is an existing gated, vehicular access to the site from New Street. A PROW OCH08 bounds the site to the North; this has recently been diverted to take account of the revised location of the railway crossing. The site does not lie within the Green Belt or Cotswolds AONB.

1.2 Retrospective planning permission PT01/2228/F was granted in March 2002 for the use of the site as a Gypsy Site comprising one pitch with additional hard-standing. A subsequent permission PT02/1115/RVC was granted in June 2002 to vary condition 2 and remove condition 8 of the earlier consent (see paras. 3.2 and 5.6 below).

1.3 This current Section 73 application merely seeks to remove condition 3 attached to PT02/1115/RVC which would allow any Gypsy or Traveller to occupy the site as opposed to just dependents of Mr B Keet. Condition 3 currently reads as follows:

*"The use hereby permitted shall be carried on only by Mr B Keet and his dependants.*

#### *Reason*

*"The removal of the acoustic report has only been removed on the basis of the applicant's personal acceptance of the noise from the railway line. Should the site be used by different occupiers the Local Planning Authority will need to assess the impact of noise and possible mitigation in relation to them, in relation to Policy RP1 of the adopted Rural Areas Local Plan; and policies EP4 and H11 of the South Gloucestershire Local Plan (Revised Deposit Draft).*

1.4 This application should be read in conjunction with a similar application PT16/6888/RVC which also appears on this Circulated Schedule.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework (NPPF) March 2012

NPPF accompanying document Planning Policy for Traveller Sites (PPTS) August 2015

Ministerial Statement by the Rt. Hon. Brandon Lewis MP 2 July 2013.

National Planning Practice Guidance (NPPG) March 2014

## 2.2 Development Plans

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

L1	Landscape Protection and Enhancement
L9	Species Protection
T12	Transportation Development Control Policy
EP2	Flood Risk and Development
EP4	Noise Sensitive Development

### South Gloucestershire Local Plan : Core Strategy (Adopted) Dec 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS21	Gypsy and Traveller Accommodation
CS34	Rural Areas

## 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List SPD Adopted August 2007

South Gloucestershire Landscape Character Assessment (SPD) as adopted Nov. 2014

South Gloucestershire Council Residential Parking Standards Approved 2013.

South Gloucestershire Council Waste Collection: guidance for new developments (SPD) Adopted Jan 2015

## 2.4 Emerging Plan

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

PSP1	- Local Distinctiveness
PSP2	- Landscape
PSP8	- Residential Amenity
PSP11	- Transport Impact Assessments
PSP16	- Parking Standards
PSP17	- Heritage Assets and the Historic Environment
PSP19	- Wider Biodiversity
PSP20	- Flood Risk, Surface Water and Watercourse Management
PSP21	- Environmental Pollution and Impacts

## 3. RELEVANT PLANNING HISTORY

- 3.1 PT01/2228/F - Use of land for stationing of one mobile home, one touring caravan and erection of amenity block, to be used as a gypsy site. Construction of hard-standing. (Retrospective).  
Approved 5<sup>th</sup> March 2002
- 3.2 PT02/1115/RVC - Relaxation of Condition 2 - to permit the parking of one commercial vehicle on site. Removal of Condition 8 – An acoustic report assessing the impact of the noise from the adjacent railway line shall be submitted to the Local Authority within 3 months from the date of this

permission. The report shall also include measures to mitigate noise impact and shall if agreed by the Local Planning Authority be implemented within 6 months from the date of approval attached to planning permission PT01/2228/F dated 16 July 2001.

Approved 21 June 2002

- 3.3 PT03/3479/F - Erection of detached dwelling.  
Refused 17 Dec. 2003 on the following grounds:
- Would introduce residential development into the open countryside.
  - Loss of Gypsy Site.
  - Insufficient information to accurately assess the level of noise from the adjacent railway.
  - Detrimental impact on the appearance of the landscape.
  - Siting of the house would be too close to the boundary with railway line. Insufficient room to construct and maintain the house without accessing the railway line to detriment of safety of developer/occupier of the site and users of the railway.
  - Detrimental to the amenity of the PROW OCH8.
- 3.4 PT13/0618/F - Construction of hard-standing to create additional plot.  
Approved 3 May 2013
- 3.5 PT16/6888/RVC - Removal of condition 3 attached to planning permission PT13/0618/F to make the development available to Travellers generally rather than subject to personal permission.  
Pending (also on this Circulated Schedule).

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

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

It was noted that there are two almost identical applications for this site (PT16/6887/RVC & PT16/6888/RVC) and the Council would expressly state that the comments herewith are directed to both applications, and presume one of the applications was made erroneously and will be withdrawn. In the event neither is withdrawn, these comments apply to both applications.

This application seeks to end a condition that was placed for good reason, and one which the council believes should stand. The reasoning behind the condition was that the site is subject to significant noise hazard from the immediately adjacent main Bristol to Gloucester railway line. Only the express agreement of Mr. Keet that he was willing to bear this hazard without redress and the assertion that his other circumstances may well have been more onerous caused South Gloucestershire to embed this condition in 2002.

The noise hazard has not improved and could in fact be said to have worsened. It is therefore incumbent upon South Gloucestershire Council to fall back onto the previous determination which was expressed clearly in the decision for PT13/0618/F and referring to PT02/1115/RVC that:



"The principal of the proposed use by a gypsy family had previously been accepted on the basis of the applicant's personal acceptance of the noise from the railway line under application PT02/1115/RVC. Should the site be used by different occupiers, the Local Planning Authority will need to assess the noise impact and possible mitigation..."

Although the site is listed on the South Gloucestershire authorised gypsy site list in Local Plan CS21, the listing is clearly solely for the one family's use given the noise hazard, and if the noise assessment shows that the location is untenable for safe occupation by any family then in the absence of the approved occupier the site should be removed from the CS21 list. Sites for Traveller and Gypsy use are appropriate only when "the land is not the subject of unacceptable levels of noise disturbance, pollution, smell, dust or contamination".

Charfield Parish Council would further point out that access to 'Appletrees' is along a narrow country lane with the site access being on a particularly sharp bend in the lane. The Parish Council is concerned that should the personal condition be removed this could potentially cause road safety issues with long towing vans and caravans attempting to manoeuvre into the site. This is also an area where Network Rail contractors access the main railway line and park multiple vehicles on the road causing potential congestion and it is not an area where it is safe to allow multiple movements of towing vehicles in and out of the site. The removal of the personal condition attached to PT13/0618/F could potentially allow further hard standings to be constructed, which is something the Parish Council would be extremely concerned about.

The Parish Council also notes that on the application forms for both planning applications, that following pre-application advice, Mr. Hemming is supportive of the applications.

Charfield Parish Council would therefore reiterate that it OBJECTS to the removal of the condition, and calls for a noise assessment to be made. It further calls for a decision based on the noise assessment as to the continuation of the site being listed as an approved gypsy site.

#### 4.2 Other Consultees

##### PROW

No response

##### Open Spaces Society

No response

##### Ecology Officer

No response

##### Natural England

No comment

### Transportation D.C.

We do not believe that removal of this condition will significantly affect the travel demand arising from this location. Consequently, we have no highway or transportation comments about this application.

### Historic Environment - Archaeology Officer

No comment

## **Other Representations**

### 4.3 Local Residents

58no. letters/e-mails were received from local residents, all objecting to the proposal. The following is a summary of the concerns raised:

- Will allow commercial use of the site.
- Increased traffic generation to-from the site (particularly larger vehicles) on dangerous bend and narrow road.
- Noise hazard from adjacent railway line.
- Allowing more families to live on the site will damage the adjacent nature reserve.
- The plot is not large enough for additional families.
- A transit site will increase waste, rubbish and fly tipping.
- The site will encroach onto adjacent Council land and directly back onto the gardens of houses in Farm Lees Gardens.
- Travellers will park in the road and lay byes.
- Increase hazards for walkers and cyclists.
- Adverse impact on house values and insurance premiums.
- The current occupants will require another site.
- The speed of trains and associated noise/pollution has increased over the years.
- Insufficient capacity in Charfield Primary School.
- There is an area of geological interest nearby.
- Insufficient services in the village.
- Increased hard-standings.
- Footpath OCH 08 has been diverted due to the speed of trains.
- The occupants would not own the site.
- Adverse impact on visual amenity.
- Adverse impact on setting of nearby Listed Buildings.
- Cess pit not big enough for additional families.
- Future occupants will complain about noise.
- Contrary to Policy CS21.
- Should be subject to a noise assessment.
- There are enough traveller's sites already.
- There will be conflict with traffic from the nearby industrial site.
- There are no footpaths on the road.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

It is merely proposed to remove Condition 3 attached to PT02/1115/RVC. Officers must assess this proposal having specific regard to the reason why the condition was imposed in the first place.

5.2 The scope of a removal of condition application (Section 73 application) is more limited than a full planning application. The Local Planning Authority may only consider the question of the condition(s), and cannot revisit or fundamentally change the original permission. It may be decided that the permission should be subject to the same conditions as were on the original permission; or that it should be subject to different conditions; or that permission may be granted unconditionally. There is a right of appeal in the usual way against any conditions imposed.

5.3 In assessing this application it is necessary to consider whether or not the relevant Condition no.3 or any variations thereto, satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests, these being that conditions should be: –

- i. Necessary to make the development acceptable
- ii. Directly related to the development
- iii. Fairly and reasonably related in scale and kind

5.4 Policy CS4 of The South Gloucestershire Local Plan Core Strategy replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that:- ‘when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible’. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

### Site History

5.5 In order to assess this proposal it is first necessary to fully understand the planning history of the site. Retrospective planning permission PT01/2228/F was granted in March 2002 to Mr B.Keet (a Romany Gypsy), for the use of the site as a Gypsy Site comprising one pitch i.e. one mobile home, one touring caravan and erection of an amenity block; with additional hard-standing. The permission was subject to a number of conditions, one of which was Condition 8 which required the submission of an Acoustic Report and measures in mitigation (if required) given the proximity of the site to the railway line. Furthermore, Condition 2 *inter alia* prevented the parking of commercial vehicles on the site.

5.6 In June 2002 a further planning permission PT02/1115/RVC was granted to Mr B.Keet to vary Condition 2 of PT01/2228/F to allow the parking of one commercial vehicle on the site; and for the removal of Condition 8.

The application was granted planning permission subject to a further condition i.e. Condition 3 of PT02/1115/RVC restricting the use of the pitch to Mr B.Keet and his dependents only. This was granted only on the basis of the applicant's personal acceptance of the noise from the railway line. The reason attached to the condition makes it clear that *'should the site be used by different occupiers the Local Planning authority will need to assess the impact of noise and possible mitigation in relation to them.'*

- 5.7 By 2013 the Keet family had grown and children reached an age where they required separate accommodation. It is worth noting at this point that, in order to offer support to each other, gypsies often live in extended family groups within the same site. In March 2013 planning permission PT13/0618/F was granted to Mrs Belinda Keet i.e. Mr Keets wife, for an additional gypsy pitch at 'Appletrees'. This consent was subject to a number of conditions and Condition 3 restricts the use of the additional pitch to Mr. & Mrs B. Keet or members of their immediate family. The reason for this condition again relates to the occupants acceptance of the noise from the railway line and also that the occupiers would have to share the single amenity block on the site; which would only be acceptable for members of the same family.
- 5.8 So, the bottom line is that there are two planning permissions (PT02/1115/RVC & PT13/0618/F) relating to the original pitch and additional pitch at 'Appletrees', respectively. The conditions attached to these permissions restrict the occupation of the pitches to Gypsies and Travellers and more specifically to Mr. & Mrs B. Keet or members of their immediate family.

Applicant's Justification for Removal of Condition 3 attached to PT02/1115/RVC

- 5.9 The applicant has confirmed that the only member of the Keet family now living at 'Appletrees' is Mrs Belinda Keet; Mr Keet being long term separated from his wife and other members of the family having now given up the travelling lifestyle and taken up permanent residence in houses. Due to Mrs B. Keets age and declining health; the Keet family would like to sell the site at 'Appletrees' with a view to purchasing a house for Mrs. Keet to live in. The intention is to only sell the site to another member(s) of the Gypsy & Traveller community.

Analysis

- 5.10 The use of 'Appletrees' as a Gypsy Site is long established and Gypsies have lived there since 2002. The site is listed (no.13) under Core Strategy Policy CS21 as one of those to be safeguarded as a Gypsy Site, thus confirming the Council's aspiration to retain 'Appletrees' as a Gypsy Site.
- 5.11 The supporting text to Policy CS21 states at para. 10.76 that:

"Existing, authorised sites will be safeguarded and this will apply to public and private Gypsy/Traveller provision. 'Authorised' land includes existing Gypsy and Traveller sites which benefit from a permanent planning permission or alternatively, a temporary planning permission. The term 'safeguarded' means that existing, authorised land for the accommodation of Gypsies and Travellers will be retained until such time as it can be proved no longer a need.

In the case of sites with temporary planning permission, the site will be retained, or 'safeguarded' until such time as the existing permission expires and safeguarding status will no longer apply."

- 5.12 The Core Strategy was adopted in December 2013 and as such Policy CS21 has been tested at public enquiry. In this case the planning permission has not expired and the fall-back position, should this application be refused, would be that the site would continue to be occupied.
- 5.13 The site is a private Gypsy Site and if sold for occupation by another Gypsy family, would continue to be so. Concerns have been raised as to the use of the site as a general transit site, with all the comings and goings associated with such sites. The site has not been used as such in the past and given its size, the shared nature of the amenity block and serious shortage of Gypsy sites within the County, is most unlikely to be so in the future. The site is one planning unit comprising two pitches with shared use of the amenity block and is already conditioned as such; this conditioned would be replicated if this current application is approved, thus addressing the concerns raised that the site would become a general transit site.
- 5.14 The original consent PT02/1115/RVC was unusual in that it was only granted on the basis that Mr Keet accepted the situation regarding the noise and disturbance from the railway line. This requirement is not however embodied within the wording of Condition 3. Whilst the site is not ideally located (see CS21 criterion 2) and no acoustic report has been submitted with this current application, officers consider that given the length of time the site has been successfully occupied, that the current owners would be very aware of the level of disturbance experienced and anybody purchasing the site could hardly fail to note this situation and would only buy the site for occupation on the same basis that the Keets previously occupied the site.

#### **Need for Gypsy & Traveller Sites**

- 5.15 In January 2014, the PT&SE Committee endorsed the findings of the South Gloucestershire & City of Bristol Gypsy & Traveller Accommodation Assessment (GTAA) 2013 as they relate to South Gloucestershire for the purposes of informing the Council's planning policy framework and development management decision making, thereby replacing the previous 2007 West of England GTAA.
- 5.16 The GTAA recommends that the following are required to be delivered in South Gloucestershire up to 2028:
- 46 additional Gypsy/Traveller residential pitches; and
  - 10 pitch transit site to meet transient needs of the Gypsy/Traveller community;

The GTAA shows the presence of a demonstrable unmet need for permanent residential Gypsy/Traveller and Travelling Showpeople sites in South Gloucestershire. It is clear therefore that the Council has a considerable number of new pitches to provide in order to meet the accommodation needs of Gypsies and Travellers in South Gloucestershire.

If this application is approved and Condition 3 removed, the site at 'Appletrees' would qualify as one that can be included in the count of Gypsy Sites within the County. This attracts significant weight as a material consideration in favour of the proposal, albeit that this now predates the current version of the PPTS published August 2015.

#### **New definition of Gypsies/Travellers**

- 5.17 Following the updated PPTS described above, the most significant change introduced through the revised guidance is the change to the definition of Gypsies and Travellers and Travelling Showpeople. The definition is seeking to effectively remove those who have ceased to travel on a permanent basis as falling outside of the definition of what it means to be a Gypsy/Traveller of a 'nomadic lifestyle' or Travelling Showperson.
- 5.18 Furthermore, in the case of Gypsy/Travellers, to assist in making this distinction, additional considerations have been added to the definition which states (PPTS para. 2 of Annex 1: Glossary):  
*'In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:*  
*a) whether they previously led a nomadic habit of life;*  
*b) the reasons for ceasing their nomadic habit of life;*  
*c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.'*
- 5.19 The current permissions relating to 'Appletrees' carry a condition restricting occupation to people of nomadic lifestyle. In the event of the current application being approved, the condition would be carried over but revised to take account of the new definition of Gypsies and Travellers. All other relevant conditions, such as those relating to commercial activities and parking of commercial vehicles, would also be carried over. Having regard therefore to all of the above, officers have no in-principle objection to the proposal.

#### Transportation Issues

- 5.20 The application relates to the occupation of the site, rather than the use of the land itself. There are no proposals to carry out additional works or to expand the site. The site would be occupied in much the same way as it has been for the last 15 years. The site would not be used as a transit site and traffic generation to-from the site would be similar to the existing/previous use. It is established that the access and on-site parking arrangements are sufficient for such use. There are therefore no transportation objections to the proposal.

#### Landscape and Ecology

- 5.21 The existing Gypsy site is now very well assimilated within the landscape. It is well enclosed by the railway embankment to the West, the high fence and hedgerow to the north and the woodlands to the South. There are no proposals to change anything on the site other than who would occupy it. There is no reason to believe that the ecology of the area would be any more or less affected than is currently the case.

#### Impact on Residential Amenity

- 5.22 The nearest residential dwellings lie some 40m away to the South on higher ground. Some of these properties also lie adjacent to the railway line. There is a substantial amount of dense woodland between these houses and 'Appletrees' which both screens the site from view and acts as an acoustic buffer. Given that the site would remain as only two pitches, there should be no additional impact on residential amenity over and above that which has occurred for the last 15 years.

#### Heritage Issues

- 5.23 When the previous consents were granted, there were no objections relating to heritage issues. Given that the site would not alter physically in the current proposal, there are similarly no objections on heritage grounds.

#### Other Matters

- 5.23 Of the concerns raised by local residents that have not been addressed above:
- o The impact on house values and insurance premiums is not material to the determination of planning applications.
  - o In response to the Parish Council's comments; it is true that the Case Officer for this application gave pre-application advice to the applicant but this was given on a purely informal basis and is not binding on the Council.

#### Planning Balance

- 5.24 The site is an existing, long established, authorised Gypsy site that is safeguarded under Policy CS21 of the Core Strategy. The proposal merely seeks to remove a condition that prevents occupation of the site by Gypsies and Travellers other than the Keets. Any future occupation of the site would be restricted by condition to only Gypsies and Travellers that fall under the new definition contained in the PPTS. The same number of pitches would be retained, sharing the existing amenity block. No harm has been identified other than possible noise disturbance to future occupiers, emanating from trains using the adjacent railway line. This however has been successfully endured for no less than 15 years by the various members of the Keet family that have lived on the site. Any future occupiers would be aware of this situation if opting to buy and live on the site. Officers are of the view that it is therefore not in the wider public interest to now require the submission of an acoustic report or restrict occupation to the Keets only.
- 5.25 Given that nothing would change, other than those people who could occupy the site, combined with the continued tight restrictions on the nature of the occupation and use of the site, and the fact that the proposal would ensure the retention of the site for future general occupation by Gypsies & Travellers, which would allow the site to be counted against the existing significant shortfall of Gypsy sites in South Gloucestershire; officers are satisfied that any harm would not significantly and demonstrably outweigh the benefits and that as such the proposal should be supported.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant planning 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 approved with the omission of Condition 3 of previous consent PT02/1115/RVC.

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

## **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 commercial activity, including the parking of commercial vehicles other than that allowed by condition 3, or the storage, breaking or sorting of scrap or any other items or materials shall be undertaken on the site, and at no time shall the site be used as a transit camp..

### Reason

In the interests of visual and residential amenity and highway safety, and to preserve the amenity of the adjacent public footpath. This is to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policies L1, T12 and LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. The one commercial vehicle permitted to be parked on site shall not exceed 3.5 tonnes in size.

### Reason

To ensure that the existing access is suitable to cater for the proposed vehicle to comply with Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.



4. No further structures, fences, sheds or outbuildings shall be erected or hardstanding laid on the site other than that allowed by this permission.

Reason

In the interests of visual and residential amenity and highway safety, and to preserve the amenity of the adjacent public footpath. This is to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policies L1, T12 and LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5. No more than two mobile homes and two touring caravans, with one amenity block shall be kept or stationed at the site at any one time. For the avoidance of doubt this condition should be read in connection with planning application reference PT16/6888/RVC to the extent that a maximum of 2 pitches are provided within the red edged site.

Reason

In the interests of visual and residential amenity and highway safety, and to preserve the amenity of the adjacent public footpath. This is to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policies L1, T12 and LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

6. The pitches hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary to the DCLG document Planning Policy for Traveller Sites August 2015.

Reason

To ensure that the site is not occupied by people other than those of Gypsy and Traveller status, given the limited availability of Gypsy and Traveller sites within South Gloucestershire and to accord with Policy CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

**CIRCULATED SCHEDULE NO. 13/17 – 31 MARCH 2017**

<b>App No.:</b>	PT16/6888/RVC	<b>Applicant:</b>	Mrs Keet
<b>Site:</b>	Appletrees New Street Charfield Wotton Under Edge South Gloucestershire GL12 8ES	<b>Date Reg:</b>	11th January 2017
<b>Proposal:</b>	Removal of condition 3 attached to planning permission PT13/0618/F to make the development available to Travellers generally rather than subject to personal permission.	<b>Parish:</b>	Charfield Parish Council
<b>Map Ref:</b>	372087 192758	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th March 2017



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 100023410, 2008. **N.T.S.** **PT16/6888/RVC**

## **REASONS FOR REFERRING TO CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule following the receipt of objections from Charfield Parish Council and local residents; the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application relates to an existing Gypsy & Traveller Site known as 'Appletrees' and located in open countryside on the northern edge of Charfield. The site comprises a triangular plot (approx. 0.1ha) to the west of New Street and immediately east of the embankment to the main Bristol to Gloucester railway line. The nearest residential dwellings lie some 40m to the South-East in the cul-de-sac of Farm Lees; open farmland lies to the north. There is an existing gated, vehicular access to the site from New Street. A PROW bounds the site to the north. The site does not lie within the Green Belt or Cotswolds AONB.
- 1.2 Retrospective planning permission PT01/2228/F was granted in March 2002 for the use of the site as a Gypsy Site comprising one pitch with additional hard-standing. A subsequent permission PT02/1115/RVC was granted in June 2002 to vary condition 2 and remove condition 8 of the earlier consent.
- 1.3 In May 2013 permission PT13/0618/F was granted for the construction of additional hard-standing within the plot, to accommodate an additional Gypsy pitch with the amenity block shared between the existing and new pitches.
- 1.4 This current Section 73 application merely seeks to remove condition 3 attached to PT13/0618/F. Condition 3 reads as follows:

*"The additional gypsy plot hereby permitted shall be occupied only by Mr and Mrs B Keet or members of their immediate family."*

#### *Reason 1*

*"The principle of the proposed use of the site by a Gypsy family has previously been accepted on the basis of the Applicant's personal acceptance of the noise from the railway line under application PT02/1115/RVC. Should the site be used by different occupiers the Local Planning Authority will need to assess the impact of noise and possible mitigation in relation to them and to accord with Policies EP1 and EP4 of the South Gloucestershire Local Plan (Adopted) Jan. 2006."*

#### *Reason 2*

*"The additional pitch has been permitted on the understanding that the occupants are closely related to the original occupiers of the site (granted under PT01/2228/F and PT02/1115/RVC) and as such will share the existing amenity block facilities. An unrelated occupier would need to demonstrate access to appropriate amenity facilities to accord with Policy H12 of the South Gloucestershire Local Plan (Adopted) January 2006."*

- 1.4 This application should be read in conjunction with a similar application PT16/6887/RVC which also appears on this Circulated Schedule.

## 2. POLICY CONTEXT

### 2.1 National Guidance

National Planning Policy Framework (NPPF) March 2012  
NPPF accompanying document Planning Policy for Traveller Sites (PPTS) August 2015  
Ministerial Statement by the Rt. Hon. Brandon Lewis MP 2 July 2013.  
National Planning Practice Guidance (NPPG) March 2014

### 2.2 Development Plans

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

L1	Landscape Protection and Enhancement
L9	Species Protection
T12	Transportation Development Control Policy
EP2	Flood Risk and Development
EP4	Noise Sensitive Development

#### South Gloucestershire Local Plan : Core Strategy (Adopted) Dec 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS21	Gypsy and Traveller Accommodation
CS34	Rural Areas

### 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List SPD Adopted August 2007  
South Gloucestershire Landscape Character Assessment (SPD) as adopted Nov. 2014  
South Gloucestershire Council Residential Parking Standards Approved 2013.  
South Gloucestershire Council Waste Collection: guidance for new developments (SPD) Adopted Jan 2015

### 2.4 Emerging Plan

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

PSP1	- Local Distinctiveness
PSP2	- Landscape
PSP8	- Residential Amenity
PSP11	- Transport Impact Assessments
PSP16	- Parking Standards
PSP17	- Heritage Assets and the Historic Environment
PSP19	- Wider Biodiversity
PSP20	- Flood Risk, Surface Water and Watercourse Management
PSP21	- Environmental Pollution and Impacts

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

- 3.1 PT01/2228/F - Use of land for stationing of one mobile home, one touring caravan and erection of amenity block, to be used as a gypsy site. Construction of hard-standing. (Retrospective).  
Approved 5<sup>th</sup> March 2002
- 3.2 PT02/1115/RVC - Relaxation of Condition 2 - to permit the parking of one commercial vehicle on site. Removal of Condition 8 – An acoustic report assessing the impact of the noise from the adjacent railway line shall be submitted to the Local Authority within 3 months from the date of this permission. The report shall also include measures to mitigate noise impact and shall if agreed by the Local Planning Authority be implemented within 6 months from the date of approval attached to planning permission PT01/2228/F dated 16 July 2001.  
Approved 21 June 2002
- 3.3 PT03/3479/F - Erection of detached dwelling.  
Refused 17 Dec. 2003 on the following grounds:
- Would introduce residential development into the open countryside.
  - Loss of Gypsy Site.
  - Insufficient information to accurately assess the level of noise from the adjacent railway.
  - Detrimental impact on the appearance of the landscape.
  - Siting of the house would be too close to the boundary with railway line. Insufficient room to construct and maintain the house without accessing the railway line to detriment of safety of developer/occupier of the site and users of the railway.
  - Detrimental to the amenity of the PROW OCH8.
- 3.4 PT13/0618/F - Construction of hard-standing to create additional plot.  
Approved 3 May 2013
- 3.5 PT16/6887/RVC - Removal of condition 3 attached to planning permission PT02/1115/RVC to make the use of the site non-personal.  
Pending

### **4. CONSULTATION RESPONSES**

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

It was noted that there are two almost identical applications for this site (PT16/6887/RVC & PT16/6888/RVC) and the Council would expressly state that the comments herewith are directed to both applications, and presume one of the applications was made erroneously and will be withdrawn. In the event neither is withdrawn, these comments apply to both applications.

This application seeks to end a condition that was placed for good reason, and one which the council believes should stand. The reasoning behind the condition was that the site is subject to significant noise hazard from the immediately adjacent main Bristol to Gloucester railway line.

Only the express agreement of Mr. Keet that he was willing to bear this hazard without redress and the assertion that his other circumstances may well have been more onerous caused South Gloucestershire to embed this condition in 2002.

The noise hazard has not improved and could in fact be said to have worsened. It is therefore incumbent upon South Gloucestershire Council to fall back onto the previous determination which was expressed clearly in the decision for PT13/0618/F and referring to PT02/1115/RVC that:

"The principal of the proposed use by a gypsy family had previously been accepted on the basis of the applicant's personal acceptance of the noise from the railway line under application PT02/1115/RVC. Should the site be used by different occupiers, the Local Planning Authority will need to assess the noise impact and possible mitigation..."

Although the site is listed on the South Gloucestershire authorised gypsy site list in Local Plan CS21, the listing is clearly solely for the one family's use given the noise hazard, and if the noise assessment shows that the location is untenable for safe occupation by any family then in the absence of the approved occupier the site should be removed from the CS21 list. Sites for Traveller and Gypsy use are appropriate only when "the land is not the subject of unacceptable levels of noise disturbance, pollution, smell, dust or contamination".

Charfield Parish Council would further point out that access to 'Appletrees' is along a narrow country lane with the site access being on a particularly sharp bend in the lane. The Parish Council is concerned that should the personal condition be removed this could potentially cause road safety issues with long towing vans and caravans attempting to manoeuvre into the site. This is also an area where Network Rail contractors access the main railway line and park multiple vehicles on the road causing potential congestion and it is not an area where it is safe to allow multiple movements of towing vehicles in and out of the site. The removal of the personal condition attached to PT13/0618/F could potentially allow further hard standings to be constructed, which is something the Parish Council would be extremely concerned about.

The Parish Council also notes that on the application forms for both planning applications, that following pre-application advice, Mr. Hemming is supportive of the applications.

Charfield Parish Council would therefore reiterate that it OBJECTS to the removal of the condition, and calls for a noise assessment to be made. It further calls for a decision based on the noise assessment as to the continuation of the site being listed as an approved gypsy site.

#### 4.2 Other Consultees

##### PROW

No response

Open Spaces Society

No response

Ecology Officer

No response

Natural England

No comment

Transportation D.C.

We do not believe that removal of this condition to will significantly affect the travel demand arising from this location. Consequently, we have no highway or transportation comments about this application.

Historic Environment - Archaeology Officer

No comment

**Other Representations**

4.3 Local Residents

58no. letters/e-mails were received from local residents, all objecting to the proposal. The following is a summary of the concerns raised:

- Will allow commercial use of the site.
- Increased traffic generation to-from the site (particularly larger vehicles) on dangerous bend and narrow road.
- Noise hazard from adjacent railway line.
- Allowing more families to live on the site will damage the adjacent nature reserve.
- The plot is not large enough for additional families.
- A transit site will increase waste, rubbish and fly tipping.
- The site will encroach onto adjacent Council land and directly back onto the gardens of houses in Farm Lees Gardens.
- Travellers will park in the road and lay byes.
- Increase hazards for walkers and cyclists.
- Adverse impact on house values and insurance premiums.
- The current occupants will require another site.
- The speed of trains and associated noise/pollution has increased over the years.
- Insufficient capacity in Charfield Primary School.
- There is an area of geological interest nearby.
- Insufficient services in the village.
- Increased hard-standings.
- Footpath OCH 08 has been diverted due to the speed of trains.
- The occupants would not own the site.
- Adverse impact on visual amenity.
- Adverse impact on setting of nearby Listed Buildings.
- Cess pit not big enough for additional families.
- Future occupants will complain about noise.
- Contrary to Policy CS21.

- Should be subject to a noise assessment.
- There are enough traveller's sites already.
- There will be conflict with traffic from the nearby industrial site.
- There are no footpaths on the road.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

It is merely proposed to remove Condition 3 attached to PT13/0618/F. Officers must assess this proposal having specific regard to the reason why the condition was imposed in the first place.

5.2 The scope of a removal of condition application (Section 73 application) is more limited than a full planning application. The Local Planning Authority may only consider the question of the condition(s), and cannot revisit or fundamentally change the original permission. It may be decided that the permission should be subject to the same conditions as were on the original permission; or that it should be subject to different conditions; or that permission may be granted unconditionally. There is a right of appeal in the usual way against any conditions imposed.

5.3 In assessing this application it is necessary to consider whether or not the relevant Condition no.3 or any variations thereto, satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests, these being that conditions should be: –

- i. Necessary to make the development acceptable
- ii. Directly related to the development
- iii. Fairly and reasonably related in scale and kind

5.4 Policy CS4 of The South Gloucestershire Local Plan Core Strategy replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that:- 'when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible'. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

### Site History

5.5 In order to assess this proposal it is first necessary to fully understand the planning history of the site. Retrospective planning permission PT01/2228/F was granted in March 2002 to Mr B.Keet (a Romany Gypsy), for the use of the site as a Gypsy Site comprising one pitch i.e. one mobile home, one touring caravan and erection of an amenity block; with additional hard-standing. The permission was subject to a number of conditions, one of which was Condition 8 which required the submission of an Acoustic Report and measures in mitigation (if required) given the proximity of the site to the railway line.



Furthermore, Condition 2 *inter alia* prevented the parking of commercial vehicles on the site.

- 5.6 In June 2002 a further planning permission PT02/1115/RVC was granted to Mr B.Keet to vary Condition 2 of PT01/2228/F to allow the parking of one commercial vehicle on the site; and for the removal of Condition 8. The application was granted planning permission subject to a further condition i.e. Condition 3 of PT02/1115/RVC restricting the use of the pitch to Mr B.Keet and his dependents only. This was granted only on the basis of the applicant's personal acceptance of the noise from the railway line. The reason attached to the condition makes it clear that *'should the site be used by different occupiers the Local Planning authority will need to assess the impact of noise and possible mitigation in relation to them.'*
- 5.7 By 2013 the Keet family had grown and children reached an age where they required separate accommodation. It is worth noting at this point that, in order to offer support to each other, gypsies often live in extended family groups within the same site. In March 2013 planning permission PT13/0618/F was granted to Mrs Belinda Keet for an additional gypsy pitch at 'Appletrees'. This consent was subject to a number of conditions and Condition 3 restricts the use of the additional pitch to Mr & Mrs B.Keet or members of their immediate family. The reason for this condition again relates to the occupants acceptance of the noise from the railway line and also that the occupiers would have to share the single amenity block on the site; which would only be acceptable for members of the same family.
- 5.8 So, the bottom line is that there are two planning permissions (PT02/1115/RVC & PT13/0618/F) relating to the original pitch and additional pitch at 'Appletrees', respectively. The conditions attached to these permissions restrict the occupation of the pitches to Gypsies and Travellers and more specifically to Mr & Mrs B. Keet or members of their immediate family.

Applicant's Justification for Removal of Condition 3 attached to PT13/0618/F

- 5.9 The applicant has confirmed that the only member of the Keet family now living at 'Appletrees' is Mrs Belinda Keet; Mr Keet being long term separated from his wife and other members of the family having now given up the travelling lifestyle and taken up permanent residence in houses. Due to Mrs B. Keets age and declining health; the Keet family would like to sell the site at 'Appletrees' with a view to purchasing a house for Mrs. Keet to live in. The intention is to only sell the site to another member(s) of the Gypsy & Traveller community.

Analysis

- 5.10 The use of 'Appletrees' as a Gypsy Site is long established and Gypsies have lived there since 2002. The site is listed (no.13) under Core Strategy Policy CS21 as one of those to be safeguarded as a Gypsy Site, thus confirming the Council's aspiration to retain 'Appletrees' as a Gypsy Site.

5.11 The supporting text to Policy CS21 states at para. 10.76 that:

“Existing, authorised sites will be safeguarded and this will apply to public and private Gypsy/Traveller provision. ‘Authorised’ land includes existing Gypsy and Traveller sites which benefit from a permanent planning permission or alternatively, a temporary planning permission. The term ‘safeguarded’ means that existing, authorised land for the accommodation of Gypsies and Travellers will be retained until such time as it can be proved no longer a need. In the case of sites with temporary planning permission, the site will be retained, or ‘safeguarded’ until such time as the existing permission expires and safeguarding status will no longer apply.”

5.12 The Core Strategy was adopted in December 2013 and as such Policy CS21 has been tested at public enquiry. In this case the planning permission has not expired and the fall-back position, should this application be refused, would be that the site would continue to be occupied.

5.13 The site is a private Gypsy Site and if sold for occupation by another Gypsy family, would continue to be so. Concerns have been raised as to the use of the site as a general transit site, with all the comings and goings associated with such sites. The site has not been used as such in the past and given its size, the shared nature of the amenity block and serious shortage of Gypsy sites within the County, is most unlikely to be so in the future. The site is one planning unit comprising two pitches with shared use of the amenity block and is already conditioned as such; this conditioned would be replicated if this current application is approved, thus addressing the concerns raised that the site would become a general transit site.

5.14 The original consent PT02/1115/RVC was unusual in that it was only granted on the basis that Mr Keet accepted the situation regarding the noise and disturbance from the railway line. This principle is again replicated in Condition 3 of PT13/0618/F and embodied within the wording of the reasons for Condition 3. Whilst the site is not ideally located (see CS21 criterion 2) and no acoustic report has been submitted with this current application, officers consider that given the length of time the site has been successfully occupied, that the current owners would be very aware of the level of disturbance experienced and anybody purchasing the site could hardly fail to note this situation and would only buy the site for occupation on the same basis that the Keets previously occupied the site.

#### **Need for Gypsy & Traveller Sites**

5.15 In January 2014, the PT&SE Committee endorsed the findings of the South Gloucestershire & City of Bristol Gypsy & Traveller Accommodation Assessment (GTAA) 2013 as they relate to South Gloucestershire for the purposes of informing the Council’s planning policy framework and development management decision making, thereby replacing the previous 2007 West of England GTAA.

5.16 The GTAA recommends that the following are required to be delivered in South Gloucestershire up to 2028:

- 46 additional Gypsy/Traveller residential pitches; and
- 10 pitch transit site to meet transient needs of the Gypsy/Traveller community;

The GTAA shows the presence of a demonstrable unmet need for permanent residential Gypsy/Traveller and Travelling Showpeople sites in South Gloucestershire. It is clear therefore that the Council has a considerable number of new pitches to provide in order to meet the accommodation needs of Gypsies and Travellers in South Gloucestershire. If this application is approved and Condition 3 removed, the site at 'Appletrees' would qualify as one that can be included in the count of Gypsy Sites within the County. This attracts significant weight as a material consideration in favour of the proposal, albeit that this now predates the current version of the PPTS published August 2015.

### **New definition of Gypsies/Travellers**

- 5.17 Following the updated PPTS described above, the most significant change introduced through the revised guidance is the change to the definition of Gypsies and Travellers and Travelling Showpeople. The definition is seeking to effectively remove those who have ceased to travel on a permanent basis as falling outside of the definition of what it means to be a Gypsy/Traveller of a 'nomadic lifestyle' or Travelling Showperson.
- 5.18 Furthermore, in the case of Gypsy/Travellers, to assist in making this distinction, additional considerations have been added to the definition which states (PPTS para. 2 of Annex 1: Glossary):  
*'In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:*  
 a) *whether they previously led a nomadic habit of life;*  
 b) *the reasons for ceasing their nomadic habit of life;*  
 c) *whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.'*
- 5.19 The current permissions relating to 'Appletrees' each carry a condition restricting occupation to people of nomadic lifestyle. In the event of the current application being approved, the condition would be carried over but revised to take account of the new definition of Gypsies and Travellers. All other relevant conditions, such as those relating to commercial activities and parking of commercial vehicles, would also be carried over. Having regard therefore to all of the above, officers have no in-principle objection to the proposal.

### Transportation Issues

- 5.20 The application relates to the occupation of the site, rather than the use of the land itself. There are no proposals to carry out additional works or to expand the site. The site would be occupied in much the same way as it has been for the last 15 years. The site would not be used as a transit site and traffic generation to-from the site would be similar to the existing/previous use. It is established that the access and on-site parking arrangements are sufficient for such use. There are therefore no transportation objections to the proposal.

#### Landscape and Ecology

- 5.21 The existing Gypsy site is now very well assimilated within the landscape. It is well enclosed by the railway embankment to the West, the high fence and hedgerow to the north and the woodlands to the South. There are no proposals to change anything on the site other than who would occupy it. There is no reason to believe that the ecology of the area would be any more or less affected than is currently the case.

#### Impact on Residential Amenity

- 5.22 The nearest residential dwellings lie some 40m away to the South on higher ground. Some of these properties also lie adjacent to the railway line. There is a substantial amount of dense woodland between these houses and 'Appletrees' which both screens the site from view and acts as an acoustic buffer. Given that the site would remain as only two pitches, there should be no additional impact on residential amenity over and above that which has occurred for the last 15 years.

#### Heritage Issues

- 5.23 When the previous consents were granted, there were no objections relating to heritage issues. Given that the site would not alter physically in the current proposal, there are similarly no objections on heritage grounds.

#### Other Matters

- 5.23 Of the concerns raised by local residents that have not been addressed above:
- o The impact on house values and insurance premiums is not material to the determination of planning applications.
  - o In response to the Parish Council's comments; it is true that the Case Officer for this application gave pre-application advice to the applicant but this was given on a purely informal basis and is not binding on the Council.

#### Planning Balance

- 5.24 The site is an existing, long established, authorised Gypsy site that is safeguarded under Policy CS21 of the Core Strategy. The proposal merely seeks to remove a condition that prevents occupation of the site by Gypsies and Travellers other than the Keets. Any future occupation of the site would be restricted by condition to only Gypsies and Travellers that fall under the new definition contained in the PPTS. The same number of pitches would be retained, sharing the existing amenity block. No harm has been identified other than possible noise disturbance to future occupiers, emanating from trains using the adjacent railway line. This however has been successfully endured for no less than 15 years by the various members of the Keet family that have lived on the site. Any future occupiers would be aware of this situation if opting to buy and live on the site. Officers are of the view that it is therefore not in the wider public interest to now require the submission of an acoustic report or limit occupation to the Keets only.
- 5.25 Given that nothing would change, other than those people who could occupy the site, combined with the continued tight restrictions on the nature of the occupation and use of the site, and the fact that the proposal would ensure the retention of the site for future general occupation by Gypsies & Travellers, which would allow the site to be counted against the existing significant shortfall

of Gypsy sites in South Gloucestershire; officers are satisfied that any harm would not significantly and demonstrably outweigh the benefits and that as such the proposal should be supported.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant planning 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 approved with the omission of Condition 3 of previous consent PT13/0618/F.

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

## **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 commercial activity, including the parking of commercial vehicles other than that allowed by condition 3, or the storage, breaking or sorting of scrap or any other items or materials shall be undertaken on the site, and at no time shall the site be used as a transit camp..

Reason

In the interests of visual and residential amenity and highway safety, and to preserve the amenity of the adjacent public footpath. This is to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policies L1, T12 and LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. The one commercial vehicle permitted to be parked on site shall not exceed 3.5 tonnes in size.

Reason

To ensure that the existing access is suitable to cater for the proposed vehicle to comply with Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

4. No further structures, fences, sheds or outbuildings shall be erected or hardstanding laid on the site other than that allowed by this permission.

Reason

In the interests of visual and residential amenity and highway safety, and to preserve the amenity of the adjacent public footpath. This is to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policies L1, T12 and LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5. No more than two mobile homes and two touring caravans, with one amenity block shall be kept or stationed at the site at any one time. For the avoidance of doubt this condition should be read in connection with planning application reference PT16/6887/RVC to the extent that a maximum of 2 pitches are provided within the red edged site.

Reason

In the interests of visual and residential amenity and highway safety, and to preserve the amenity of the adjacent public footpath. This is to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policies L1, T12 and LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

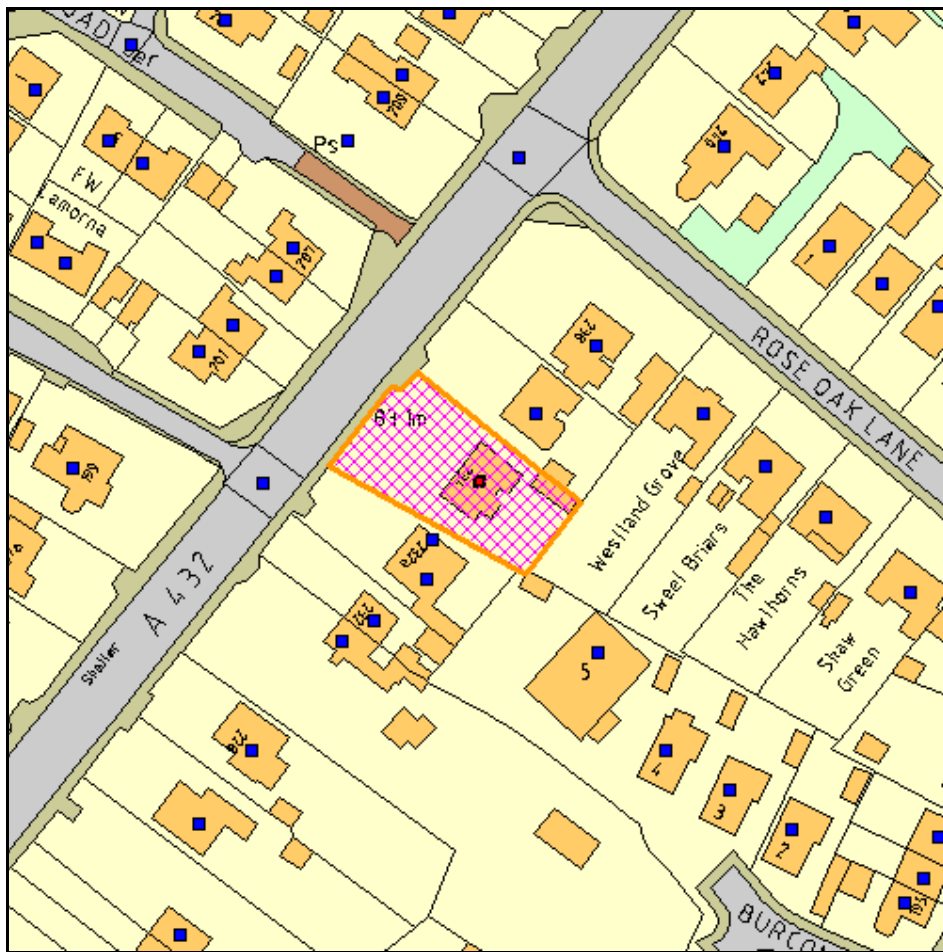
6. The pitches hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary to the DCLG document Planning Policy for Traveller Sites August 2015.

Reason

To ensure that the site is not occupied by people other than those of Gypsy and Traveller status, given the limited availability of Gypsy and Traveller sites within South Gloucestershire and to accord with Policy CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

**CIRCULATED SCHEDULE NO. 13/17 – 31 MARCH 2017**

<b>App No.:</b>	PT17/0253/F	<b>Applicant:</b>	Mr And Mrs Nigel Haliday
<b>Site:</b>	234 Badminton Road Coalpit Heath Bristol South Gloucestershire BS36 2QG	<b>Date Reg:</b>	6th February 2017
<b>Proposal:</b>	Erection of two storey rear extension to provide additional living accommodation.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367695 181042	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Householder	<b>Target Date:</b>	29th March 2017



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

The application has been referred to circulated schedule following comments being received contrary to the findings of the following report.

### **1. THE PROPOSAL**

- 1.1 The proposal seeks to erect a two storey extension to the rear of 234 Badminton Road, Coalpit Heath.
- 1.2 The subject property is a detached late-20th Century bungalow with a pitched and gabled roof with tile covering and a detached garage to the side/rear and rear conservatory. To the front of the property are 3no. gabled dormer windows and a single storey bay window. Elevations are part rendered and part brick. The property is situated on a slight gradient sloping downwards towards Badminton Road.
- 1.3 The proposed extension will project from the rear of the original dwelling just further than the existing single storey rear extension.
- 1.4 The subject property is situated within the built up residential area of Coalpit Heath.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance

#### 2.2 Development Plans

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

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

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

H4 Development within Existing Residential Curtilages  
T12 Transportation

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

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



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

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

- 3.1 PT03/0397/F – Approval – 10/03/2003 – Installation of dormer windows to facilitate loft conversion to form two additional bedrooms and bathroom.

### **4. CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
No formal comments lodged but in a phone conversation held it was established the Council were concerned over the impact on privacy of rear gardens.

4.2 Other Consultees

Sustainable Transport

No objection subject to submission of revised block plan. This is discussed in detail below.

Archaeological Officer

No Objection

#### **Other Representations**

- 4.3 Local Residents  
Two comments were received. One neither objecting nor supporting but questioned the impact on privacy of their rear garden. The other objected on the basis of overlooking of their garden.

### **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 with the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The proposal consists of a two storey rear extension. There are a number of other extensions to properties in the area and of the same house type and the proposal would not be considered detrimental to the character of the property or its context and is therefore acceptable. The proposal will match the scale of the existing dwelling forming an L shaped footprint at two storeys in addition to the existing single storey rear extension. The surrounding properties are arranged with a linear layout with front elevations facing the road and gardens to the rear. Consequently the proposal would not be visible from the public realm.

5.3 The subject property has predominately rendered elevations. The proposal has put forward rendered elevations to match the existing rear elevation and as a result would have a similar appearance to the materials in the existing dwelling. The council has no objection with regard to this.

5.4 During assessment comments were received from a neighbour concerned with the impact on their privacy as a result of the proposed balcony and following conversation with the applicant asked that the balcony was amended. A revised design has since been received which has omitted the balcony and opted for a Juliette balcony instead. This has resolved the commenters concerns.

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

5.6 Residential Amenity

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

5.7 The proposal will project around 2.6 metres to the rear of the original rear elevation of the dwelling. The property is detached and set a reasonable distance from dwellings either side or to the front and rear. On this basis the proposal is not considered to have an impact on the amenity of neighbours as a result of overbearing or loss of light and is acceptable in this respect. As earlier mentioned the proposal now includes a Juliette Balcony rather than a balcony as originally submitted. Following this change the impact on neighbours to the north and south has been reduced.

5.8 Comments have been received concerned with the potential overlooking of private gardens; one of which has been lodged as an objection. With regard to this the council sets out guidelines for householders in relation to impact on residential amenity. This suggests that windows should not look onto 'Private Areas'; which are considered to be accommodation to the rear of the property and gardens immediately to the rear of the dwelling.

The surrounding properties tend to have generous plots with reasonable distances of separation and has a typical suburban situation with neighbours are able to look into neighbours rear gardens. Given this context the introduction of a first floor rear window is not thought to materially impact the relationship between properties, particularly given the generous size of plots and separation distances between buildings. It would be expected in such a situation there is the potential for a worse impact to be considered acceptable. Furthermore the objection was received from a property to the rear that is oriented perpendicular to the host dwelling and set further to the north-east. Given the rear garage structures and the location of the area of garden considered to be private, the proposal is not considered to have an unacceptable impact on privacy. It should also be noted that no permission would be required for the introduction of rear dormer windows subject to the provisions of the Town and Country Planning (General Permitted Development) Order 2015; this would have a very similar impact on privacy and cannot be controlled by the planning department. Consequently it has been seen as unreasonable to resist the proposal on these grounds.

5.9 The host property has a reasonable sized rear garden and sufficient space will remain following development. The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.

5.10 Sustainable Transport and Parking Provision

The proposal would not impact the current parking arrangement and does not include an additional bedroom. The property before and after development would require 3 spaces. Currently the property has an area of driveway to the front and to the side of the property as well as a detached garage sufficient for parking at least 6 vehicles. Sufficient parking provision for the size of the property would remain following development. The proposal would not require any additional parking spaces nor will it have a negative impact on highway safety or the retention of an acceptable level of parking provision, meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006). The council has no objection to the proposal in relation to highway safety or parking provision. Comments from the transport officer requested additional information but given there is not considered to be a change in the demand created by the dwelling, this is not considered necessary. Furthermore the site was clearly capable of accommodating the required levels during the site inspection. A condition will be attached requiring the existing arrangement to be retained.

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

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

**Contact Officer: Hanni Osman**  
**Tel. No. 01454 863787**

## **CONDITIONS**

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

Reason

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

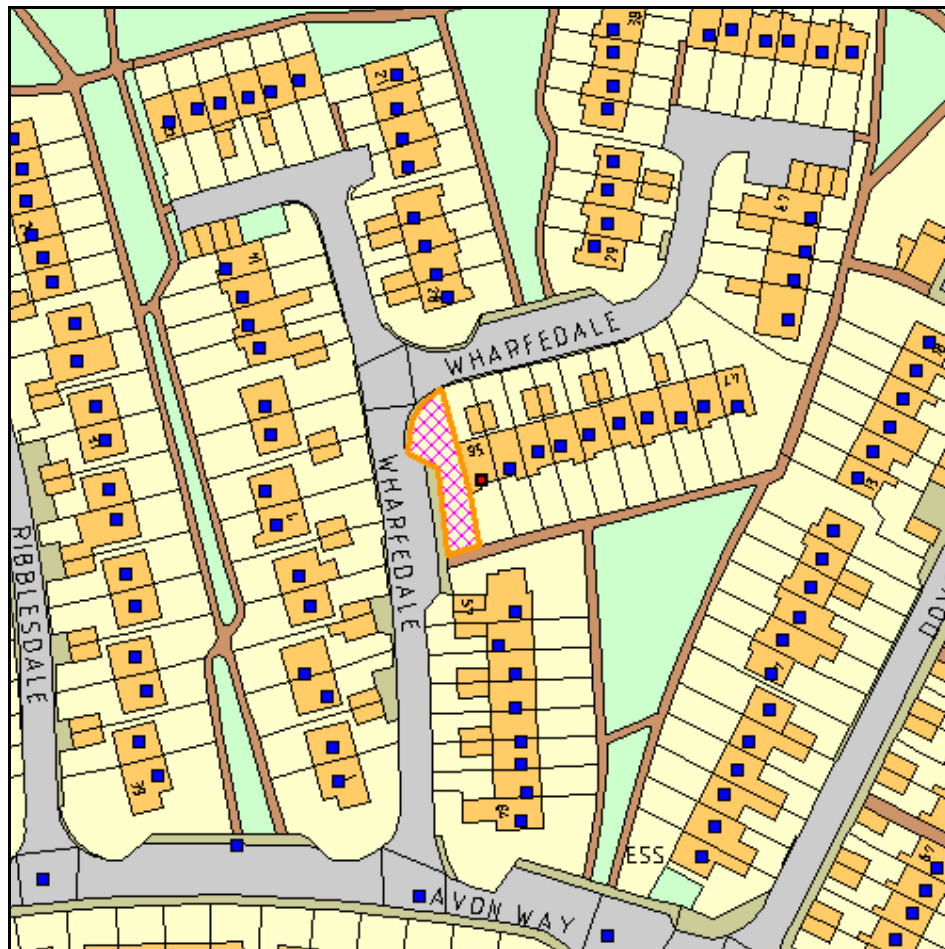
2. The existing off-street parking facilities (for all vehicles, including cycles) shall thereafter be retained for that purpose.

Reason

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

**CIRCULATED SCHEDULE NO. 13/17 – 31 MARCH 2017**

<b>App No.:</b>	PT17/0384/F	<b>Applicant:</b>	Mr M Davies
<b>Site:</b>	56 Wharfedale Thornbury Bristol South Gloucestershire BS35 2DT	<b>Date Reg:</b>	1st February 2017
<b>Proposal:</b>	Erection of 1 no. attached dwelling with new access and associated works (Resubmission of PT16/1041/F)	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364586 189553	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	24th March 2017



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

This application appears on the Circulated Schedule as a representation was made contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of 1no. attached dwelling with associated works at No. 56 Wharfedale Thornbury. The previous application PT16/1041/F for a similar proposal was withdrawn. The current proposal shows the attached dwelling would be slightly narrower in width and shorter in height.
- 1.2 The application site relates to an end-terraced dwelling located within the settlement boundary of Thornbury. The proposed attached dwelling would be two-storey in height and would have two bedrooms. Two off-street parking spaces and private amenity garden would also be provided within the site.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

#### **2.2 Development Plans**

##### South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS9 Environmental Resources and Built Heritage  
CS16 Housing Density  
CS17 Housing Diversity  
CS32 Thornbury

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

L1 Landscape Protection and Enhancement  
H4 Development with curtilage of a dwelling

##### Proposed submission Policies, Sites & Places Plan June 2016

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP16 Parking Standards  
PSP43 Private Amenity Space Standards

#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist (SPD) Adopted 23<sup>rd</sup> Aug 2007  
South Gloucestershire Council Residential Parking Standard

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

3.1 No relevant history.

### **4. CONSULTATION RESPONSES**

4.1 Thornbury Town Council  
No objection

4.2 Other Consultees

Highway Officer: No objection.

Drainage Engineer: No objection. Advised that the applicant to discuss the proposal with Wessex Water PLC due to the proximity of a public foul and surface water sewer. Furthermore, the applicant is advised to consider surface water drainage and flood risks to and from the development site which could occur as a result of the development.

Highway Structure: Advised regarding the potential required technical approval from the Council and the responsibility for maintenance for any structures alongside the public highway or open space land.

### **Other Representations**

4.3 Local Residents

One letter of objection received, and the resident is concerned that there are already existing parking problems in the locality and the additional dwelling will make this parking problem worse.

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

5.1 Principle of Development

The applicant seeks planning permission for the erection of a new attached dwelling within the residential curtilage of No. 56 Wharfedale Thornbury, which is located within the urban area of Thornbury where the principle of such development is acceptable and the following main policies would be relevant to the determination of this application.

5.2 Policy T12 of the South Gloucestershire Local Plan seeks to control development, which may affect highway safety. The Council Residential Parking Standards has been adopted in December 2013 to ensure satisfactory parking provided.

5.3 Policy CS1 deals with the design of development and seeks to secure good quality design in new development which respects the site surroundings.

5.4 The Council is currently unable to demonstrate a five year supply of housing land the presumption in favour of the development set out in the NPPF paragraph 14 applies. This effectively indicates that where housing supply policies are considered out of date the development should be permitted unless

there are significant and demonstrable harms that clearly outweighs the benefit. The benefit in this instance is to provide an additional dwelling in a sustainable location.

5.5 Design and Visual Amenity

Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013 seeks to secure good quality design in new development. The proposal has been amended since the previous application, which was withdrawn. The proposed dwelling would be slightly set down from the ridge height the host dwelling and would also be narrower in width, it is considered that the proposed dwelling would be more in keeping with the character of this row of terraced properties and would not detract from the visual amenity of the road. Whilst the proposal would project closer to Wharfedale than the neighbouring houses, this is not considered to be to the detriment of the street scene. The proposed fenestration is also well-proportioned to the scale of the dwelling. The proposal overall reflects the relationship of the existing terraced dwellings.

5.6 The site is previously bounded, to the side and rear, by 1.8 metre (approximately) high close boarded fencing. The recent site visit revealed that the timber fences along the side boundary have been removed. The submitted block plan indicates that there would be a row of beech hedge planting along the west side boundary and the existing timber fence along the rear boundary will be retained. Officers consider the proposed planting would enhance the street scene and therefore there is no objection to the proposed boundary treatment.

5.7 The emerging local plan advises that all new residential units will be expected to have access to a reasonable sized private amenity space, which should be well-located, functional and safe. The proposal would provide approximately 54m<sup>2</sup> and 65m<sup>2</sup> of an enclosed private garden for the host dwelling and the new dwelling respectively. The proposed outdoor amenity space for the new dwelling would meet the suggested size indicated in the emerging local plan. Regarding the provision of amenity space for the host dwelling, it is noted that this is a little short of the 60m<sup>2</sup> sought by the emerging PSP Plan for a 3-bed dwelling. Given that the site is approximately 15 metres away from the adjacent public open space and little weight can currently be given to the emerging PSP Plan, it is considered that the proposed amenity space for the host dwelling, in balance, would be acceptable as this would not cause unreasonable adverse impact upon the living conditions of the residents of host dwelling.

5.8 The character of the area is preserved by this proposal but it is noted that if permitted development rights were not removed this new dwelling could extend the house to the north elevation or by roof extensions which are likely to detrimentally impact on the street scene and the proposed off-street parking spaces. As such, it would be necessary to withdraw householder permitted development rights for right to extend the new dwelling.



5.9 The proposed dwelling would be finished with brickwork and Redland Stonewold slates (or similar) to match those on the adjacent property. It is also proposed to install photovoltaic panels to the south elevation. These are considered acceptable.

5.10 Transportation Issues

Concerns are raised regarding the existing parking problem and the potential adverse impact upon the locality.

The site would provide two parking spaces for the new dwelling. Whilst parking in the vicinity of this proposed dwelling is constrained, particularly at evenings and weekends, the proposed parking spaces would be in accordance with the Councils standards. Additionally, the proposed location of the access would not compromise the existing parking facility in the vicinity. As such there is no substantial reason to refuse the application from the highway perspective, therefore there is no transportation objection to the proposal subject to a condition securing 2 no. parking spaces to be provided prior to the first occupation of the new dwelling.

5.11 Impact upon Residential Amenity

Being on a corner site, the nearest residential property to the new dwelling would be the host dwelling which is in the same ownership as the proposal. Although the proposed dwelling would have a single storey structure to the north elevation, it would not cause an unreasonable adverse impact upon the residents of the host dwelling given its modest scale.

5.12 There would be a small bedroom window and a living window on the first floor and ground floor side elevation and there would be a number of primary windows on the front and rear elevation. The new dwelling would be approximately 25 metres from the side elevation of No. 28 (to the north), approximately 15 metres from the side elevation of No. 57 (to the south) and approximately 24 metres from the rear elevation of No. 7 (to the west). Given its urban location and the reasonable distance from the neighbouring properties, it is considered that the overlooking impact would not be materially significant to be detrimental to the amenity of the nearby residents.

5.13 The proposal would also be slightly set down from the ridge of the host dwelling and would be narrower in width. Given its subservient scale, it is not considered that the proposal would cause an unacceptable overbearing impact upon the neighbouring properties. The proposal therefore would accord with Policy CS1 of the South Gloucestershire Local Plan and the requirements of the NPPF.

5.14 Drainage

The Council Drainage Engineer considered the proposed drainage methods are acceptable, in this instance, there is no drainage objection to the proposal.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise. The above assessment has not identified any significant or demonstrable harms that should prevent the presumption in favour of sustainable development in this case.
- 6.2 The recommendation to grant planning 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 conditions set out below.

**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. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, and E), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.  
  
Reason  
In the interests of visual amenity, to protect the residential amenity of the neighbouring occupiers and to secure adequate off-street parking spaces within the site, and to accord with Policy CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.
3. The materials to be used in the construction of the external surfaces of the dwelling 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.

4. Prior to the first occupation of the dwelling hereby approved, the proposed parking spaces shall be provided in accordance with the submitted block plan and shall be retained as such thereafter.

Reason

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

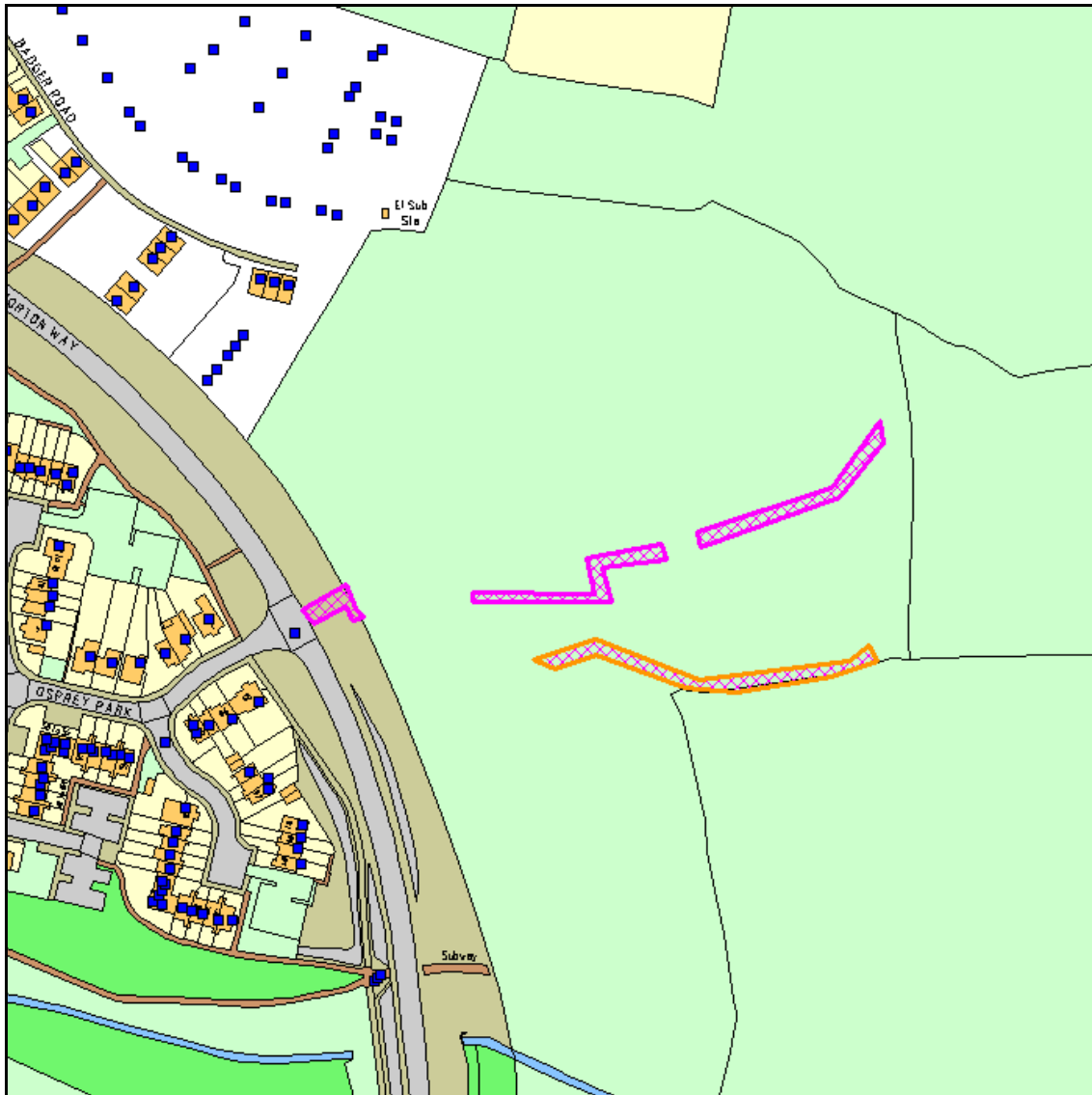
5. The hours of working on site during the period of construction shall be restricted to 07.30 to 18.00 Mondays and Fridays, 08.00 to 13.00 Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the 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 CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 13/17 – 31 MARCH 2017**

<b>App No.:</b>	PT17/0485/FDI	<b>Applicant:</b>	Bloor Homes (South West)
<b>Site:</b>	Land At Morton Way Phase 2 Thornbury South Gloucestershire	<b>Date Reg:</b>	6th February 2017
<b>Proposal:</b>	Diversion of footpath OTH86 and OTH87.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364841 190754	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Footpath Diversion	<b>Target Date:</b>	31st March 2017



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

Under the current scheme of delegation all footpath diversion orders are required to be determined by the circulated schedule process.

### **1. THE PROPOSAL**

- 1.1 The application is made under Section 257 of the Town and Country Planning Act 1990 (as amended) for the diversion of footpaths OTH/86 and OTH/87.
- 1.2 The application site comprises Phase 2 of the Thornbury Fields development located on the eastern side of Morton Way.
- 1.3 The proposed diversion is required to facilitate the implementation of residential development approved under application PT15/5060/RM (Erection of 108 no. dwellings with landscaping (including a country park), car parking and associated works). The proposal diverts footpaths OTH/86 and OTH/87, which extend west to east, onto formal pedestrian paths and a shared surface road on similar lines to the existing routes. The western end of footpath OTH/86 is also extended to adjoin a public highway.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Town and Country Planning Act 1990 (as amended) Section 257 Circular 01/2009 Rights of Way
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS9 Managing the Environment and Heritage  
CS32 Thornbury  
  
South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)  
LC12 Recreational Routes  
T6 Cycle Routes and Pedestrian Routes  
T12 Transportation Development Control Policy for New Development

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

- 3.1 PT14/2398/RVC, Variation of condition 22 to include amendments to planning permission PT12/2395/O to allow amended house types and minor variations to the layout of the Phase 1 part of the development. Approval – 29/10/14.
- 3.2 PT15/5060/RM, Erection of 108 no. dwellings with landscaping (including a country park), car parking and associated works (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT14/2398/RVC formerly PT12/2395/O). Approval – 06/05/16.

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

- 4.1 Thornbury Town Council  
No objection
- 4.2 Avon and Somerset Constabulary  
No objection
- 4.3 Public Rights of Way Officer  
No objection in principle to the proposed diversion order, which we have already discussed with the developers.
- 4.4 Archaeological Officer  
No objection
- 4.5 Transportation DC Officer  
No objection
- 4.6 ONR  
No objection

#### **Other Representations**

- 4.7 Local Residents  
No comments received

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

- 5.1 Principle of Development  
The diversion of a Public Right of Way is not development as defined in the Town and Country Planning Act. As such, a diversion order can only be considered within planning legislation when the diversion of the footpath is required in order to allow the implementation of a planning permission. The nature of the assessment should consider the proposed route and its suitability in terms of the amenity of the public right of way and whether or not the diversion is reasonable in respect of the planning permission it relates to.
- 5.2 The existing footpaths OTH 86 and 87 are required to be diverted because the implementation of residential development approved at Thornbury Fields would make the existing paths unviable. The proposal therefore, diverts the existing paths onto formal pedestrian paths and a shared surface road. The proposal is reasonably required to ensure that public access to the surrounding countryside is maintained in conjunction with the approved residential development of the land. The diversion would retain an adequate level of amenity for users and provide a direct link to connecting footpaths. The proposed diversions have been agreed with the Council's Public Rights of Way Officer.
- 5.3 Accordingly, there are no objections to the proposal.

## **6. CONCLUSION**

- 6.1 The recommendation to raise no objection has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (adopted) January 2006 set out above, and to all material considerations set out in the report.
- 6.2 The proposal is considered to satisfactorily comply with Circular 01/09 and Policy L12 of the South Gloucestershire Local Plan (adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 as the utility and amenity of the route would be retained.

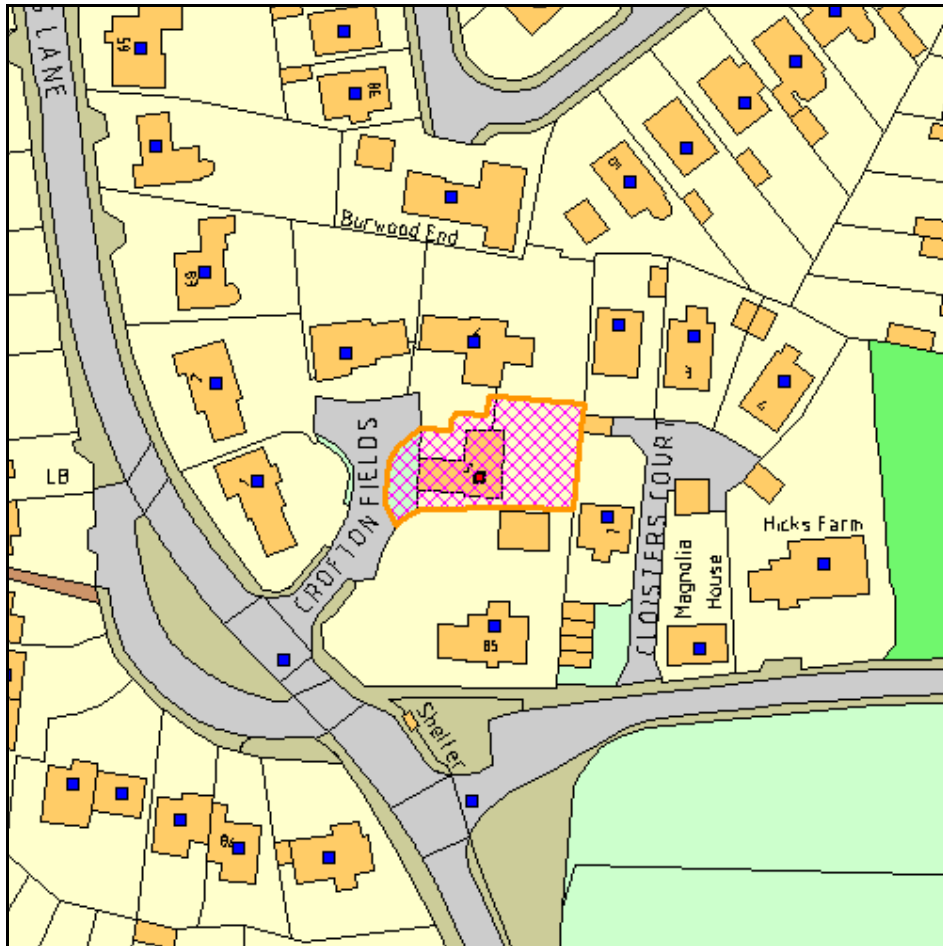
## **7. RECOMMENDATION**

- 7.1 That no objection be raised to the proposed diversion of footpaths OTH/86 and OTH/87 and that the Head of Legal and Democratic Services be instructed and authorised to make an Order under Section 257 of the Town and Country Planning Act 1990 for the diversion of footpaths OTH/86 and OTH/87 as illustrated on the layout plan submitted (no. SW002-EN-2051) received by the Council on 6th February 2017.

**Contact Officer: Jonathan Ryan**  
**Tel. No. 01454 863538**

**CIRCULATED SCHEDULE NO. 13/17 – 31 MARCH 2017**

<b>App No.:</b>	PT17/0634/CLP	<b>Applicant:</b>	Mr Andy Macmanus
<b>Site:</b>	5 Crofton Fields Winterbourne Bristol South Gloucestershire BS36 1NZ	<b>Date Reg:</b>	17th February 2017
<b>Proposal:</b>	The proposed erection of a single storey rear extension and 1.9m garden fence.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365443 180747	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	11th April 2017



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension and 1.9m garden fence at No. 5 Crofton Fields, Winterbourne would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

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

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

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

- 3.1 P98/1530  
Erection of 5 no.detached dwellings and construction of vehicular access.  
Approved: 21.08.1998

### **4. CONSULTATION RESPONSES**

- 4.1 Ward Councillors  
No comment received
- 4.2 Winterbourne Parish Council  
No objection

#### **Other Representations**

- 4.3 Local Residents  
No Comments Received

## 5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Location and Block Plan (Drawing No. 5CF.FEB17.LP.BP.1)  
Existing Floor Plans (Drawing No. 5CF.JAN17.E.1)  
Existing Elevations (Drawing No. 5CF.JAN17.E.2)  
Proposed Floor Plans (Drawing No. 5CF.JAN17.P.1)  
Proposed Elevations (Drawing No. 5CF.JAN17.P.2)  
(All received by the Local Authority 14<sup>th</sup> February 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 to apply for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

- 6.2 The key issue in this instance is to determine whether the proposed rear extension falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO (2015), and whether the proposed garden fence falls within permitted development rights relating to minor operations set out in Schedule 2, Part 2, Class A of the GPDO (2015).

### 6.3 Single storey rear

The proposed development consists of a single storey extension to the rear of the property, and a 1.9m garden fence. The proposed rear extension would fall within Schedule 2, Part 1, Class A of the 2015 GPDO, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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

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

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

- (b) As result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the**

**original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**

The total area of ground covered by buildings (other than the original dwellinghouse) would be less than 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 rear extension would not exceed the height of the roof 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 of 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 proposed extension does not extend beyond a wall which fronts a highway or the principal elevation of the original dwellinghouse.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**  
**(ii) exceed 4 metres in height;**

The proposal does not extend beyond the rear wall of the original dwellinghouse by more than 4 metres, or 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 extension would be 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 not be within 2 metres of the boundary of the curtilage of the dwellinghouse.

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

The proposal does not extend beyond a side wall of the original dwellinghouse.

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

Proposed floor plans (Drawing No. 5CF.JAN17.P.1) indicate the intention to construct a large area of decking in the rear garden of the property as part of the proposal. This decking is not indicated on the existing floor plans (Drawing No. 5CF.JAN17.E.1). DCLG 'Permitted development rights for householders' Technical guidance (2016), outlines that a raised platform area is defined as any platform with a height greater than 0.3 metres.

As such, if the proposed decking is of a height greater than 0.3 metres, it would form a raised platform area, and the development would fail to satisfy paragraph (k) and would not be permitted under Class A. Following correspondence with the agent on 28<sup>th</sup> March 2017, it has been confirmed that the height of the decking will not be any higher than

300mm and will likely be 150mm to level in with the internal floor level. Following this confirmation, the proposal meets this criterion as the decking would not form a raised platform.

**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;**

A conservatory can be defined as a room with a glass roof and walls, attached to a house at one side and used as a sun lounge or for growing delicate plants. In this case, whilst the proposed addition to the dwelling is described as an extension, it could reasonably be considered to appear as a conservatory as opposed to an extension. This is on the basis that the walls of the structure would be predominantly glazed, and a large portion of the roof would be taken up by a flat glazed roof light.

The materials proposed in the exterior finish of the proposed extension would not be similar in appearance to those used in the exterior finish of the existing dwellinghouse. However it is deemed that the design and finish of the addition result in a structure that could reasonably be considered to appear as a conservatory. As such, despite the differences in materials, the proposed extension meets this criterion.

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

Not applicable.

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

Not applicable.

6.4 As such, the proposed erection of a single storey extension is lawful as it meets the criteria set out in Schedule 2, Part 1, Class A of the 2015 GPDO.

6.5 Garden fence

The proposed garden fence would fall within Schedule 2, Part 2, Class A of the 2015 GPDO, which allows for the erection, construction, maintenance improvement or alteration of a gate, fence, wall or other means of enclosure, provided it meets the criteria as detailed below:

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

- (a) the height of any gate, fence, wall or other means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of development, exceed –
- (i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;
  - (ii) in any other case, 1 metre above ground level;

The proposed fence would face the highway, and would measure 1.9 metres in height. However as the proposed fence would be set approximately 4 metres from the highway, it is not considered that it would be 'adjacent' to the highway. As such the height of the fence is not restricted to 1 metre under paragraph (a).

- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

The proposed garden fence would measure 1.9 metres above ground level, and therefore meets this criterion.

- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

Submitted plans indicate that the existing fencing at the site measures 1.9 metres in height. As such, the proposed garden fence would not exceed this.

- (d) **it would involve development within the curtilage of, or to a gate, fence wall or other means of enclosure surrounding, a listed building.**

The erection of the garden fence would not involve development within the curtilage of, or surrounding a listed building.

- 6.6 As such, the proposed erection of a 1.9m garden fence is lawful as it meets the criteria set out in Schedule 2, Part 2, Class A, of the 2015 GPDO.

## **7. RECOMMENDATION**

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

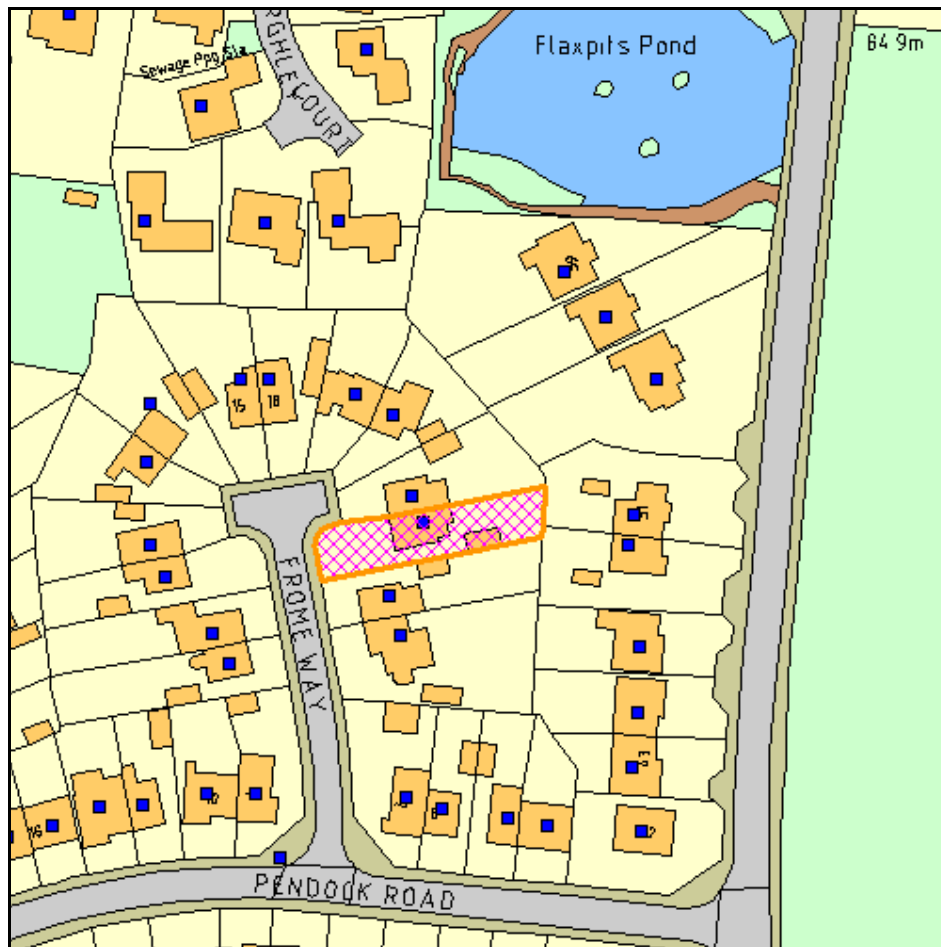
**Contact Officer: Patrick Jackson**  
**Tel. No. 01454 863034**

## **CONDITIONS**

1. Evidence has been provided to demonstrate that on the balance of probabilities the proposed extension would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015. Following correspondence with the agent on 28.03.2017, it has been confirmed that the proposed decking would not exceed 0.3 metres in height, and as such would not form a raised platform which would restrict the development under Schedule 2, Part 1, Class A. Evidence has also been provided to demonstrate that on the balance of probabilities the proposed garden fence would fall within the permitted rights relating to minor operations outlined in Schedule 2, Part 2, Class A of the Town and Country Planning General Permitted Development Order 2015.

## CIRCULATED SCHEDULE NO. 13/17 – 31 MARCH 2017

<b>App No.:</b>	PT17/0724/F	<b>Applicant:</b>	Mr Roger Legg
<b>Site:</b>	8 Frome Way Winterbourne Bristol South Gloucestershire BS36 1EG	<b>Date Reg:</b>	21st February 2017
<b>Proposal:</b>	Erection of single storey and two storey front extension to provide additional living accommodation.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365356 180287	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	17th April 2017



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

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

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of single storey and two storey front extension to provide additional living accommodation.
- 1.2 The property is a semi-detached dwelling located on a small cul-de-sac, within the residential area of Winterbourne.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T12 Transportation  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS8 Access/Transport
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Parking Standards SPD

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

- 3.1 N5375 – Single storey rear extension. Approved 29/3/79.

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection.

#### **Other Representations**

- 4.2 Local Residents  
Two letters of objection from local residents have been received, as follows:  
*1. Loss of light in my living room - the sun rises at the rear of our properties and reaches the front of the houses mid afternoon - the erection of the proposed extension will reduce light into my living room and whilst I am not entitled to a*

*view, I will be forced to face a brick wall when in my living room, which is where I spend most of my day.*

*2. Overshadowing of my property and garden - it will make my property appear smaller and look odd in comparison to the other pairs of houses. 3. The proposed extension at the front of the property is not in keeping with the area. There are 16 houses located in the cul-de-sac and this would be the only property with a front extension (whether single or double storey).*

The second letter raises concerns as follows:

*'loss of daylight or sunlight - in the afternoons (kitchen/diner and end of garden). We have little light downstairs on that side of the house anyway and this would disappear almost entirely;*

*overbearing or loss of outlook - brick wall in front of much of window (currently view of street)*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

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

### **5.2 Residential Amenity**

The amenity concerns raised by the two neighbouring properties above are noted. The depth of the front extension of the property to the south would be approximately 1.9 metres at two storey height. It is located approximately 5.7 metres away from the side of the neighbouring property on this elevation, between which is the side curtilage/driveways of each property. The application property is also set back from the neighbouring property to the south. It is not considered in this instance that the extent of development proposed, taken into context with the distance, location and orientation of the two properties, that the extension would have a significant or material overbearing impact such as to warrant and sustain an objection and subsequent refusal of the application on this basis.

5.3 On the northern elevation the proposals would extend to a depth of approximately 1.5 metres, at single storey level, with a lean to roof against the front of the dwelling. The two storey gable would commence approximately halfway across the front of the dwelling. Given the relative scale of the proposal, its location and relationship with the nearest property on the attached side it is not considered that the extension would give rise to significant or material amenity on the basis of overbearing impact or overlooking /intervisibility such as to warrant objection and sustain refusal of the application on this basis.

#### 5.4 Design / Visual Amenity

The proposals would incorporate a two storey and single storey extension part of which will incorporate a gable design at two storey level to the front of the dwelling. Brick and tiles would match the existing dwelling. The two storey extension would protrude beyond the front building line of this pair of semi-detached dwellings. Whilst this does not appear to have occurred elsewhere on the street this is not considered in its own right to be unacceptable on this basis. Officers are aware that the introduction of front gable extensions have been resisted in some cases elsewhere in South Gloucestershire, where the impact upon the streetscene has been considered significant and material. Examples also exist where new front gable two storey extensions have been considered acceptable. Each case, set of circumstances and design considerations are different and must be judged upon their own merits. In this instance the layout and relative building lines of the dwellings in the cul de sac is quite varied and stepped. Given the relatively spacious layout and relationship of the street, the extent of the front curtilages, the various building lines within the area and the subservient nature and scale of the extension, the proposals are not considered to significantly dominate or unbalance the overall streetscene or pair of semi-detached dwellings in its own right to a significantly or material detrimental degree and is therefore not considered to give rise to material or significant impact upon the streetscene such as to warrant and sustain an objection and refusal of the application on this basis.

#### 5.5 Transportation

The existing off street parking requirements and arrangements will be unchanged and sufficient off-street parking provision remains available to serve the property.

### **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

### **CONDITIONS**

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

Reason

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

2. The bricks to be used externally in the development hereby permitted shall match those of the existing building in colour and texture.

Reason

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

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

Reason

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